

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY

Court of Common Pleas

Judge Frank Addy, Jr., Circuit Court Judge

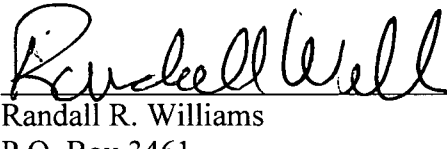
Case No. 2013-002236

Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the African Methodist Episcopal (A.M.E.) Church.....Appellant-Respondent,

v.

Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison,
..... Respondents- Appellants.

APPELLANT-RESPONDENT'S REPLY TO RESPONDENTS'-APPELLANTS' RESPONSE BRIEF AND INITIAL CROSS-APPEAL BRIEF


Randall R. Williams
P.O. Box 3461
Greenwood, SC 29648
(864) 227-9156
Attorney for Appellant-Respondent

RECEIVED

MAY 29 2014

SC Court of Appeals

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
ARGUMENTS	1
I. The Trial Court erred in concluding that the 4.5 acre tract of real property belongs to the Rockford Church and that the building fund account belongs to the Rockford church.....	1
A. Rockford Church is not a party to this suit	1
B. Not all members of Rockford A.M.E. Church left the connection	3
C. The minister did not leave the connection	3
II. Rockford Church does not hold legal and equitable title to the 4.5 acre tract	4
A. <i>The Special Referee's order quieted title in Rockford A.M.E. Church</i>	4
B. <i>Neutral Principles requires civil courts to apply contract and trust law to church property disputes</i>	4
C. <i>Neutral Principles requires that the canons of a denomination be considered in church property cases</i>	5
III. The Rockford A.M.E. Church holds the \$114,875.18 in trust for the African Methodist Episcopal Church Inc.....	6
A. <i>Monies were previously held in an account titled Rockford A.M.E. Church</i>	6
B. <i>The monies were used for the benefit of Rockford A.M.E. Church</i>	6
IV. This court should reverse the trial court's denial of Appellant-Respondent's Motion To Take Depositions Pending Appeal	7
A. <i>The Rule 27 Motion is sufficient</i>	7
B. <i>The grant of the Motion To Take Deposition Pending Appeal would serve justice</i>	8
C. <i>The Motion to Take Deposition Pending Appeal does not seek to introduce new evidence</i>	8
D. <i>Central Bank of Tampa v. TransAmerica Insurance Group is not applicable To this case</i>	9
V. The trial court did not rule in error that the A.M.E. Church, Inc. holds equitable title to the 13.10 acre tract of realty	9
A. <i>The deed expressly creates a trust</i>	9
B. <i>Respondents-Appellant allegation that the 13.10 acre tract is not subject to a trust is being employed for the first time post judgment</i>	10
C. <i>State v. Jackson is not applicable</i>	11
D. <i>Respondents-Appellants cannot succeed on the merits under State v. Jackson</i>	11
E. <i>A constructive trust is an appropriate remedy</i>	12
CONCLUSION	13-14

TABLE OF AUTHORITIES

Cases

All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of S. Carolina, 385 S.C. 428, (S.C. 2009), 685 S.E.2d 1635,6,

Atl. Coast Builders & Contractors, LLC v. Lewis, 730 S.E.2d 282,285-286 (20012).....10

Beckham v. Short 294 S.C. 415, 365 S.E.2d 42 (Ct. App. 1988)4

Central Bank of Tampa v. Transamerica Insurance Group 128 F.R.D. 285,286 (M.D. Florida 1989)9

Foster v. Foster, 384 S.C. 380, 384, 682 S.E. 2d 312, 314 (Ct. App. 2009), aff'd, 393 S.C. 95, 711 S.E. 2d 878 (2011)10

Graham v. Prince 203 S.C. 77, 358 S.E.2d 714 (Ct. App. 1987).....4

Jones v. Wolf 443 U.S. 595,603 (1979)5,

Lucey v. Meyer, GMRC Mortgage Corporation, Citi Mortgage, Inc., and John Doe Finance, Third Party Defendants. 736 S.E. 2d 4, 279 (S.C. App. 2012)8

Stackhouse v. Cook 271 S.C. 518, 248 S.E.2d 482 (1978)4

State v. Jackson, 338 S.C. 565, 527 S.E. 2d 367 (2000).....11,12

Wilder Corp v. Wilkie 497 S.E.2d 731,735(1998).....10

Other Authorities

Book of Discipline of the African Methodist Episcopal Church12

ARGUMENTS

I. THE TRIAL COURT ERRED IN CONCLUDING THAT THE 4.5 ACRE TRACT OF REAL PROPERTY BELONGS TO THE ROCKFORD CHURCH AND THAT THE BUILDING FUND ACCOUNT BELONGS TO THE ROCKFORD CHURCH.

