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SC Court of Appeals

EXHIBIT B

ORDER DATED JULY 31, 2025

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Enoree Fork Baptist Church)
Plaintiff,)
Vs.)
Sylvester Jackson, Stepping-Stone)
Ministries, Inc., William M. Landreth,)
Landreth Properties, LLC, Cordell Porter,)
Donald Cox Ernest Murray, CresCom Bank/)
Formerly Greer State Bank, and Rodney)
Butler,)
Defendants.)

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2017-CP-23-06127
CONSOLIDATED FILE NUMBER-
2019-CP-23-06363

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Sylvester Jackson, Karen Robinson,)
Michael Robinson, Dorothy Williams, John)
Woodfold, Ernest "Terry" Murray, Donald)
Cox, Timothy McBee, Derrick Cox,)
Reginald Jackson, Willie Foster, Cynthia)
Robinson, Zelma Brown, Telek Cobb, Sarah)
Thomason, and Thurshia Jamison-Jackson,)
Plaintiffs,)
Vs.)
Charles "Bennie" Smith, Robin Smith,)
Larry Dawkins, Mable Dawkins, Jimmy)
Davis, Brenda Davis, Dorothy Thomason,)
L.C. Thomason, and James Sims,)
Defendants.)

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2017-CP-23-05851
CONSOLIDATED FILE NUMBER-
2019-CP-23-06363

**ORDER REGARDING PLAINTIFFS'
CAUSES OF ACTION FOR
DECLARATORY JUDGMENT**

I. INTRODUCTION

This matter came before the Court for a non-jury trial regarding Plaintiffs Sylvester Jackson, Karen Robinson, Michael Robinson, Dorothy Williams, John Woodfold, Ernest "Terry" Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, Willie Foster, Cynthia

Robinson, Zelma Brown, Telek Cobb, Sarah Thomason, and Thurisha Jamison-Jackson's Declaratory Judgment claims on June 20, 2025. The Court finds that the congregation of Enoree Fork Baptist Church ("EFBC") never officially met pursuant to EFBC's 1996 Constitution and Bylaws for the purpose of disposing of Plaintiff Sylvester Jackson ("Pastor Jackson") or any of the other Plaintiffs. Additionally, it was not established by a preponderance of the evidence that the 2016 Constitution and Bylaws was adopted by the Congregation of EFBC and controlled Pastor Jackson's termination. Since the congregation never met, the Court has jurisdiction over this matter to restore the status quo of EFBC back to April 3, 2017. By restoring the status quo of the Church, the congregation of EFBC is enabled to act in its duly constituted manner in whatever way it deems appropriate regarding Pastor Jackson's pastoral status or any other EFBC member's membership status. The Court retains jurisdiction over this case to ensure both factions of EFBC comply with its Order for the congregation to meet and vote on whether EFBC will terminate Pastor Jackson or expel any of the other Plaintiffs pursuant to EFBC's 1996 Constitution and Bylaws.

II. PROCEDURAL HISTORY

This case concerns a church dispute between two factions of the EFBC Congregation. In August 2015, Sylvester Jackson was elected as the Pastor of EFBC pursuant to EFBC's 1996 Constitution and Bylaws. On November 30, 2016, Charles "Bennie" Smith filed a civil action against Sylvester Jackson, Ernest Murray, Rodney Duck, Karen Robinson, and Cynthia Robinson in Civil Action Number 2016-CP-23-06929 alleging the parties misappropriated church funds without authorization and the parties did not legitimately vote on or institute the 2016 Constitution and Bylaws.

On March 23, 2017, the Honorable Perry H. Gravely Ordered the parties to hold a church meeting on April 15, 2017 ("Church Meeting") at the Enoree River Association located at 421

Dallas Road, Greenville, South Carolina and conduct such business as allowed by the existing church Constitution and Bylaws, among other orders. On April 11, 2017, the Honorable Letitia H. Verdin amended Judge Gravely's Order to include that at the Church Meeting the parties were to decide whether a receiver would be necessary for the case and that if no decision was reached then the Court would determine if a receiver was necessary, among other amendments.

According to the parties, the Church Meeting occurred; however, the Parties were unable to agree on whether a receiver was necessary and, despite Judge Verdin's Order, the Court never decided on the necessity of a receiver after the Church Meeting. On March 15, 2018, at the request of the Plaintiff, Judge Gravely dismissed Civil Action Number 2016-CP-23-06929 without prejudice and *voided* all prior Orders issued before that date.

On September 11, 2017, over seven (7) years ago, Pastor Jackson, and his supporting faction of the EFBC Congregation, instituted this Declaratory Judgment action (Civil Action Number 2017-CP-23-05851) against Defendant Charles "Bennie" Smith and a faction of the EFBC congregation that opposed Pastor Jackson. On September 26, 2017, Plaintiff Charles "Bennie" Smith, and the faction of the EFBC Congregation opposed to Sylvester Jackson, instituted Civil Action Number 2017-CP-23-06127 on behalf of "Enoree Fork Baptist Church." This action was against Pastor Jackson, Stepping Stones Ministries, Inc., and Pastor Jackson's supporting faction of the EFBC Congregation. On March 20, 2019, Judge Stilwell granted a consent dismissal of Civil Action Number 2017-CP-23-05851 with leave to restore pursuant to Rule 40(J) of South Carolina Rules of Civil Procedures. On October 30, 2019, Judge Stilwell ordered Civil Action Number 2017-CP-23-05851 be restored and the case was subsequently reassigned as Civil Action Number 2021-CP-23-06230. Civil Action Number 2021-CP-23-06230 has no filings.

The allegations in Civil Action Number 2017-CP-23-05851 and Civil Action Number 2017-CP-23-06127 arise from the same set of facts. On February 3, 2020, Judge Gravely consolidated Civil Action Number 2017-CP-23-05851 and 2017-CP-23-06127 into 2019-CP-23-06363. Judge Gravely also referred 2019-CP-23-06363 to Greenville County's Master-in-Equity, Honorable Charles B. Simmons, Jr.. On March 3, 2021, Judge Simmons ordered, based on the consent of the parties, that Civil Action No. 2019-CP-23-06363 be stricken from the civil trial docket pursuant to Rule 40(j), SCRCF.

On December 16, 2021, Judge Verdin restored Civil Action No. 2019-CP-23-06363 to the civil trial docket. On May 4, 2023, the Honorable G.D. Morgan Jr. held that Plaintiff Enoree Fork Baptist Church could not ask the Court to reconsider Judge Gravely's February 3, 2020 Order pursuant to Rule 59(e), SCRCF. Judge Morgan also ruled that the Plaintiff Enoree Fork Baptist Church waived its request for a jury trial. On May 8, 2023, Judge Morgan reconsidered his previous ruling and held that the Plaintiff Enoree Fork Baptist Church requested a jury trial in its Amended Complaint filed on October 4, 2017. Judge Morgan amended his prior Order to reflect that EFBC had not waived its right to a jury trial. However, Judge Morgan stated that any rulings regarding whether jury issues existed would be determined by Judge Simmons at trial.

On May 10, 2023, Judge Simmons referred the case back to the Circuit Court for a jury trial on a finding that the legal issues were "so intertwined with equitable issues that a trial on the equitable issues alone would be impossible." On March 10, 2025, this case was scheduled to come before the Court for a jury trial in the Circuit Court. Prior to trial commencing, the Plaintiffs moved for the appointment of a receiver, and after hearing arguments from both sides, the Court issued an oral ruling and a corresponding Form 4 Order on March 11, 2025, finding that a pre-judgment

receivership was appropriate. Subsequently, EFBC filed two memoranda on March 12, 2025, followed by two amended memoranda on March 17, 2025:

1. Amended Memorandum in Support of Rule 59 Motion to Alter and Amend Order Dated March 11, 2025, and Memorandum in Support of Rule 59 Motion
2. Amended Motion to Stay Pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure for Expedited Appeal and Rule 241, SCACR, and Rules 59(E) and 60, SCRCP

On April 23, 2025, the Court granted the Motion to Alter and Amend the Court's March 11, 2025 Order deciding it would not appoint a receiver and disposed of the Court's prior decision to stay the matter. The Court scheduled Plaintiff Sylvester Jackson's Declaratory Judgment Causes of Action for a non-jury trial on June 20, 2025, and stated it would schedule EFBC's claims for a jury trial after it decided the declaratory judgment issues.

III. FACTS

The Plaintiffs' first witness was Pastor Jackson. Pastor Jackson testified he was first hired by EFBC to be its pastor in August of 2015. During this time, Pastor Jackson stated that EFBC was governed by EFBC's 1996 Constitution and Bylaws. However, Pastor Jackson testified that after he was hired he reviewed EFBC's 1996 Constitution and Bylaws when the Church was in the process of securing its 501(c)(3) status. He noted several items in the 1996 Constitution and Bylaws that were outdated and out of compliance with Internal Revenue Service's guidelines. Pastor Jackson testified that the Church decided to amend the 1996 Constitution and Bylaws to bring EFBC in compliance with the IRS guidelines, as well as to update EFBC's Constitution and Bylaws.

