

IN THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

SC Court of Appeals

IN THE CIRCUIT COURT

The Honorable Patrick C. Fant III

Court of Appeals Case No.:

Circuit Court Case No.: 2019-CP-23-06363

Consolidated Case Nos.: 2017-CP-23-05851; 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.

AFFIDAVIT OF CHURCH OFFICER IN SUPPORT OF NON-PARTY CHURCH ENTITY'S STANDING AND AUTHORITY TO APPEAR

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE

BEFORE ME, the undersigned Notary Public, personally appeared Clarrissa Robinson, who being first duly sworn, deposes and says:

I. AFFIANT'S IDENTITY AND QUALIFICATIONS

1. My name is Clarissa Robinson, and I am over the age of eighteen (18) years and competent to testify to the matters contained herein.
2. I am a duly elected and authorized officer of **Enoree Fork Baptist Church** ("EFBC" or "the Church"), a religious nonprofit corporation organized and existing under the laws of the State of South Carolina.
3. My current position with the Church is Treasurer, and I have served in this capacity since 2019.
4. I have been a member of Enoree Fork Baptist Church for approximately 60 years and have personal knowledge of the Church's governance, organization, and corporate structure.
5. I am authorized by the Church's governing body to speak on behalf of the Church regarding its corporate affairs, legal status, and constitutional rights.

II. CHURCH'S CORPORATE AND LEGAL STATUS

6. Enoree Fork Baptist Church is a **religious nonprofit corporation** duly incorporated under South Carolina law.
7. The Church has maintained continuous corporate existence since its incorporation and is in good standing under South Carolina law.
8. The Church maintains its principal place of worship and business at 100 Enoree Road, Greer, Greenville County, South Carolina.
9. As a religious nonprofit corporation, the Church has legal capacity to sue and be sued, hold property, enter contracts, and engage in other corporate activities in accordance with South Carolina law. And the Church has sued Jackson and other entities in one of the consolidated cases.
10. The Church operates under its **Articles of Incorporation, Corporate Bylaws, and Church Constitution**, which govern its internal affairs, membership, leadership structure, and religious governance.

III. CHURCH'S NON-PARTY STATUS IN LITIGATION

11. I have personal knowledge that **Enoree Fork Baptist Church as a corporate entity was never named as a party by Jackson in the 2017-CP-23-05851 case** of the consolidated lawsuits currently on appeal (Case Nos. 2017-CP-23-05851, 2017-CP-23-06127, and 2019-CP-23-06363).
12. **No service of process was ever attempted** upon Enoree Fork Baptist Church as a corporate entity in any of these proceedings only members were sued by Jackson in a declaratory Judgment Action.
13. **The Church never appeared** before any court in these matters involved in the Declaratory Judgment Action and never submitted to the jurisdiction of any court regarding this dispute.
14. **The Church never retained counsel** to represent it in the Declaratory Judgment proceeding until the current limited appearance to protect its constitutional and legal rights.
15. **No individual parties** in any of these lawsuits were authorized by the Church's governing body to represent the Church as a corporate entity or to bind the Church to any legal proceedings.

IV. CHURCH GOVERNANCE AND AUTHORITY

16. The Church's governance structure is established by its constitutional documents and includes:
 - o **Pastoral leadership** as provided in the Church's governing documents
 - o **Board of Deacons** responsible for spiritual and temporal affairs
 - o **Church membership** with voting rights on specified matters
 - o **Trustees** responsible for property and financial matters
 - o **Other officers** as provided in the Church's bylaws
17. **Church business and governance decisions** are made according to the Church's constitutional documents and Baptist polity, which emphasize congregational autonomy and democratic decision-making by the membership.
18. **No court has authority** to dictate the Church's internal governance, membership determinations, leadership selection, or ecclesiastical procedures under the First Amendment to the United States Constitution and South Carolina law.
19. The Church's **religious autonomy and self-governance** are fundamental to its identity as a Baptist congregation and are protected by constitutional principles of religious freedom.