A. Rockford Church Is Not A Party To This Suit.

Although not a part of the record, the real entity, Rockford A.M.E. Church has a rich association and history with the A.M.E. church connection that goes back to the 1860's. The church's connection to the denomination has been extensive and is not a tenuous association.

The local church herein has always been formally known as Rockford A.M.E. Church. To say Rockford Church is an informal way of referring to Rockford A.M.E. Church. Record of Appeal pg. 272, Ins. 1-20, 275 Ins. 6-14. It is Rockford A.M.E. Church that is located on the 4.5 acres herein and not Rockford Church. Overwhelming evidence of the name of the local church is the name listed on the sign announcing the name of the church. Unknown parties changed the name listed on the sign from Rockford A.M.E. Church to Rockford M.E. Church. The lower court pursuant to a Temporary injunction hearing ordered the Respondent-Appellants to return the sign to its original condition. Record On Appeal pg. 78. The only church to hold services on the 4.5 acre tract on which the church building resides is Rockford A.M.E. Church with the exception of a 3-4 week period prior to the Temporary Injunction hearing during which time the Respondent-Appellants held services prior to the normal A.M.E. worship service. Record On Appeal pgs. 132, 164, 165.

It is interesting that Respondent-Appellants claimed to be members of Rockford A.M.E. Church after the initiation of this lawsuit. The Respondent-Appellant Henry Banks stated” I have been a member of Rockford A.M.E. Church for Fifty four years. I have been on the steward and trustee boards for thirty eight years.” He further stated” I have never advised the pastor that I no longer wished to be affiliated with Rockford A.M.E. Church or the connectional church.” Record Of Appeal pg.161 The lawsuit filed by Appellant-Respondent was never against the members of Rockford Church. Record Of Appeal pgs. 1-13 Respondent-Appellants attempt to focus attention on Rockford Church is a ploy to cause confusion and divert the court’s attention toward a non- existent church.

Further, not conceding that Rockford Church exists, Appellant-Respondent asserts that neither the complaint nor the request for a declaratory judgment was filed against members of Rockford Church. The lawsuit was filed against the Respondents-Appellants as former members and officers of Rockford A.M.E. Church that refused to relinquish control and occupation of the local church. Record Of Appeal pgs. 1-13, 161-162,164, 167-168. Respondent-Appellant Banks when asked if he were a member of Rockford A.M.E. Church or Rockford Church he answered Rockford A.M.E. Church. Record of Appeal. Pg. 255, lns. 17-25

B. Not All Members Of Rockford A.M.E. Church Left The Connection

Also, the Respondents-Appellants are incorrect that the members of Rockford Church, including the Respondents-Appellants, along with the minister, left the denomination. Some of the members of Rockford A.M.E. Church left the local church

but not all. Rockford A.M.E. Church has never ceased to hold Sunday services with the exception of the last year when it became too dangerous to hold services there without extensive repairs to the church.

C. The Minister Did Not Leave The Connection

The minister of Rockford A.M.E. Church did not leave the church. Record Of Appeal pg. 196. Appellant-Respondent recommended Rev. Virginia Stith to serve as pastor of Rockford A.M.E. Church and she continued to hold services at the local church until she was reassigned by recommendation of Appellant-Respondent. Although not in the record, the schism in Rockford A.M.E. Church was caused by Appellant-Respondent refusal to adhere to Respondent-Appellants demand to remove the Rev. Stith as pastor of Rockford A.M.E. Church. After the temporary hearing, Respondent-Appellants attempted to hold a separate morning service prior to the services presided over by Rev. Stith. Record Of Appeal pgs. 132, 164, 165, 166