Pastor Jackson testified that in order to amend EFBC's Constitution and Bylaws the 1996 Constitution and Bylaws provides that it must be announced at two consecutive Church meetings that a meeting will be held to amend the Constitution and Bylaws. Pastor Jackson testified that the

Church followed the procedure set out in EFBC's 1996 Constitution and Bylaws and, in fact, went beyond the procedures required to amend EFBC's Constitution and Bylaws. Pastor Jackson testified that it was announced there would be an amendment to EFBC's 1996 Constitution and Bylaws and that three separate readings for the new amended revised Constitution were held by the Church. He stated that the members of EFBC were given the revised Constitution and Bylaws and that the Church had a final reading at an annual Church meeting where EFBC adopted the 2016 Constitution and Bylaws on January 23, 2016. Pastor Jackson also testified that page 22 of EFBC's 2016 Constitution and Bylaws shows that it was received, approved, and adopted on January 23, 2016. (*See* Plaintiffs' Ex. 2). Pastor Jackson further testified that the meeting minutes from the January 29, 2016 church meeting speak to the 2016 Constitution and Bylaws being approved by 43 members of the Church. (*See* Plaintiffs' Ex. 3).

The 1996 EFBC Constitution and Bylaws Article VII, Sub-article I. provides:

A Pastor's term of office may be ended upon thirty (30) days of notification on the part of the Pastor or of the Church by mutual consent. Termination of office shall be voted on at a regularly called business meeting; notice of such meeting and its purpose having been read on two (2) Successive Sundays. A vote of a majority of the members present shall make a valid termination of said office.

(Plaintiffs' Ex. 1).

In contrast, the Amended 2016 EFBC Constitution and Bylaws Article VII, Sub-Article 4. provides:

The engagement of a Pastor may be terminated by a two-thirds vote of the active members present at a church family conference called for that purpose by the Joint Board. A quorum of not less than thirty (30) percent of the Active members of this Church shall be required for such conference.

(Plaintiffs' Ex. 2).

Pastor Jackson testified that in December 2016, a woman hand delivered him a letter before church service. The December 8, 2016 letter was signed by Fletcher Smith, counsel for the

Defendants, Charles Bennie Smith, and Rodney Duck. (Plaintiffs' Ex. 4). The letter informed Pastor Jackson that he was immediately suspended as Pastor of EFBC, with pay, due to a pending lawsuit filed against him—Civil Action No.2016-CP-23-06929. (Plaintiffs' Ex. 4). Pastor Jackson also received two petitions allegedly signed by members of the EFBC Congregation. One of the petitions suspended him as pastor of EFBC without pay until Civil Action No. 2016-CP-23-06929 was resolved. (See Plaintiffs' Ex. 5). The other petition purportedly authorized the treasurer of EFBC to institute a lawsuit and gather financial records of EFBC and also hired Fletcher Smith to represent EFBC in the lawsuit. (Plaintiffs' Ex. 6).

Pastor Jackson testified that Rodney Duck, Chairman of Deacon Ministry, did not have the authority to suspend him as Pastor because neither the 1996 or 2016 EFBC Constitution and Bylaws allows the Deacons to suspend the pastor. Rather, he argued that the Constitution and Bylaws both require that the termination of the pastor is to be handled by the congregation of the Church. Pastor Jackson also testified that there is not a provision in either the 1996 or 2016 EFBC Constitution and Bylaws that allows members of the church to act against the Pastor through petition. Moreover, Pastor Jackson testified that the petitions appeared to be signed by the same person in some instances, and were also signed by minor children under the age of ten (10) years old. Pastor Jackson stated that it looked as if about a third of the signatures on both petitions were not active members of EFBC. Pastor Jackson testified that he did not stop serving as pastor after he received the letter and the petitions and continues to serve as the Pastor of EFBC to this date.

Pastor Jackson testified that on April 3, 2017, he received a letter from Defendants Rodney Duck, James Sims, Charles Smith, L.C. Thomason, and Larry Dawkins informing him that his tenure as Pastor of EFBC had been terminated and it was effective immediately. (Plaintiffs' Ex. 9). The letter provides that the chairpersons of the Board of Deacons made the decision to terminate

Pastor Jackson with the full support of the leaders of the Church who also signed the letter. (Plaintiffs' Ex. 9). The letter also states that "[t]he church has not had an official meeting to remove any church leader from their post" since Pastor Jackson was hired as Pastor. (Plaintiffs' Ex. 9).

The letter goes on to state that:

The Honorable Perry H. Gravely issued a Court Order on March 23, 2017 during the Injunction hearing that was held on March 21, 2017. The Court Ordered an Annual meeting for the Enoree Fork Baptist Church to take place at 421 Dallas Rd., Greenville, SC; said meeting to be held at 2:00PM on Saturday, April 15, 2017. At this meeting we will inform the entire church family of our decision to terminate you as Pastor and make the membership aware of the church financial transactions set forth in the pending lawsuit. Please note that you are restricted from the premises of the Enorre Fork Baptist Church.

(Plaintiffs' Ex. 9).

Pastor Jackson testified that none of the people that signed the letter had the authority to terminate him and that a proper vote by the Church on the issue of termination never occurred.

Pastor Jackson testified on April 3, 2017, he received a no trespass notice banning him from EFBC, which was signed by the same individuals that sent him the letter of termination. Pastor Jackson testified that none of the individuals that signed the no trespass notice had the authority to restrict someone from the church. Pastor Jackson also testified that he did not comply with the notice. After receiving the trespass notice from the faction opposed to him, Pastor Jackson testified that he and some of EFBC's officers went to the church to change the locks because members of the opposing faction locked them out of the church. However, Pastor Jackson testified that this resulted in the police being called because one of the opposing EFBC members claimed that one of Pastor Jackson's supporting church officers pulled a gun on her.

Pastor Jackson testified that on April 10, 2017, he received a letter signed by the same individuals that signed Plaintiffs' Exhibit 9 and Exhibit 10 notifying him that the Chairpersons of the EFBC Deacon Board held a special meeting on Sunday, April, 9, 2017, to inform the church

body of their decision to terminate him as Pastor on April 3, 2017. (Plaintiffs' Ex. 11). The letter states, "[p]lease note that in this Special Meeting of the Church Body, the Enoree Fork Baptist Church family unanimously voted to approve and confirm the Deacon Board Chairpersons decision to terminate you as Pastor of Enoree Fork Baptist Church." (Plaintiffs' Ex. 11). The letter also requested that Pastor Jackson immediately cease and desist representing himself as Pastor of EFBC after April 10, 2017. (Plaintiffs' Ex. 11). Pastor Jackson testified that both the 1996 or 2016 EFBC Constitution and Bylaws require two weeks' notice be given to the Church when calling a meeting to vote on the Pastors termination. Pastor Jackson testified that no notice was given to the Church that such a meeting would be called and that he was not aware of whether any such meeting actually occurred on April 9, 2017.

Pastor Jackson testified that after the events with the police, he did not go back to the physical EFBC location at 100 Enoree Road, Greer, South Carolina ("Enoree Road Location"). He testified that the majority of officers and members of EFBC, including himself, began holding service at Enoree River Baptist Complex Building on Mauldin Road for a couple of years then, after COVID-19 hit, he started having church service via telecommunication. Pastor Jackson testified that the other faction stayed in the EFBC church building at the 100 Enoree Road, Greer, South Carolina, location. Pastor Jackson testified that he believed the 2016 Constitution and Bylaws governed EFBC at the time he was terminated as Pastor of EFBC and that he continues to operate under the 2016 Constitution and Bylaws.

On cross examination, Pastor Jackson testified that Judge Gravely ordered a meeting to occur on April 15, 2017, so that both factions of EFBC could vote on whether to appoint a receiver for the Church. The Court took Judicial Notice of Judge Gravely's March 23, 2017 Order requiring both factions to meet on April 15, 2017. Pastor Jackson testified that on April 17, 2017 a decision

was reached by the Church to appoint a receiver and that he, the church secretary, and moderators signed a letter to be given to Judge Gravely that a receiver would be appointed for the Church. Pastor Jackson denied that he could have motioned to call a vote regarding his termination at the April 15, 2017 meeting because orders were given to the state convention officer and the local convention moderator that only the issue of whether a receiver would be appointed would be addressed at the meeting. Pastor Jackson denied ever disassociating himself from EFBC. Pastor Jackson also denied ever reincorporating a new church and testified that he believes he is still the Pastor of EFBC.

Cynthia Robinson, EFBC's Clerk, and Zelma Brown, EFBC's Secretary, were the only other witnesses that testified on behalf of the Plaintiffs. Ms. Robinson testified she believed the 2016 Constitution and Bylaws were properly adopted by the Church. Ms. Robinson testified that EFBC's members received copies of the 2016 Constitution and Bylaws in advance and that a vote was held in January 2016 at an annual church conference. However, Ms. Robinson also admitted that there was no record of the 2016 Constitution and Bylaws being distributed to EFBC's members before it was voted on and that she did not have with her in court the meeting minutes from the church meeting where EFBC's congregation allegedly voted to adopt the 2016 Constitution and Bylaws. Ms. Robinson also testified that pursuant to EFBC's Constitution and Bylaws the Church body has to terminate a pastor and that there is a procedure for calling a church family conference. Ms. Robinson testified she did not recall if the EFBC Congregation ever voted to terminate Pastor Jackson and that she believed Pastor Jackson was still EFBC's Pastor. Ms. Robinson testified that she started keeping membership records for EFBC in 2015 and confirmed that the contents of Plaintiffs' Exhibits 3 (Minutes of Church Business Meeting from January 29,

2016); Plaintiffs' Exhibit 7 (2015 Membership list); and Plaintiffs' Exhibit 8 (2016/2017 Membership Lists), were accurate and that she signed off on them.

