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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**Appeal From Greenville County
In The Court Of Common Pleas**

Patrick C. Fant III Circuit Court Judge

Docket No.: 202110318 CASE ID. NUMBER 3049442

Appellate Case No. 2025-001623

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.

AND

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.

**MOTION FOR NOTICE OF APPEARANCE AND LIMITED REPRESENTATION FOR
NON-PARTY CHURCH ENTITY PURSUANT TO RULE 240 OF THE SOUTH
CAROLINA RULES OF APPELLATE PROCEDURE**

TO THE HONORABLE SOUTH CAROLINA COURT OF APPEALS:

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 and moves pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure for the relief set forth herein.

NATURE AND SCOPE OF LIMITED APPEARANCE

This appearance is made pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure and Rules 12(b)(1) and 12(b)(5) of the South Carolina Rules of Civil Procedure, as well as 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

NATURE OF MOTION AND GROUNDS FOR RULE 240 RELIEF

This Motion combines a Notice of Limited Appearance with a request for extraordinary relief pursuant to Rule 240, SCACR. The Church seeks both recognition of its limited appearance status and relief from orders of the circuit court that were entered without jurisdiction and in violation of fundamental constitutional protections. Rule 240 provides this Court with the authority to grant such extraordinary relief when circumstances warrant.

GROUNDS FOR RELIEF UNDER RULE 240

I. LACK OF JURISDICTION OVER NON-PARTY ENTITY

The circuit court fundamentally lacked subject matter jurisdiction to enter orders binding or directing the Church because:

1. **No Party Status:** The Church was never named as a party in any of the underlying consolidated actions;
2. **No Proper Service:** The Church was never properly served with process in any proceeding;
3. **No Acquisition of Jurisdiction:** No court has properly acquired jurisdiction over the Church as a corporate or ecclesiastical entity;
4. **Void Orders:** The circuit court's July 31, 2025 Order and subsequent orders purporting to bind the Church are void ab initio for lack of jurisdiction.

II. CONSTITUTIONAL VIOLATIONS REQUIRING EXTRAORDINARY RELIEF

A. First Amendment Establishment Clause Violations

The circuit court's orders create constitutionally impermissible entanglement between government and religion by:

- Mandating judicial supervision of church meetings and governance procedures;
- Requiring court-approved ecclesiastical procedures that exceed constitutional limits;
- Creating ongoing governmental entanglement in religious affairs.

B. First Amendment Free Exercise Violations

The orders unconstitutionally interfere with the Church's religious autonomy by:

- Mandating specific church meetings and governance procedures;
- Violating the Church's constitutionally protected right to internal self-governance;
- Infringing upon fundamental free exercise rights without compelling justification.

C. Procedural Due Process Violations

The Church was denied fundamental procedural due process rights by:

- Being denied notice and opportunity to be heard before orders affecting its governance were entered;
- Being bound by orders without proper joinder and service of process;
- Being subjected to judicial control without constitutional protections.

III. RELIGIOUS AUTONOMY DOCTRINE VIOLATIONS

A. Ecclesiastical Abstention

The circuit court exceeded its constitutional authority by:

- Attempting to resolve internal church governance matters beyond judicial competence;
- Exceeding the limits of the "neutral principles" doctrine;
- Violating the ecclesiastical abstention doctrine established in federal and state precedent.

B. Church-State Separation

The ongoing judicial supervision violates fundamental separation principles by:

- Creating improper governmental control over religious organization;
- Establishing courts as ecclesiastical supervisors;
- Undermining the Church's independence from governmental control.

EXTRAORDINARY CIRCUMSTANCES JUSTIFYING RULE 240 RELIEF

Rule 240 relief is warranted due to the following extraordinary circumstances:

1. **Jurisdictional Void:** Orders affecting the Church are void ab initio due to lack of jurisdiction;
2. **Constitutional Emergency:** Ongoing violation of First Amendment rights requires immediate intervention;

3. **Irreparable Harm:** Continued enforcement causes ongoing constitutional injury that cannot be remedied through ordinary processes;
4. **Fundamental Rights:** Protection of religious autonomy and due process rights requires extraordinary relief;
5. **Judicial Efficiency:** Resolution of these threshold jurisdictional and constitutional issues serves judicial economy.

RELIEF REQUESTED

WHEREFORE, the Church respectfully requests that this Honorable Court grant this Motion under Rule 240, SCACR, and:

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** recognition and respect for the Church's non-party status.

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** proper procedural safeguards in any future proceedings.

4. EMERGENCY RELIEF

- **STAY** all enforcement of orders affecting the Church pending resolution of this Motion;
- **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.

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.

SUPPORTING AUTHORITY

This Motion 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).

CONCLUSION

The extraordinary circumstances presented—including void orders entered without jurisdiction and ongoing constitutional violations—warrant the grant of this Motion under Rule 240, SCACR. The Church respectfully requests that this Court grant the relief requested herein to

Respectfully submitted,

s/ Fletcher N. Smith, Jr.

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