**II. ROCKFORD CHURCH DOES NOT
HOLD LEGAL AND EQUITABLE
TITLE TO THE 4.5 ACRE TRACT**

A. The Special Referee's Order Quieted Title In Rockford A.M.E. Church

The Respondents-Appellants claims Rockford Church holds equitable and legal title to the 4.5 acre tract of property pursuant to an order of a Special Referee. This argument is untenable considering they concede that title was quieted as to the 4.5 acres pursuant to a Special Referee's Order dated November 11, 1999. Record Of Appeal pgs. 185-188; 190. Respondents-Appellants do not deny that the Special Referees Order

B. Neutral Principles Requires Civil Courts To Apply Contract And Trust Law To Church Property Disputes.

Appellant-Respondent does not petition this court to abandon the application of objective rules of law to this dispute. Rockford A.M.E. Church's relationship with the African Methodist Episcopal Church, Inc. is contractual in nature. The denomination agreed to supply pastors, materials, and support to the local church. The local church in return promised to hold the realty in trust for the denomination. The denomination's contributions cannot be restored and as such the only reasonable remedy is to enforce the trust bargain."

Past performance of an oral contract for conveyance of land will remove the contract from the statute of frauds. *Beckham v. Short* 294 S.C. 415, 365 S.E.2d 42 (Ct. App. 1988) *Stackhouse v. Cook* 271 S.C. 518, 248 S.E.2d 482 (1978), *Graham v. Prince* 203 S.C. 77, 358 S.E.2d 714 (Ct. App. 1987). It is clear that the denomination rendered a full and complete performance and as such the need for writing is obviated.

C. Neutral Principles Requires That The Canons Of A Denomination Be considered In Church Property Cases.

This court may consider the canons of a denomination as one of many factors inherent in neutral principles application and to do so will not require this court to invade upon ecclesiastical matters or wade into the waters of religious law, doctrine or polity. It is true that the application of neutral principle requires lawyers and judges to rely exclusively on concepts of trust and property law that will free civil courts from entanglement in questions of religious doctrine, polity, and practice. *Jones v. Wolf* 443 U.S. 595,603 (1979).

entanglement in questions of religious doctrine, polity, and practice. *Jones v. Wolf* 443 U.S. 595,603 (1979).

However, that is only half of the story. The prohibition against intruding into church matters is a directive as to subject matter jurisdiction. It does not speak to the issue of the factors a court should inquire into once it is determined that the court has jurisdiction over the issue. For that we must look at *Jones v. Wolf*, 443 U.S. 595, 603 (1979). The court spoke approvingly of the state of Georgia's application of neutral principles whereby it stated

The neutral principles method, at least as it has evolved in Georgia, requires a civil court to examine certain religious documents such as a church constitution, for language of a trust in favor of the general church. In undertaking such an examination, a civil court must take special care to scrutinize the document in purely secular terms, and not to rely on religious precepts in determining the parties have intended to create a trust. In addition there may be cases where the deed, the corporate charter or constitution of the general church incorporates religious concepts in the provision relating to ownership of property. If, in such a case, the interpretation of instruments of ownership would require the civil court to resolve a religious controversy, then the court must defer to the resolution of the doctrinal issue by the authoritative ecclesiastical body.

All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of S. Carolina, 385 S.C. 428, (S.C. 2009), 685 S.E.2d 163, is a South Carolina case that properly applied neutral principles as stated in *Jones v. Wolf*. It is without question that the court therein not only purposefully discussed and considered not only the statutes and case law, but the canons of the denomination as well. *Id.* At 173, 478. The canons were found to be inapplicable to the specific facts of *Waccamaw* because the denomination not only never held an interest, but transferred whatever interest it might have held to the local church prior to litigation. *Id.* at 173, 478

The court in *Waccamaw* did not hold that a church's governing cannons do not and cannot preempt or have any actual legal effect on the actual title to church property. The court held simply "The 2000 Notice nor the Dennis Cannon has any legal effect on title to the *All Saints* congregations property....The *Diocese* did not at the time it recorded the 2000 have any interest in the congregations property." 685 S.E. 2d at 173. The court's ruling was specific to the facts therein and is not applicable herein.