Zelma Brown, EFBC's Secretary, testified that EFBC had three meetings regarding the 2016 Constitution and Bylaws. Ms. Brown testified that the meetings were called so that the 2016 Constitution and Bylaws could be read to the Church; however, the meetings were not called during regular church meetings. Ms. Brown testified that the appropriate Bylaws were followed by the Church to adopt the 2016 Constitution and Bylaws and that the Church adopted the amended 2016 Constitution and Bylaws on January 23, 2016. Ms. Brown believed there is no reason to doubt members of EFBC's congregation were given a fair opportunity to vote on the adoption of the 2016 Constitution and Bylaws; however, she did not remember the dates when the first two meetings regarding the adoption of the 2016 Constitution and Bylaws actually occurred. The Plaintiffs rested after Zelma Brown's testimony.

Defendants first called lifelong member of EFBC and current temporary Pastor of EFBC Larry Dawkins. Pastor Dawkins testified that he voted to terminate Pastor Jackson on at least one occasion and that the Church operated under the 1996 Constitution and Bylaws at the time he voted to terminate Pastor Jackson. Pastor Dawkins also testified that Judge Gravely ordered EFBC to meet and that the meeting was held at the Enoree Association Center. Pastor Dawkins also testified that he signed Plaintiff's Exhibit 9 and that the Church never actually had a meeting to terminate any church leader since the Church hired Pastor Jackson, as referenced in Exhibit 9, because Pastor Jackson would not let them have a meeting. On cross-examination, Pastor Dawkins testified that he did not know if Pastor Jackson, Zelma Brown, or Cynthia Robinson were given notice of the meeting referenced in the April 10, 2017 letter to Pastor Jackson (Plaintiff's Ex. 11). Pastor

Dawkins also testified he did not remember how many EFBC members attended the meeting that day or whether the 1996 or 2016 Constitution and Bylaws were followed to conduct the meeting.

The Plaintiff also called Jimmy Davis, a EFBC member since 2009. Jimmy Davis testified that he believed Pastor Jackson had been terminated in 2016 and that the Church had several votes over the years to reaffirm his termination. However, Mr. Davis also testified that neither Pastor Jackson nor any of his supporting faction were present at any of these meetings. Mr. Davis testified the process for holding a meeting to terminate a Pastor in a Baptist Church is to announce from the pulpit two successive weeks in advance that a meeting will be held to vote on whether the church will terminate its pastor. If members do not attend church then they do not receive notice. Mr. Davis further testified that Pastor Jackson would not have received notice after the trespass notice against Pastor Jackson (Plaintiffs' Ex. 10) was issued, but Pastor Jackson did receive notice from Judge Gravely of the April 15, 2017 Court Ordered Meeting. Mr. Davis testified that Pastor Jackson and the EFBC members were present at Judge Gravely's Court Ordered April 15, 2017 Meeting, but there was no motion to reinstate Pastor Jackson as EFBC's Pastor during that meeting. On cross-examination, Mr. Davis testified that the meeting referenced in the April 10, 2017 letter to Pastor Jackson (Plaintiff's Ex. 11) did occur and about 25 to 30 active members attended the meeting.

The Plaintiff then called longtime EFBC member and trustee of EFBC, L.C. Thomason, who testified that he remembered Pastor Jackson proposing the 2016 Constitution and Bylaws to the Church and receiving a copy of it; however, Mr. Thomason testified that it was never adopted by the Church. Mr. Thomason further testified that Church never rescinded the 1996 Constitution and Bylaws and that there is nothing in the Church meeting minutes that shows the Church rescinded it. Mr. Thomason also testified he did not ask Pastor Jackson to call a meeting to discuss

his termination, but that he had discussions with other EFBC members about terminating Pastor Jackson.

After L.C. Thomason's testimony the Defendants called Robin Smith, Charles Bennie Smith's wife and longtime EFBC member. Ms. Smith testified that Pastor Jackson passed out copies of the 2016 Constitution and Bylaws, however, she travels a lot so she did not vote on it. Ms. Robinson also testified she participated in meetings to suspend Pastor Jackson. Ms. Smith further testified that the Church could not have a meeting because Pastor Jackson did not allow them to have a meeting. Ms. Smith testified that they had to reach out to moderator Bradley to ask if they could have a meeting at the Enoree Association Center. Ms. Smith testified that they eventually had a meeting at the Enoree Association Center and the Church voted that Pastor Jackson would no longer be EFBC's Pastor. On cross-examination, Ms. Smith testified that they contacted the main office in Columbia, the moderator for the Enoree Association, and Reverend Simmons, but that no action was taken by any of these Boards to terminate Pastor Jackson. Ms. Smith also testified that moderator Brantley sent her a letter after the meeting stating that she would no longer be Missionary President because Pastor Jackson had kicked her out of the Church.

Next, the Defendants called Brenda Davis, another longtime EFBC member. Ms. Davis testified that there were no meetings about amending the Constitution between the time Pastor Jackson was hired in August of 2015 and January 23, 2015. Ms. Davis also testified that she did not remember receiving the proposed 2016 Constitution and Bylaws from Pastor Jackson. Ms. Davis further testified that she attended Judge Gravely's ordered meeting on April 15, 2017. Ms. Davis testified that there was a moderator and the active and inactive EFBC members were present. Ms. Davis also testified that no one moved to rehire Pastor Jackson at the April 15, 2017 meeting. Ms. Davis further testified that she signed two Petitions (*See* Plaintiffs' Ex. 5 and Plaintiffs' Ex.

6) and that she remembered the congregation meeting as a church body to terminate Pastor Jackson. On cross examination, Ms. Davis testified that she remembered Pastor Jackson asking them at a Church meeting to adopt the 2016 Constitution and Bylaws, but that they refused because they did not know what was in it.

Next Defendants called Lorisa Robinson, a lifelong EFBC member, and she testified that she attended the meeting to terminate Pastor Jackson at the Enoree Association Center and that she signed the petition to terminate Pastor Jackson. Ms. Robinson also testified that Pastor Jackson refused to let them have a meeting at the Church. Ms. Robinson further testified that prior to the Court Ordered April 15, 2017 meeting, the Church had several association meetings to terminate Pastor Jackson, pursuant to the 1996 Constitution and Bylaws. Ms. Robinson testified that no one was ever given the 2016 Constitution and Bylaws that Pastor Jackson prepared. On cross-examination, Ms. Robinson testified that she was not aware if there was a committee created by the Church to prepare the 2016 Constitution and Bylaws.

Next, the Defendants called Dorothy Thomason, longtime EFBC member, who testified that the Church had several meetings to terminate Pastor Jackson including a meeting at the Enoree River Association.

Finally, Defendants called Mable Dawkins, longtime EFBC member, who testified that there came a time when the Church wanted to part ways with Pastor Jackson and that they had a meeting at the Enoree Association Center because Pastor Jackson would not let them have a meeting. Ms. Dawkins also testified that when the Defendants' faction tried to go to the church to hand out the Court Order to provide notice to the congregation of the April 15, 2017 Court Ordered meeting, Pastor Jackson blocked them from doing so. Ms. Dawkins also testified that at the April 15, 2017 Court Ordered meeting no one tried to reinstate Pastor Jackson as EFBC's Pastor. Ms.

Dawkins testified that at the time the Church was operating under the 1996 Constitution and Bylaws. On cross-examination, Ms. Dawkins testified that she did not remember a committee being formed to draft the amended 2016 Constitution and Bylaws.

IV. LAW

The Plaintiffs, Pastor Jackson and his supporting EFBC faction, brought this action for declaratory relief. “Whether an action for declaratory relief is legal or equitable in nature depends on the Plaintiff’s main purpose in bringing the action.” *Williams v. Wilson* 349 S.C. 336, 340, 563 S.E.2d 320, 322 (2002). The Plaintiffs’ main purpose in bringing this action is for the Court to determine whether Pastor Sylvester Jackson and members of his supporting faction were properly terminated by the EFBC’s Congregation, as well as to enjoin the Defendants from prohibiting the Plaintiffs from accessing the EFBC building and performing their respective roles for the church. Therefore, this is an action in equity.

Courts have limited review of church matters, and “[c]hurch disputes may be resolved by the courts only if resolution can be made without extensive inquiry into religious law.” *Id.* “It is not the function of the courts to dictate procedures for a church to follow.” *Id.* “Generally, a civil court has no authority to intervene in cases involving expulsion from church membership where there is no question of an invasion of a civil, property or contract right.” *Bowen v. Green*, 275 S.C. 431, 434, 272 S.E.2d 433, 434 (1980). “South Carolina case law is in accord with the view that no review of the ecclesiastical decision follows absent the infringement of those rights but South Carolina authorities do not treat the specific issue of membership expulsion.” *Id.* at 434, 272 S.E.2d at 434–35.

