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Aug 14 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

IN THE CIRCUIT COURT

The Honorable Patrick C. Fant III

Court of Appeals Case No.:

Circuit Court Case No.: 2019CP2306363

Consolidated with Civil Action No.: 2017-CP-23-06127

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,

Respondents,

v.

CHARLES "BENNIE" SMITH, ROBIN SMITH, LARRY DAWKINS, MABLE DAWKINS, JIMMY DAVIS, BRENDA DAVIS, DOROTHY THOMASON, L.C. THOMASON, and JAMES SIMS,

Appellants.

NOTICE OF APPEARANCE AND LIMITED REPRESENTATION FOR NON-PARTY CHURCH ENTITY

TO THE HONORABLE SOUTH CAROLINA COURT OF APPEALS AND TO ALL COUNSEL OF RECORD:

COMES NOW, Enoree Fork Baptist Church, a religious nonprofit corporation organized and existing under the laws of the State of South Carolina ("the Church"), by and through

undersigned counsel, and respectfully enters this **LIMITED APPEARANCE** before this Honorable Court for the express and limited purposes set forth herein.

NATURE AND SCOPE OF LIMITED APPEARANCE

This appearance is made pursuant to Rules 12(b)(1) and 12(b)(5) of the South Carolina Rules of Civil Procedure and the inherent supervisory jurisdiction of this Court. **This is expressly a LIMITED APPEARANCE and does not constitute:**

1. A general appearance or submission to the jurisdiction of any court over the Church as an entity;
2. A waiver of any constitutional, statutory, or procedural rights;
3. Consent to any orders, judgments, or proceedings purporting to bind the Church;
4. Waiver of any objection to subject matter jurisdiction, personal jurisdiction, venue, or service of process;
5. Submission to any form of judicial supervision or control over the Church's internal governance.

CONSTITUTIONAL AND STATUTORY RIGHTS PRESERVED

The Church expressly preserves and asserts all rights guaranteed by:

- **First Amendment** to the United States Constitution (Establishment and Free Exercise Clauses)
- **Fourteenth Amendment** to the United States Constitution (Due Process and Equal Protection)
- **Article I, Section 2** of the South Carolina Constitution (religious freedom provisions)
- **South Carolina Religious Freedom Act**, S.C. Code Ann. § 1-32-10 et seq.
- All applicable federal and state constitutional and statutory protections of religious autonomy

GROUND FORS FOR LIMITED APPEARANCE

The Church appears for the limited purpose of addressing the following critical jurisdictional and constitutional issues:

I. JURISDICTIONAL CHALLENGES

A. Lack of Subject Matter Jurisdiction

- The Church was never named as a party in any of the underlying consolidated actions
- The Church was never properly served with process in any proceeding
- No court has acquired jurisdiction over the Church as a corporate or ecclesiastical entity
- The circuit court lacked authority to enter orders binding or directing the Church

B. Improper Attempts to Bind Non-Party Entity

- The July 31, 2025 circuit court Order purports to bind the Church despite its non-party status
- Courts cannot bind entities that are not properly before them through due process
- Individual defendants cannot serve as surrogates for the Church entity
- The Church's corporate and ecclesiastical integrity has been violated

II. CONSTITUTIONAL VIOLATIONS

A. First Amendment Establishment Clause

- The circuit court's Order creates excessive entanglement between government and religion
- Judicial supervision of church meetings and governance violates separation principles
- Court-mandated ecclesiastical procedures exceed constitutional limits

B. First Amendment Free Exercise Clause

- The Order interferes with the Church's constitutionally protected religious autonomy
- Mandated church meetings and governance procedures violate free exercise rights
- The Church's right to internal self-governance has been unconstitutionally infringed

C. Procedural Due Process Violations

- The Church was denied notice and opportunity to be heard before orders affecting its governance
- Due process requires proper joinder and service before binding any entity
- The Church's fundamental procedural rights have been violated