**III. THE ROCKFORD A.M.E. CHURCH
HOLDS THE \$114,875.18 IN TRUST FOR THE
AFRICAN METHODIST EPISCOPAL CHURCH INC.**

A. Monies Were Previously Held In An Account Titled Rockford A.M.E. Church.

Appellants-Respondents argue the reason for the accumulation of approximately \$114,875.18 is a major issue, but it is not the only issue the Court should be aware of. The prominent issue surrounding the 114,875.18 is that these funds were removed from an account titled under the name Rockford A.M.E. Church and placed into an account titled Rockford Church. Record Of Appeal pgs. 275 Ins. 2-5

B. The Monies Were Used For The Benefit Of Rockford A.M.E. Church.

The monies mentioned herein were not used exclusively for the repair of the old Rockford A.M.E. Church or to erect a new Rockford A.M.E. Church, but to also pay the bills and expenses of Rockford A.M.E Church and not Rockford Church.

After the Judge at the Temporary Injunction hearing required the Respondent-Appellants to return all church property including the books and keys, to the pastor in order for the accounts of Rockford A.M.E to be maintained, to pay church bills the Respondent-Appellants caused approximately \$117,536.00 to be removed from the Rockford A.M.E.

account leaving \$6,000.00 in the account for Rockford A.M.E. Church. Of the \$117,536.00 removed from the account \$2,660.82 was used by Respondent-Appellants to pay the bills of Rockford A.M.E. Church. Record Of Appeal pgs. 84-86.

Conceding that the monies were contributions to be used by local church members to repair or build a sanctuary that would not mean the Respondents-Appellants are the owners of the monies. The question to be determined is what church was or is in need of repair. Henry Banks pursuant to his affidavit stated that he has been a member of Rockford A.M.E. Church for 55 years and that the current building fund was started more than 15 years ago. Record Of Appeal pg. 161. Mamie Banks also stated that she has been a member of Rockford A.M.E. Church since 1972 and that the building fund began approximately 16 years ago. Record Of Appeal pg.174. Delois Phillips stated that the funds were to be used for building a new sanctuary or repairing the current one. Record Of Appeal pg.171. The answer must be that the funds were used to repair the current Rockford A.M.E. Church or build a new Rockford A.M.E. Church as Rockford Church did not exist at the time the parties undertook to raise money and the Respondents-Appellants were members of Rockford A.M.E. Church and the A.M.E. connection.

**IV. THIS COURT SHOULD REVERSE THE
TRIAL COURT'S DENIAL OF APPELLANT-RESPONDENT'S
MOTION TO TAKE DEPOSITIONS PENDING APPEAL.**

A. The Rule 27 Motion Is Sufficient

Respondent-Appellants ask this court to affirm the trial court's denial of Appellant-Respondents Motion To Take Depositions Pending Appeal as the motion does not meet the requirements of Rule 27 of the South Carolina Rules Of Civil Procedure;

there was no legal basis to show how further testimony would serve justice; and that Appellant-Respondents are prohibited from introducing new evidence pursuant to a post judgment motion.

The Rule 27 motion meets the requirements of a motion. The trial court was able to discern the relief requested and as such should have granted the motion. *Lucey v. Meyer, GMRC Mortgage Corporation, Citi Mortgage, Inc., and John Doe Finance, Third Party Defendants*. 736 S.E. 2d 4,279 (S.C. App. 2012). Although the motion stated with specificity the name, address, and substance of Respondent-Appellant Banks testimony, Appellant-Respondent did not specifically state the name of the bank official to be deposed, but he did state their title and address. Record Of Appeal pgs. 143-145.

B. The Grant of The Motion To Take Deposition Pending Appeal Would Serve Justice.

It is sparkling clear as to why additional testimony would serve justice. The end of justice in this matter is to ensure the proper party is left in possession of the \$114,875.18. The testimony of the parties requested pursuant to Appellant-Respondent's motion to take depositions Pending Appeal would testify that the funds were removed from an account titled Rockford A.M.E Church. Record Of Appeal pgs. 143-145.