It is uncontested EFBC is a congregational church. “A congregational church is an independent organization, governed solely within itself, either by a majority of its members or by

such other local organism as it may have instituted for the purpose of ecclesiastical government ...” *Seldon v. Singletary*, 284 S.C. 148, 149, 326 S.E.2d 147, 148 (1985). Baptist churches are independent congregational churches governed by their own congregations. The congregation selects the church's trustees and the trustees are always members of that church. In a congregational church, the congregation is the highest authority. *Williams*, 349 S.C. at 151, 326 S.E.2d at 149. “The law is clear that the majority controls the decisions of a congregational church.” *Seldon*, 284 S.C. at 151, 326 S.E.2d at 149.

In cases involving the dismissal of a pastor, the Court only has the power to consider two questions: (1) whether the congregation met; and, (2) whether the congregation disposed of the Pastor. *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 343, 45 S.E.2d 753, 754 (1903). In the process of answering the two questions, the Court will not determine who shall or shall not be members of a church or dictate procedure for a church to follow. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. It is also not proper for this Court to “determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister’s] ministry. . . [because that] would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction.” *Pearson v. Church of God*, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996).

“Whenever the Congregation meets as a church, it may [act]. . . in any way that it sees fit; and, when a congregation has acted, the civil courts will not inquire whether in doing so it violated any of its own rules.” *Morris St. Baptist Church v. Dart*, 67 S.C. 338, 45 S.E. 753, 754 (1903). “[T]he function of this Court...[is] to assure that the Church itself has spoken. If it has, this Court inquires no further. If it has not, this Court may restore the status quo to enable the church to act.” *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. If the two questions referenced above are answered in

the affirmative, then the Court has no jurisdiction to hear the case. *Id.* If the Court finds that no action has been taken by the congregation in regard to the litigation, then the appropriate action is to dismiss the case for lack of subject matter jurisdiction. *Knotts v. Williams*, 319 S.C. 473, 479, 462 S.E.2d 288, 291 (1995).

V. ANALYSIS

a. PRELIMINARY ISSUES

During preliminary arguments, the Defendants, the faction opposed to Pastor Jackson, moved to dismiss the case on grounds that the Plaintiffs, the faction that supports Pastor Jackson, had disassociated themselves from the Church on their own accord and therefore, no longer had standing to bring the declaratory judgment action against the Defendants pursuant to *Bramlett v. Young*, 229 S.C. 519, 93 S.E.2d 873 (1956). However, the Plaintiffs argued that Pastor Jackson and his supporters never disassociated from EFBC and continued to act as EFBC, despite his physical separation from the Church. Thus, Defendants' Motion was denied because Pastor Jackson claimed to have never disassociated from EFBC. This same issue was raised at the end of the trial, however, based on the evidence presented, the Court finds Pastor Jackson and his supporters never disassociated from EFBC.

The Defendants also argued that pursuant to *Knotts v. Williams*, 319 S.C. 473, 462 S.E.2d 288 (1995), the Plaintiffs' case should be dismissed because this Court cannot tell EFBC how it should vote to remove its members or dictate a procedure for the Church to follow. The Court denied the Motion to allow the Parties to develop the issue during the trial. After hearing the evidence presented, the Court finds that it has jurisdiction to restore the status quo of EFBC back to April 3, 2017, thus the Court hereby denies Defendants' Motion.

Defendants further argued that since EFBC is an Eleemosynary Corporation, EFBC Members cannot hold EFBC accountable for anything EFBC did to its members in this case. However, the Defendants also admitted that the grounds for dismissal had been denied in a prior Motion to Dismiss and Motion for Summary Judgment filed by the Defendants. Since this Court cannot overturn the decision of another Circuit Court Judge, the Court Denied the Motion. Finally, Defendants claim the Plaintiffs failed to name Enoree Fork Baptist Church as a necessary party. The Court hereby denies Defendants' motion and finds that this issue has been raised in a prior Summary Judgment memorandum (January 14, 2020), and denied by Judge Gravely on February 3, 2020.

b. DECLARATORY JUDGMENT ANALYSIS

1. Plaintiffs' First Cause of Action

Plaintiffs' first declaratory judgment cause of action requests for this Court to declare the Constitution and Bylaws allegedly adopted by EFBC on January 23, 2016, according to the Plaintiffs, are appropriate to govern the function and operation of the church. "It is not the function of the courts to dictate procedures for a church to follow." *Williams*, 349 S.C. at 340, 563 S.E.2d at 322. Given the relevant law, the Court does not believe it is appropriate for this Court to determine which constitution and bylaws are appropriate to govern the function and operation of EFBC, as a whole, or dictate what procedures EFBC should follow *in toto*. Therefore, the Court refuses to consider or provide any relief in regard to Plaintiffs' First Cause of Action and hereby denies the Cause of Action for lack of subject matter jurisdiction. However, the Court does find, in accordance with South Carolina law, that EFBC's 1996 Constitution and Bylaws controlled the procedure for expelling EFBC's members and Pastors, as discussed below.

2. Plaintiffs' Second Cause of Action

Regarding Plaintiffs' Second Cause of Action for Declaratory Relief, the Plaintiffs request for this Court to declare that Pastor Jackson is the lawful Pastor of EFBC. In cases involving the dismissal of a pastor, the Court only has the power to consider two questions: (1) whether the congregation met; and, (2) whether the congregation disposed of the Pastor. *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 343, 45 S.E.2d 753, 754 (1903). In the process of answering both questions, the Court will not determine who shall or shall not be members of a church or dictate procedure for a church to follow. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. It is also not proper for this Court to "determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister's] ministry. . . [because that] would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction." *Pearson*, 325 S.C. at 53, 478 S.E.2d at 853. Church disputes may be resolved by the courts only if resolution can be made without extensive inquiry into religious law. *Williams*, 349 S.C. at 340, 563 S.E.2d at 322. The function of the Court is to assure that the congregation has spoken: if it has, this Court will inquire no further, but if it has not, this Court may restore the status quo to enable the church to act. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435.

Given the relevant law, the only issue the Court is concerned with regarding Plaintiffs' Second Cause of Action for Declaratory Relief is whether the congregation of EFBC met to terminate Pastor Jackson. The Court reaches its decision by following the precedent set in *McCain v. Brightharp*, 399 S.C. 240, 730 S.E.2d 916 (Ct. App. 2012), and *Bowen v. Green*, 275 S.C. 431, 272 S.E.2d 433 (1980). In *McCain*, the South Carolina Court of Appeals looked to Mount Canaan Baptist Church's Bylaws and the testimony developed at trial to answer the question of whether the congregation of Mount Canaan Baptist Church met to terminate its Pastor. *McCain*, 399 S.C. at 250, 730 S.E.2d. at 921. Therefore, this Court looks to the Constitution and Bylaws adopted by

EFBC, and the testimony developed at trial by the parties, to determine whether EFBC's congregation met to terminate Pastor Jackson.

In this case, there are two competing sets of Constitutions and Bylaws that each faction argues governs the procedure for how the congregation of EFBC can hold a meeting to terminate its Pastor.

The 1996 EFBC Constitution and Bylaws Article VII, Sub-article I. provides:

A Pastor's term of office may be ended upon thirty (30) days of notification on the part of the Pastor or of the Church by mutual consent. Termination of office shall be voted on at a regularly called business meeting; notice of such meeting and its purpose having been read on two (2) Successive Sundays. A vote of a majority of the members present shall make a valid termination of said office.

(Plaintiffs' Exhibit 1).

In contrast, the Amended 2016 EFBC Constitution and Bylaws Article VII, Sub-Article 4. provides:

The engagement of a Pastor may be terminated by a two-thirds vote of the active members present at a church family conference called for that purpose by the Joint Board. A quorum of not less than thirty (30) percent of the Active members of this Church shall be required for such conference.

(Plaintiffs' Exhibit 2).

The Defendants, the EFBC faction that opposes Pastor Jackson, argues that the 1996 EFBC Constitution and Bylaws governed EFBC's Pastor termination process at the time Pastor Jackson was ousted by the Defendants. The Plaintiffs, the EFBC faction that supports Pastor Jackson, argues that the Amended 2016 Constitution and Bylaws governed EFBC's Pastor termination process at the time Pastor Jackson was terminated. The Plaintiffs further argue that Pastor Jackson was not properly terminated under either Constitution. This Court agrees.

EFBC's Congregation had not adopted the Amended 2016 Constitution and Bylaws when it purportedly terminated Pastor Jackson on April 3, 2017. The Court finds that it was not shown by a preponderance of the evidence that EFBC was operating under the Amended 2016 Constitution and Bylaws at the time Pastor Jackson was terminated. Although, Pastor Jackson, Cynthia Robinson, and Zelma Brown testified that EFBC followed the procedures set out in EFBC's 1996 Constitution and Bylaws to amend the Constitution and Bylaws in 2016, none of them testified as to the specific dates the church met to amend the 1996 Constitution. Furthermore, Cynthia Robinson testified that there was no record that EFBC handed out the Amended 2016 Constitution and Bylaws to EFBC's congregation before it was voted on and she did not have the meeting minutes from the day Defendants claim EFBC voted to adopt the Amended Constitution. Moreover, several of EFBC's members, who testified on behalf of Defendants stated that Pastor Jackson's proposed amended 2016 Constitution and Bylaws were not distributed to the EFBC's members before it was allegedly voted on, or that EFBC never voted on whether to adopt the 2016 Constitution and Bylaws at all. Thus, this Court finds that the Constitution and Bylaws adopted by the EFBC's Congregation in 1996 governed Pastor Jackson's termination at the time he was purportedly terminated from his position in April of 2017.