III. RELIGIOUS AUTONOMY DOCTRINE

A. Ecclesiastical Abstention

- Civil courts lack authority to resolve internal church governance disputes
- The "neutral principles" doctrine does not authorize judicial management of church affairs
- Religious organizations have constitutionally protected autonomy over internal matters

B. Church-State Separation

- Ongoing judicial supervision violates fundamental separation principles
- Courts cannot serve as ecclesiastical authorities or supervisors
- The Church's independence from governmental control must be preserved

SPECIFIC RELIEF SOUGHT

WHEREFORE, the Church respectfully requests that this Honorable Court:

1. JURISDICTIONAL RELIEF

- **DECLARE** that no court has acquired jurisdiction over Enoree Fork Baptist Church as an entity
- **VACATE** all orders of the circuit court purporting to bind, direct, or supervise the Church
- **DISMISS** any claims, remedies, or relief asserted against the Church for lack of jurisdiction
- **ORDER** that the Church's non-party status be recognized and respected

2. CONSTITUTIONAL RELIEF

- **ENJOIN** enforcement of any orders violating the Church's First Amendment rights
- **PROHIBIT** any future judicial supervision or control over the Church's internal governance
- **PROTECT** the Church's religious autonomy and ecclesiastical independence
- **PREVENT** further constitutional violations through improper judicial entanglement

3. PROCEDURAL RELIEF

- **CLARIFY** that the Church cannot be bound by orders entered without proper jurisdiction
- **ESTABLISH** that individual defendants cannot serve as surrogates for the Church entity
- **CONFIRM** that due process protections apply to religious organizations

- **ENSURE** that proper procedural safeguards are followed in any future proceedings

4. PROTECTIVE RELIEF

- **STAY** all enforcement of orders affecting the Church pending resolution of jurisdictional issues
- **PROHIBIT** any receiver, restraining order, or judicial control over Church property or governance
- **PREVENT** any interference with the Church's constitutionally protected religious activities
- **SAFEGUARD** the Church's rights pending final resolution of these matters

5. GENERAL RELIEF

- **GRANT** such other and further relief as this Court deems just and proper to protect the Church's constitutional and legal rights
- **PROVIDE** appropriate remedies to address the constitutional and jurisdictional violations
- **ENSURE** that the Church's rights are fully protected and preserved

SUPPORTING AUTHORITY

This Limited Appearance is supported by established South Carolina and federal precedent, including:

- *Knotts v. Williams*, 319 S.C. 473 (1995) (courts cannot direct church procedures without proper party status)
- *Ira Banks v. St. Matthew Baptist Church*, 406 S.C. 156 (2013) (religious autonomy doctrine)
- *Presbyterian Church v. Hull Church*, 393 U.S. 440 (1969) (constitutional limits on judicial authority)
- *Hosanna-Tabor Evangelical Lutheran Church v. EEOC*, 565 U.S. 171 (2012) (ministerial exception and church autonomy)
- *Watson v. Jones*, 80 U.S. 679 (1872) (ecclesiastical abstention doctrine)

**Respectfully submitted,
s/ Fletcher N. Smith, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Appearance and Limited Representation has been served upon all parties and their counsel of record by electronic filing and service via the South Carolina Electronic Filing System:

Counsel for Appellants/Respondents:
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Clerk of the Circuit Court:
Greenville County Courthouse
301 University Ridge
Greenville, SC 29601

This 13th day of August , 2025.

Respectfully submitted,

s/ **Fletcher N. Smith, Jr.**
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VERIFICATION

I, Fletcher N. Smith, Jr., attorney for Enoree Fork Baptist Church, hereby verify under oath that I am authorized to file this Notice of Appearance on behalf of the Church, and that the facts and legal positions stated herein are asserted in good faith and based upon reasonable belief that they are well-founded in law and fact.

s/ **Fletcher N. Smith, Jr.**
FLETCHER N. SMITH, JR., ESQ.

Sworn to and subscribed before me this _____ day of _____, 2025.

Notary Public for South Carolina
My commission expires: _____