V. HARM FROM CIRCUIT COURT ORDERS

20. I have reviewed the **July 31, 2025 Order** entered by the Circuit Court for Greenville County, which purports to bind and direct the Church despite its non-party status.
21. This Order **violates the Church's constitutional rights** by:
- Directing the Church to conduct court-supervised meetings
 - Dictating membership and leadership determinations
 - Imposing judicial oversight on internal church governance
 - Interfering with the Church's religious autonomy and self-determination
22. **Enforcement of these orders would cause irreparable harm** to the Church, including:
- Violation of the Church's First Amendment rights to religious freedom
 - Disruption of constitutionally protected church governance
 - Division within the church community
 - Precedent for future governmental interference in religious affairs
 - Loss of ecclesiastical independence and spiritual authority
23. The Church **has never consented** to judicial supervision of its internal affairs and expressly objects to any such interference with its religious autonomy.

VI. CHURCH'S AUTHORITY TO SEEK RELIEF

24. As a **religious nonprofit corporation**, the Church has legal standing to protect its constitutional and statutory rights, including its rights under the First and Fourteenth Amendments to the United States Constitution.
25. The Church has **inherent authority** to defend itself against unconstitutional governmental interference in its internal affairs, regardless of whether it was named as a party in the underlying litigation.
26. **South Carolina law recognizes** the right of entities to challenge orders that purport to bind them without proper jurisdiction or due process.
27. The Church's appearance in this matter is **limited to protecting its constitutional and legal rights** and does not constitute submission to any court's general jurisdiction.

VII. AUTHORIZATION FOR LEGAL REPRESENTATION

28. I am authorized by the Church's governing body to **retain counsel** to represent the Church's interests in challenging the circuit court's orders and protecting the Church's constitutional rights. And Fletcher Smith, Jr. Esquire represents Enoree Fork Baptist in the other actions where Enoree Fork Baptist Church has had its property and money misappropriated.
29. The Church has **specifically authorized** its counsel to file appropriate motions, appeals, and other pleadings necessary to protect the Church from unconstitutional judicial interference.
30. This authorization is **limited to defensive measures** protecting the Church's rights as a non-party entity and does not constitute general submission to any court's jurisdiction.

VIII. FACTUAL BASIS FOR CHURCH'S CLAIMS

31. **The Church was harmed** by orders entered without its participation, notice, or consent, in violation of fundamental due process rights.
32. **The Church's religious freedom** is being violated by judicial attempts to control its internal governance and ecclesiastical affairs.
33. **The Church's corporate integrity** is threatened by orders that purport to bind it without proper jurisdiction or authority.
34. **Immediate relief is necessary** to prevent ongoing constitutional violations and protect the Church's fundamental rights.

IX. CONCLUSION AND VERIFICATION

35. Based on my personal knowledge and official capacity, I believe that **Enoree Fork Baptist Church has standing** to challenge the circuit court's orders and seek protection of its constitutional and legal rights.
36. The facts stated in this affidavit are **true and correct** to the best of my knowledge, information, and belief.
37. I make this affidavit **voluntarily and without coercion**, for the purpose of supporting the Church's limited appearance and motions for relief in this matter.

FURTHER AFFIANT SAYETH NAUGHT.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Affidavit 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 All Parties:

Rustin Bryce Duncan, Esquire
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1320 West Poinsett Street
Greer, South Carolina, 29650
rduncan@kinglawoffices.com

Clerk of the Circuit Court:

Greenville County Courthouse
301 University Ridge
Greenville, SC 29601

This 13th day of August, 2025.

s/ Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.
South Carolina Bar No. [Number]
Attorney for Enoree Fork Baptist Church

Clarissa Robinson
CLARISSA ROBINSON

Treasurer, Enoree Fork Baptist Church

Sworn to and subscribed before me this 13 day of August, 2025.

s/ *Roxetta Maddy*
Notary Public for South Carolina

My commission expires: 11.26.2034