Regardless, based on the language of both the 1996 EFBC Constitution and Bylaws, as well as the language of the Amended 2016 EFBC Constitution and Bylaws, the Court finds that under either document no church meeting to terminate Pastor Jackson could have occurred in this case. No evidence was presented by the Defendants that Pastor Jackson received thirty (30) days' notice of his termination from the Church as required by the 1996 Constitution and Bylaws. (*See* Plaintiffs' Ex. 1). There was also no evidence presented by Defendants that EFBC gave notice on two (2) successive Sundays that the congregation of EFBC would be voting on whether to

terminate Pastor Jackson at a regularly called business meeting. (Plaintiffs' Ex. 1). Furthermore, the Court was provided no documentary evidence that a majority of the members of EFBC's Congregation voted to terminate Pastor Jackson.

Similarly, no evidence was brought out through Defendants' witness testimony that two-thirds of the active members present at a church family conference ever called for the purpose of terminating Pastor Jackson by the Joint Board as required by the Amended 2016 Constitution and Bylaws. (See Plaintiffs' Ex. 2). Moreover, the Defendants provided no evidence that a quorum of not less than thirty (30) percent of the active members of the EFBC's Congregation voted to terminate Pastor Jackson. (See Plaintiffs' Exhibit 2).

In this case, Pastor Jackson's termination was initiated by an April 3, 2017 letter from the Chairpersons of the Board of Deacons. (Plaintiffs' Ex. 9). The letter explicitly states that EFBC did not have an official church meeting to remove any church leader from their post since Pastor Jackson was hired. (Plaintiffs' Ex. 9). The letter goes on to state that the Chairpersons of the Board of Deacons would inform the entire church family of its decision to terminate Pastor Jackson on April 15, 2017, pursuant to Judge Gravely's March 23, 2017 Order. (Plaintiffs' Ex. 9). Subsequently, on April 10, 2017, Pastor Jackson received another letter from the same individuals that sent him Plaintiffs' Exhibit 9. (See Plaintiffs' Ex. 11). The April 10, 2017 letter stated that the Chairpersons of the Board of Deacons held a special meeting on Sunday, April 9 to inform the church body of their decision to terminate him as Pastor on April 3, 2017, and that the church body had unanimously voted to approve and confirm the Boards decision to terminate Pastor Jackson¹. Pastor Jackson was already "terminated" before the April 9, 2017 special meeting.

¹ The Court notes that the actions of the Board of Deacons were inconsistent with what was stated in both the April 3, 2017 letter (Plaintiffs Ex. 9) and the April 10, 2017 letter (Plaintiffs Ex. 11).

Therefore, under either the 1996 EFBC Constitution and Bylaws or the Amended 2016 EFBC Constitution and Bylaws, EFBC's Congregation never met for the purpose of terminating Pastor Jackson. Since EFBC's Congregation did not vote to dispose of Pastor Jackson prior to this litigation, the Court finds it has subject matter jurisdiction to restore the status quo back to the day Pastor Jackson was wrongfully terminated as EFBC's Pastor by the Chairpersons of the Board of Deacons on April 3, 2017.

3. Plaintiffs' Third Cause of Action

Regarding Plaintiffs' Third Cause of Action for Declaratory Relief, the Plaintiffs request for this Court to declare who the lawful active members of EFBC were during the year of 2016, as well as who the lawful active members of EFBC were during the year of 2017. Since the Court is hereby restoring the status quo of EFBC back to April 3, 2017, to enable the Congregation to act to determine Pastor Jackson's pastoral status, EFBC's membership at that time will be restored as well. The membership at that time will be based on the members listed in Plaintiffs' Exhibit 8 attached to this Order.

4. Plaintiffs' Fourth Cause of Action

Regarding Plaintiffs' Fourth Cause of Action, the Plaintiffs requests that this Court declare John Woodfolk, Timothy McBee, Michael Robinson, Karen Robinson, Dorothy Williams, Cynthia Robinson, and Zelma Brown were unlawfully terminated from their EFBC officer positions. Similar to the Court's analysis of the termination of Pastor Jackson above, the Court finds that no evidence was presented to the Court that EFBC's congregation ever met to terminate any of the above-named individuals from their EFBC positions. Thus, the Court finds it has subject matter jurisdiction to declare that the expulsion of these members by the Defendants faction was a nullity. In any regard, since the Court is restoring the status quo of EFBC back to April 3, 2017, the

membership of the Church at that time will be restored as well. Thus, the Court finds Plaintiffs' Fourth Cause of Action is addressed by the Court's ruling regarding Plaintiffs' Second Cause of Action. To the extent that some of these individuals have passed away, such individuals no longer have the ability to bring such a claim.

5. Plaintiffs' Fifth Cause of Action

Regarding Plaintiffs' Fifth Cause of Action, Plaintiffs requests for this Court to declare that Terry Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, and Willie Foster were unlawfully terminated from their positions as EFBC Trustees and that the Defendants may not prohibit them or any of the other Plaintiffs from accessing the church building. Similar to the Court's analysis of the termination of Pastor Jackson above, the Court finds that no evidence was presented to the Court that EFBC's congregation ever met to terminate any of the above-named individuals from their EFBC positions. Thus, the Court finds it has subject matter jurisdiction to declare that the expulsion of these members by the Defendants faction was a nullity. In any regard, since the Court is restoring the status quo of EFBC back to April 3, 2017, the membership of the Church at that time will be restored as well. Thus, the Court finds Plaintiffs' Fifth Cause of Action is addressed by the Court's ruling regarding Plaintiffs' Second Cause of Action. To the extent that some of these individuals have passed away, such individuals no longer have the ability to bring such a claim.

CONCLUSION

In conclusion, the Court hereby restores the status quo of EFBC back to April 3, 2017, before any of the Plaintiffs to this lawsuit were terminated from their EFBC positions. This enables EFBC's congregation to act pursuant to its 1996 Constitution and Bylaws regarding the expulsion and termination of the named Plaintiffs in this matter. To facilitate this, the Court hereby Orders a

church business meeting of both EFBC factions be scheduled on Saturday, August 30, 2025, at the Enoree River Association, 421 Dallas Road, Greenville, South Carolina, at 2:00 PM. A moderator will be chosen by the attorneys of both parties to preside and if one cannot be chosen then the parties must notify the Court and the Court shall choose a moderator to serve, equally paid by both parties. This business meeting is to be announced to both factions on two successive Sundays beginning on August 17, 2025, and August 24, 2025. These announcements will notify the respective factions that a business meeting of all those who were members of EFBC, based on the members listed in Plaintiffs' Exhibit 8, will meet for the specific purpose of voting on whether Pastor Jackson shall be terminated as EFBC's Pastor. This vote will be taken in accordance with EFBC's 1996 Constitution and Bylaws requiring a vote of a majority of the members to terminate.

The Court hereby retains jurisdiction over this case to assure compliance with this Order, like the trial Court in *Bowen*, until the final vote of EFBC's Congregation is reached on August 30, 2025.

IT IS SO ORDERED.

The Honorable Patrick C. Fant, III
Presiding Circuit Court Judge

July _____, 2025
Greenville, SC

Active Members
Enoree Fork Year 2016/2017

1. Pastor Sylvester Jackson
2. Adams, Exotica
3. Austin, Mekosha
4. Benson, A.P. (Deacon)
5. Benson, Reverend Ruby
6. Black, Betty
7. Brown, Jerry
8. Brown, Zelma (Secretary)
9. Cobb, Telek (Musician)
10. Cox, Akeba
11. Cox, Derrick (Trustee)
12. Cox, Donald (Trustee)
13. Cox, Betty
14. Dawkins, Alma
15. Dawkins, Betty
16. Dawkins, Mable
17. Dawkins, Min. Larry
18. Foster, Willie (Trustee)
19. Gist, Birdie
20. Glymph, Jackie
21. Golden, Virginia
22. Gooda, Xzavier
23. Grady, Donald
24. Hamon, Margaret
25. Hawthorne, Janelle (Musician)
26. Houston, Trudy
27. Jackson, Anita Yvette
28. Jackson, Daijahnique
29. Jackson, Mangalene "Lane"
30. Jackson, Reginald (Trustee)
31. Jamison - Jackson, Thurshia
32. Jones, Quintella
33. Linder, Marilyn
34. McBea, Tim (Trustee)
35. McClintock, Fannie
36. McDonald, Karen
37. Miller, Rosie
38. Morris, Christopher
39. Murray, Ernest (Trustee)
40. Nelson, Roosevelt (Trustee)
41. Robinson, Cynthia (Clerk)
42. Robinson, Georgia Mae
43. Robinson, Michael
44. Robinson, Minister Karen
45. Simmons, James E. (resigned)
46. Sims, James (Deacon)
47. Smith, Jacqueline
48. Smith, Toy
49. Thomas, Janie M
50. Thomason, Curtis
51. Thomason, LC (resigned)
52. Thomason, Sarah

PLAINTIFF'S
EXHIBIT

8 2019-103103

- 53. Todd, Corine
- 54. Valentine, Sarah
- 55. Williams, Minister Dorothy
- 56. Wofford, Geraldine
- 57. Woodfolk, Deacon John
- 58. Woodfolk, Margaret

Inactive Members
Enoree Fork Year 2016/2017

- 1. Baskerville, Shelby
- 2. Booker, Carolyn
- 3. Boyce, Kirk
- 4. Davis, Brenda
- 5. Davis, Jimmy
- 6. Dawkins, Lois - (Health)
- 7. Dawkins-Posey, Janette
- 8. Duck, Carolyn
- 9. Duck, Roddney (resigned)
- 10. Griffin, Sarah
- 11. Harmon, Kenyatta
- 12. Hicks, Yvonne
- 13. Holmes, Deborah
- 14. Houston, Tyrone
- 15. Hurst, Carol
- 16. Johnson, Deborah
- 17. Jones, Sherecka
- 18. Ladson, Margie
- 19. Ladson, William
- 20. Latta, Rev. Hoover - (Health)
- 21. Leatherwood, Brenda
- 22. Leatherwood, Nelson (Health)
- 23. Pickett, Mary
- 24. Pinson, Pauline - (Health)
- 25. Radden, Mae - (Health)
- 26. Rice, Yvonne - (Health)
- 27. Robinson, Clarissa
- 28. Sims, Charlene
- 29. Sims, James Travis
- 30. Sims, Jurline
- 31. Skinner, Regina
- 32. Smith, Charles "Bennie"
- 33. Smith, Robin
- 34. Thomas, Demetria
- 35. Thomas, Isaiah
- 36. Thomas, Jannette
- 37. Thomason, Dorothy M.
- 38. Thomason, Kim
- 39. Thomason, Laura Pearl

40. Thomason, Murtis- (Health)
41. Wright, JoAnn - (Health)

Associate Members
Endorsement Year 2016/2017

1. Brown Deacon James _____
2. Duckett Kim _____
3. Henderson Mattie _____
4. Leake Elder Regina _____
5. Leake Willie _____

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ELECTRONICALLY FILED - 2025 Jul 31 3:10 PM - GREENVILLE - COMMON PLEAS - CASE#2019CP2306363



Greenville Common Pleas

Case Caption: Sylvester Jackson , plaintiff, et al vs. Charles Bennie Smith ,
defendant, et al
Case Number: 2019CP2306363
Type: Order/Other

So Ordered

Patrick C. Fant, III

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
FOR THE 13TH JUDICIAL CIRCUIT
CIVIL ACTION NO: 2017-CP-

Sylvester Jackson, Karen Robinson,)
Michael Robinson, Dorothy)
Williams, John Woodfolk, Ernest)
"Terry" Murray, Donald Cox,)
Timothy McBee, Derrick Cox,)
Reginald Jackson, Willie Foster,)
Cynthia Robinson, Zelma Brown,)
Telek Cobb, Sarah Thomason, and)
Thurshia Jamison-Jackson,)

SUMMONS

Plaintiffs,

vs.

Charles "Bennie" Smith, Robin)
Smith, Larry Dawkins, Mable)
Dawkins, Jimmy Davis, Brenda)
Davis, Dorothy Thomason, L.C.)
Thomason, and James Sims,)

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office, 404 N. Main St., Travelers Rest, SC 29690, within thirty (30) days after the service hereof, exclusive of the day of service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

PHILLIPS LAW FIRM

s/ Jeffrey A. Phillips

Jeffrey A. Phillips, Counsel for Plaintiff
S.C. Bar # 66518
404 N. Main Street
Travelers Rest, SC 29690
(864) 834-7171
attyjeff@bellsouth

COUNSEL FOR THE PLAINTIFF

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
FOR THE 13TH JUDICIAL CIRCUIT
CIVIL ACTION NO: 2017-CP-

Sylvester Jackson, Karen Robinson,)
Michael Robinson, Dorothy)
Williams, John Woodfolk, Ernest)
“Terry” Murray, Donald Cox,)
Timothy McBee, Derrick Cox,)
Reginald Jackson, Willie Foster,)
Cynthia Robinson, Zelma Brown,)
Telek Cobb, Sarah Thomason, and)
Thurshia Jamison-Jackson,)

**COMPLAINT FOR DECLARATORY
JUDGMENT**

Plaintiffs,

vs.

Charles “Bennie” Smith, Robin)
Smith, Larry Dawkins, Mable)
Dawkins, Jimmy Davis, Brenda)
Davis, Dorothy Thomason, L.C.)
Thomason, and James Sims,)

Defendants.

The Plaintiffs, Sylvester Jackson (hereinafter “Jackson”), Karen Robinson, Michael Robinson, Dorothy Williams, John Woodfolk, Ernest “Terry” Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, Willie Foster, Cynthia Robinson, Zelma Brown, Telek Cobb, Sarah Thomason, and Thurshia Jamison-Jackson, complaining of the Defendants herein, would respectfully show unto this Honorable Court as follows:

PARTIES AND JURISDICTION

1. That Plaintiff Sylvester Jackson is a citizen and resident of the City of Pelzer, the County of Anderson, and the State of South Carolina.

2. That Plaintiff Karen Robinson is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
3. That Plaintiff Michael Robinson is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
4. That Plaintiff Dorothy Williams is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
5. That Plaintiff John Woodfolk is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
6. That Plaintiff Terry Murray is a citizen and resident of the City of Lyman, the County of Spartanburg, and the State of South Carolina.
7. That Plaintiff Donald Cox is a citizen and resident of the City of Taylors, the County of Greenville, and the State of South Carolina.
8. That Plaintiff Timothy McBee is a citizen and resident of the City of Woodruff, the County of Spartanburg, and the State of South Carolina.
9. That Plaintiff Derrick Cox is a citizen and resident of the City of Simpsonville, the County of Greenville, and the State of South Carolina.
10. That Plaintiff Reginald Jackson is a citizen and resident of the City of Moore, the County of Spartanburg, and the State of South Carolina.
11. That Plaintiff Willie Foster is a citizen and resident of the City of Greer, the County of Greenville, and the State of South Carolina.
12. That Plaintiff Cynthia Robinson is a citizen and resident of the City of Fountain Inn, the County of Greenville, and the State South Carolina.

13. That Plaintiff Zelma Brown is a citizen and resident of the City of Greer, the County of Greenville, and the State of South Carolina.
14. That Plaintiff Telek Cobb is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
15. That Plaintiff Sarah Thomason is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
16. That Plaintiff Thurshia Jamison-Jackson is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
17. That Defendant Charles "Bennie" Smith is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
18. That Defendant Robin Smith is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
19. That Defendant Larry Dawkins is a citizen and resident of the City of Taylors, the County of Greenville, and the State of South Carolina.
20. That Defendant Mable Dawkins is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.
21. That Defendant Jimmy Davis is a citizen and resident of the City of Greer, the County of Greenville, and the State of South Carolina.
22. That Defendant Brenda Davis is a citizen and resident of the City of Greer, the County of Greenville, and the State of South Carolina.
23. That Defendant Dorothy Thomason is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.

24. That Defendant L.C. Thomason is a citizen and resident of the City of Anderson, the County of Anderson, and the State of South Carolina.
25. That Defendant James Sims is a citizen and resident of the City of Greenville, the County of Greenville, and the State of South Carolina.

GENERAL ALLEGATIONS

26. On August 29, 2015, Plaintiff Sylvester Jackson was lawfully called to the office of Pastor by a vote of 36-7 in a duly called church meeting pursuant to Article VII, Section 3 of the old Constitution and By-Laws of Enoree Fork Baptist Church (hereinafter "EFBC" or "the church"), adopted on January 30, 1996. (See Exhibit A, "Minutes of Church Business, 8/29/15," and Exhibit B, "Constitution and By-Laws, Adopted 1/30/96.") All Plaintiffs are officers or church leaders of EFBC.
27. On January 23, 2016, the new Constitution and By-Laws of EFBC were properly voted on and adopted by the members of the church pursuant to the Constitution and By-Laws in place at that time. (See Exhibit C, "Constitution and By-Laws, Adopted 1/23/16.")
28. The membership rolls of EFBC are reconciled at the end of each calendar year. (See Exhibit C, Article VI, Section 4(g).)
29. As of November 2016, there were sixty-six (66) Active members of EFBC. (See Exhibit D, "Membership Roll 2015/2016.")
30. On November 20, 2016, Defendant Bennie Smith filed a civil suit against Plaintiff Jackson, Plaintiff Terry Murray, Plaintiff Karen Robinson, Plaintiff Cynthia Robinson, and Rodney Duck, in which he alleged that these individuals misappropriated church funds without

authorization and failed to make a proper accounting to the church in breach of their fiduciary duty to protect church assets. (*See* Case No. 2016-CP-23-06929.)

31. On December 8, 2016, Plaintiff Jackson received a letter from Fletcher Smith, attorney for Defendant Bennie Smith, advising him that he had been suspended as Pastor of EFBC indefinitely with pay until the conclusion of the civil suit filed against him. (*See* Exhibit E, "Letter from Fletcher Smith, 12/08/16.") Attached to this letter were two "petitions" that *purport* to have been signed by various members of EFBC -- one requesting the suspension of Plaintiff Jackson as Pastor and one giving authorization to the Treasurer of EFBC to initiate a lawsuit on behalf of the church and to hire Fletcher Smith as counsel in that matter. (*See* Exhibit F, "Two Petitions, 12/08/16.")
32. These "petitions" are ineffective and fraudulent for the following reasons:
 - a. They contain the signature of one minor child -- Camden Smith, age 7 at the time of purported signing.
 - b. Several signatures appear to have been signed by the same hand.
 - c. Some signatures were fraudulently signed, including that of member Janelle Hawthorne, who sent a letter to Fletcher Smith on January 8, 2017, advising him that she did not sign these petitions or authorize anyone to sign them on her behalf. (*See* Exhibit G, "Letter from Janelle Hawthorne, 1/08/17.")
 - d. Moreover, more than one-third (1/3) of the signatures (thirteen (13) of thirty-five (35)) that appear on these petitions belong to individuals who were not Active members at the time of purported signing. (*Compare* Exhibit F, *with* Exhibit D.)
 - e. On the day these petitions were purportedly signed, most of the Active members had traveled to Georgia for a church-related trip.

f. There is no provision in the EFBC Constitution or By-Laws wherein a congregation can suspend a pastor "by petition."

33. The actions taken in ¶ 31 were in violation of the Constitution and By-Laws of EFBC

(discussed in more detail *infra* ¶¶ 47-51).

34. On April 3, 2017, Plaintiff Sylvester Jackson received a letter advising him that his tenure as Pastor had been terminated immediately, per the decision of a committee purporting to be the "Board of Deacons," which was comprised of the following members of EFBC: Bennie Smith (Inactive member), Larry Dawkins (Active member), L.C. Thomason (Inactive member), James Sims (Active member/Deacon), and Roddney Duck (Inactive member). (See Exhibit H, "Letter to Sylvester Jackson, 4/03/17.")

35. The action taken in ¶ 34 was in violation of the Constitution and By-Laws of EFBC

(discussed in more detail *infra* ¶¶ 47-51).

36. Also on April 3, 2017, a Trespass Notice was issued to Plaintiff Jackson, prohibiting him

from trespassing on any and all church property located at 100 Enoree Road, Greer, SC 29652. This Trespass Notice was signed by Bennie Smith (Inactive member), Larry Dawkins (Active member), Jimmy Davis (Inactive member), L.C. Thomason (Inactive member), and James Sims (Active member/Deacon). (See Exhibit I, "Trespass Notice, 4/03/17.")

37. With the exception of James Sims (Deacon), none of those signing the Trespass Notice held officer positions in the church. No one Deacon has the authority to place someone on Trespass Notice, no Active member has this authority, and certainly, no Inactive member has this authority.

38. Also on April 3, 2017, some or all of the defendants named above changed the locks on the doors of the church building, thus prohibiting the plaintiffs – officers of the church and other church leaders – from accessing the building.
39. Pursuant to the Constitution and By-Laws of EFBC, the Trustees have care, custody, and oversight of the property of the church. (See Exhibit C, Article VIII, Section 17.)
40. On April 10, 2017, Plaintiff Jackson received a letter advising him that the congregation had voted unanimously to approve and confirm the decision of a committee purporting to be the “Board of Deacons” to terminate him as Pastor, effective April 3, 2017, in a “Special Meeting of the Church Body” held on April 9, 2017. (See Exhibit J, “Letter to Sylvester Jackson, 4/10/17.”)
41. The action taken in ¶ 40 was in violation of the Constitution and By-Laws of EFBC (discussed in more detail *infra* ¶¶ 47-51).
42. On April 16, 2017, the following individuals were verbally informed that they were being terminated from their officer positions and that others would be replacing them: Terry Murray (Trustee), Donald Cox (Trustee), Timothy McBee (Trustee/Treasurer), Derrick Cox (Trustee), Reginald Jackson (Trustee), Willie Foster (Trustee), John Woodfolk (Deacon), Michael Robinson (Sunday School Superintendent), Karen Robinson (Associate Minister), Dorothy Williams (Associate Minister), Cynthia Robinson (Membership Secretary/Clerk), and Zelma Brown (Stewardship/Finance Secretary).
43. The action taken in ¶ 42 was in violation of the Constitution and By-Laws of EFBC (discussed in more detail *infra* ¶¶ 52-53).

44. On April 20, 2017, the Greenville County Sheriff's Department was summoned to the church building at 100 Enoree Road and instructed all attendees not to return to the premises until the civil matter referenced above had been resolved.

45. As of April 2017, there were fifty-six (56) Active members of EFBC. (See Exhibit K, "Membership Roll 2016/2017.")

46. On April 23, 2017, thirty-six (36) Active members signed a petition affirming that (1) they were not given proper notice of the meeting or actions taken on April 9, 2017; (2) Plaintiff Jackson was the duly called and elected Pastor of the church; and (3) they were, in fact, Active members of the church. (See Exhibit L, "Petition of Active Members, 4/23/17.")

47. According to the Constitution and By-Laws of EFBC, in order for a Pastor's employment to be terminated, a Special Church Family Conference (hereinafter "Conference") must be called for that purpose either by:

- a. The Pastor, the Chairman of the Board of Deacons, and the Chairman of the Board of Trustees, provided that all three (3) are informed of the subject matter to be presented at the Conference (See Exhibit C, Article IX, Section 6); or
- b. A written petition of twenty-five (25) percent of Active members. If a Special Church Family Conference is called by written petition of Active members, a quorum of forty (40) percent of the church's total roster of Active members is required to participate in the Conference in order for a vote to be valid. (See Exhibit C, Article IX, Section 7.)

48. Moreover, according to the Constitution and By-Laws of EFBC:

- a. Proper notice of the Conference must be given to the congregation via announcement at the Sunday worship services for the two (2) Sundays preceding the Conference,

which must include the subject matter of the Conference (*See* Exhibit C, Article IX, Section 6);

- b. A quorum of not less than thirty (30) percent of the church's total roster of Active members must be in attendance at the Conference in order for a vote to be valid (*See* Exhibit C, Article VII, Section 4);
- c. Two-thirds (2/3) of that quorum must vote to terminate the Pastor (*See* Exhibit C, Article VII, Section 4); and
- d. Only Active members have the right to vote in meetings of the church (*See* Exhibit C, Article VI, Section 5(a) and (b)).

49. The decision of the "Board of Deacons" to terminate Plaintiff Jackson on April 3, 2017, violated the Constitution and By-Laws of EFBC in that:

- a. Neither the Constitution nor the By-Laws provides for the Board of Deacons to terminate the Pastor; and
- b. There was no vote of the Active membership.

50. The "Special Meeting of the Church Body" allegedly held on April 9, 2017, violated the Constitution and By-Laws of EFBC in the following ways:

- a. First, the meeting was for the express purpose of "confirming the vote of the Board of Deacons" to terminate Plaintiff Jackson as Pastor. Since there is no provision in the Constitution or By-Laws for the Board of Deacons to remove a Pastor, it follows that any congregational vote to confirm, *ex post facto*, an invalid action by the Board of Deacons does not make it valid.
- b. Second, this meeting was not called by the Pastor, the Chairman of the Board of Deacons, and the Chairman of the Trustee Board.

- c. Third, the Pastor, the Chairman of the Board of Deacons, and the Chairman of the Trustee Board were not all informed of the subject matter to be presented at the meeting.
- d. Fourth, this meeting was not called by a written petition of twenty-five (25) percent of the Active members of the church.
- e. Fifth, proper two-weeks' notice was not given to the congregation that this meeting would be held, as evidenced by the petition signed by a majority of the Active members affirming that said notice was not given, and by the fact that this meeting was held only six (6) days after the "Board of Deacons" made its final decision to terminate Plaintiff Jackson.
- f. Sixth, the quorum of Active members necessary for a vote was not present at the meeting. Thus, even a unanimous vote of the Active members would have been insufficient to approve and confirm the decision of the "Board."

51. Furthermore, the petition to suspend Plaintiff Jackson on December 8, 2016, does not constitute a valid "vote" of the Active membership to terminate him as Pastor for any *one* of the following reasons:

- a. First, this petition called for the temporary suspension of Plaintiff Jackson as Pastor until the civil suit referenced *supra* ¶ 30 was resolved – not for his termination.
- b. Second, this petition was not signed at a Special Church Family Conference called by the appropriate church officers or by written petition of the Active membership for the purpose of discussing and voting on Plaintiff Jackson's termination.
- c. Third, proper two-weeks' notice was not given to the congregation that this petition would be presented for signing.

- d. Fourth, the quorum of Active members necessary for a vote was not present when the petition was signed, as evidenced by the fact that most of the Active members were in Georgia on December 8, 2016.
 - e. Fifth, even if a quorum of Active members was present, it is impossible that two-thirds (2/3) of the quorum actually signed the petition, as evidenced by the fact that (1) more than one-third (1/3) of the signatures on the petition belong to individuals who were not Active members at the time of purported signing; (2) one signature belongs to a minor child; (3) at least one signature (that of Janelle Hawthorne) was proven to have been forged; and (4) several other signatures appear to have been signed by the same hand and thus, were likely forged.
52. Deacons, Trustees, and Assistant Officers may only be terminated prior to the expiration of their terms of office by a vote of the church taken at a Special Church Family Conference called for such purpose. (*See Exhibit C, Article VIII, Sections 14, 19, and 44.*)
53. The verbal termination of the individuals listed *supra* ¶ 42 from their officer positions violated the Constitution and By-Laws of EFBC because no Special Church Family Conference was called for the purpose of voting on the termination of these officers, nor did the congregation ever vote on their termination.
54. During this ongoing conflict within the church, the congregation split into two factions. More than three-fourths (3/4) of the Active members continued to worship under Plaintiff Jackson at the Enoree River Associate Complex, located at 421 Dallas Road, Greenville, SC 29607, and less than one-fourth (1/4) of the Active members began to worship under Defendant Larry Dawkins at the church building, located at 100 Enoree Road.

55. Plaintiff Jackson sought for the State Convention to address these issues via letter dated June 15, 2017 (*See* Exhibit M, "Letter to Dr. James Blassingame, 6/15/17"); however, the attorney for the Convention informed him that the State Convention would not resolve the dispute between the members because the churches of the Convention are autonomous and not subject to the authority of the State Convention.
56. Because there is no ecclesiastical remedy for the issues described herein, and because none of these issues is ecclesiastical in nature, this matter is both appropriately and exclusively justiciable in the civil courts. Without this action, the litigants would have no method by which to address or resolve this controversy. (*See, e.g., Bowen v. Green*, 275 S.C. 431, 272 S.E.2d 433 (S.C. 1980); *McCain v. Brightharp*, 399 S.C. 240, 730 S.E.2d 916 (S.C. App. 2012).)

FOR A FIRST CAUSE OF ACTION

Declaratory Judgment Adjudicating the Appropriateness of the Constitution and By-Laws of EFBC to Govern the Function and Operation of the Church

57. Paragraphs 1-56 are hereby incorporated as if restated in full verbatim.
58. An actual, present and justiciable controversy has implicitly arisen between the plaintiffs and the defendants concerning the appropriateness of the Constitution and By-Laws adopted by the congregation of EFBC on January 23, 2016, to govern the function and operation of the church.
59. The plaintiffs seek declaratory judgment from this Court that the Constitution and By-Laws of EFBC are appropriate to govern the function and operation of the church.

FOR A SECOND CAUSE OF ACTION

Declaratory Judgment Adjudicating the Identity of the Lawful Pastor of EFBC

60. Paragraphs 1-59 are hereby incorporated as if restated in full verbatim.

61. Plaintiff Jackson was lawfully hired as Pastor of EFBC.
62. Plaintiff Jackson was unlawfully terminated as Pastor of EFBC.
63. An actual, present and justiciable controversy has arisen between the plaintiffs and the defendants concerning the identity of the lawful Pastor of EFBC.
64. The plaintiffs seek declaratory judgment from this Court that Plaintiff Jackson is the lawful Pastor of EFBC.

FOR A THIRD CAUSE OF ACTION

Declaratory Judgment Adjudicating the Identity of the Lawful Active Members of EFBC

65. Paragraphs 1-64 are hereby incorporated as if restated in full verbatim.
66. An actual, present and justiciable controversy has implicitly arisen between the plaintiffs and the defendants concerning the identity of the lawful Active members of EFBC.
67. The plaintiffs seek declaratory judgment from this Court that the lawful Active members of EFBC during the year 2016 were as follows: Sylvester Jackson, Ruby Benson, Larry Dawkins, Karen Robinson, A.P. Benson, Roddney Duck, James Sims, John Woodfolk, Zelma Brown, Derrick Cox, Donald Cox, Jimmy Davis, Willie Foster, Reginald Jackson, Timothy McBee, Ernest "Terry" Murray, Cynthia Robinson, James Simmons, Travis Sims, Charles "Bennie" Smith, L.C. Thomason, Betty Black, Carolyn Booker, Jerry Brown, Akeba Cox, Brenda Davis, Alma Dawkins, Mable Dawkins, Lois Dawkins, Carolyn Duck, Birdie Gist, Jackie Glymph, Virginia Golden, Sarah Griffin, Margaret Harmon, Annie Latta-Harvey, Anita Jackson, Lane Jackson, Thurshia Jamison-Jackson, Deborah Johnson, Quientella Jones, Margie Ladson, Marilyn Linder, Fannie McClintock, Karen McDonald, Rosie Miller, Christopher Morris, Mary Pickett, Yvonne Rice, Clarissa Robinson, Georgia Mae Robinson, Charlene Sims, Jurline Sims, Robin Smith, Jackie Smith, Toy Smith, Janette Thomas, Janie

Mae Thomas, Curtis Thomason, Dorothy Thomason, Sarah Thomason, Corrine Todd, Sarah Valentine, Margaret Woodfolk, Geraldine Wofford, and JoAnne Wright.

68. The plaintiffs seek declaratory judgment from this Court that the lawful Active members of EFBC during the present year 2017 are as follows: Sylvester Jackson, Exotica Adams, Mekosha Austin, A.P. Benson, Ruby Benson, Betty Black, Jerry Brown, Zelma Brown, Telek Cobb, Akeba Cox, Derrick Cox, Donald Cox, Betty Cox, Alma Dawkins, Betty Dawkins, Mable Dawkins, Larry Dawkins, Willie Foster, Birdie Gist, Jackie Glymph, Virginia Golden, Xzavier Goode, Donald Grady, Margaret Harmon, Janelle Hawthorne, Trudy Houston, Anita Yvette Jackson, Daijahnique Jackson, Mangalene "Lane" Jackson, Reginald Jackson, Thurshia Jamison-Jackson, Quientella Jones, Marilyn Linder, Timothy McBee, Fannie McClintock, Karen McDonald, Rosie Miller, Christopher Morris, Ernest "Terry" Murray, Roosevelt Nelson, Cynthia Robinson, Georgia Mae Robinson, Michael Robinson, Karen Robinson, James Sims, Jacqueline Smith, Toy Smith, Janie M. Thomas, Curtis Thomason, Sarah Thomason, Corrine Todd, Sarah Valentine, Dorothy Williams, Geraldine Wofford, John Woodfolk, and Margaret Woodfolk.

FOR A FOURTH CAUSE OF ACTION

Declaratory Judgment Adjudicating the Identity of the Lawful Deacons, Treasurer, Sunday School Superintendent, Associate Ministers, Membership Secretary/Clerk, and Stewardship/Finance Secretary of EFBC

69. Paragraphs 1-68 are hereby incorporated as if restated in full verbatim.
70. John Woodfolk (Deacon), Timothy McBee (Treasurer), Michael Robinson (Sunday School Superintendent), Karen Robinson (Associate Minister), Dorothy Williams (Associate Minister), Cynthia Robinson (Membership Secretary/Clerk), and Zelma Brown (Stewardship/Finance Secretary) were unlawfully terminated from their positions as officers of EFBC.

71. An actual, present and justiciable controversy has arisen between the plaintiffs and the defendants concerning the identity of the lawful Deacons, Treasurer, Sunday School Superintendent, Associate Ministers, Membership Secretary/Clerk, and Stewardship/Finance Secretary of EFBC.

72. The plaintiffs seek declaratory judgment from this Court that:

- a. The lawful Deacons of EFBC are John Woodfolk, A.P. Benson, and James Sims;
- b. The lawful Treasurer of EFBC is Timothy McBee;
- c. The lawful Sunday School Superintendent of EFBC is Michael Robinson;
- d. The lawful Associate Ministers of EFBC are Karen Robinson, Ruby Benson, and Dorothy Williams;
- e. The lawful Membership Secretary/Clerk of EFBC is Cynthia Robinson; and
- f. The lawful Stewardship/Finance Secretary of EFBC is Zelma Brown.

FOR A FIFTH CAUSE OF ACTION

Declaratory Judgment Adjudicating the Identity of the Lawful Trustees of EFBC

73. Paragraphs 1-72 are hereby incorporated as if restated in full verbatim.

74. Terry Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, and Willie Foster were unlawfully terminated from their positions as Trustees of EFBC.

75. An actual, present and justiciable controversy has arisen between the plaintiffs and the defendants concerning the identity of the lawful Trustees of EFBC.

76. The plaintiffs seek declaratory judgment from this Court that the lawful Trustees of EFBC are Ernest "Terry" Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, Willie Foster, and Roosevelt Nelson, and thus, that the defendants may not prohibit them or any of the other plaintiffs from accessing the church building.

WHEREFORE, Plaintiffs respectfully pray that the Court hereby declare the following:

- (1) That the Constitution and By-Laws adopted by the congregation of EFBC on January 23, 2016, are appropriate to govern the function and operation of the church;
- (2) That Plaintiff Sylvester Jackson is the lawful Pastor of EFBC;
- (3) The identity of the Active members of EFBC in calendar years 2016 and 2017;
- (4) The identity of the lawful Deacons, Treasurer, Sunday School Superintendent, Associate Ministers, Membership Secretary/Clerk, and Stewardship/Finance Secretary of EFBC;
- (5) The identity of the lawful Trustees of EFBC; and
- (6) Award attorneys fees and the costs of this action; and
- (7) Enter such other further relief to which Plaintiffs may be entitled as a matter of law or equity, or which the Court determines to be just and proper.

s/Jeffrey A. Phillips

Jeffrey A. Phillips
Attorney for Plaintiffs
S.C. Bar # 66518
404 N. Main Street
Travelers Rest, SC 29690
(864) 834-7171
attyjeff@bellsouth.net

Greenville, South Carolina
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