C. The Motion To Taking Deposition Pending Appeal Does Not Seek To Introduce New Evidence.

Further the motion to Take Depositions Pending Appeal does not seek to support arguments raised for the first time in a post judgment motion. The issue of the origins and transference of the personal property of Rockford A.M.E. Church, including monies held

in trust on behalf of the denomination has always been an issue central to the core of this lawsuit. Record Of Appeal. Pgs. 1-13.

D. Central Bank of Tampa v. TransAmerica Insurance Group Is Not Applicable To This Case.

Also, the Respondents-Appellants are incorrect that Central Bank of Tampa v. TransAmerica Insurance Group 128 F.R.D. 285, (M.D. Fl. 1989) held that a movant is not entitled to take post judgment deposition in an attempt to support an argument for the first time on appeal or where the witness was deposed earlier in the proceedings. The Court therein held that a party may not use a Rule 27 motion to obtain documents to support an argument raised for the first time post-judgment. Id at 286. Appellant-Respondent seeks the testimony of banking officials and the Respondent-Appellant Banks and not a specific document. Record Of Appeal pgs 143-145. Due to the advanced age of some of the Respondents-Appellants, including Respondent-Appellant Banks, it is necessary to take supplemental depositions as the passage of time and or unavailability of the deponents for the appeal will cause an injustice. Courts have interpreted Rule 27 to allow the taking of depositions pending Appeal where the unavailability or passage of time will cause an injustice. Central Bank of Tampa v. Transamerica Insurance Group 128 F.R.D. 285,286 (M.D. Florida 1989).

**V. THE TRIAL COURT DID NOT RULE
IN ERROR THAT THE A.M.E. CHURCH, INC.
HOLDS EQUITABLE TITLE TO THE 13.10 ACRE
TRACT OF REALTY.**

A. The Deed Expressly Creates A Trust.

The deed referred to by Respondents-Appellants expressly states that the property is held by the Trustees of Rockford African Methodist Episcopal Church In

Trust For the African Methodist Episcopal Church, Inc. Record Of Appeal pg. 193. The Trust deed herein meets every criteria for an express trust. A trust must have a declaration creating a trust, a trust res, and designated beneficiaries. *Foster v. Foster*, 384 S.C. 380, 384, 682 S.E. 2d 312, 314 (Ct. App. 2009), aff'd, 393 S.C. 95, 711 S.E. 2d 878 (2011). The trust deed herein is the actual declaration. The document indicates that local church property of 13.10 acres is the res and the A.M.E. Church Inc. is the beneficiary.

B. Respondents-Appellants Allegation That The 13.10 Acre Tract Is Not Subject To A Trust Is Being Employed For The First Time Post Judgment.

Respondents-Appellants attempt to bolster their argument by declaring that the 13.10 acre tract is not subject to the trust provision found in the Book of Discipline of the African Methodist Episcopal Church, although the deed expressly states that the tract is held in trust for the African Methodist Episcopal Church, Inc. Other than their basic generic denial in their answer, Respondents-Appellants raises this issue for the first time on appeal. Their defenses do not mention or state that a trust does not exist as to either tracts of realty. Record Of Appeal pgs. 14-30. Respondents-Appellants' failure to raise the issue at the trial level prohibits them from doing so on appeal. *Wilder Corp v. Wilkie* 497 S.E.2d 731,735(1998). It is axiomatic that an issue cannot be raised for the first time on appeal, but must be raised to and ruled on by the trial court to properly preserve for appellate review. *Atl. Coast Builders & Contractors, LLC v. Lewis*, 730 S.E.2d 282,285-286 (20012). Respondents-Appellants' failure to take advantage of the opportunity to present their argument and evidence regarding trusts at the summary judgment hearing or otherwise pursuant to motion or otherwise should be treated as a waiver and as such they are barred from claiming that a trust does not exist as to the 13.10 acre tract of realty.

C. State v Jackson Is Not Applicable.

Although Respondents-Appellants begrudgingly admit that the trust deed includes some trust language, they dismiss the creation of an express trust pursuant to the trust deed of 1998 as they claim the A.M.E Church, Inc. did not act for the benefit of Rockford A.M.E. Church. The Respondents-Appellants reliance on State v. Jackson, 338 S.C. 565, 527 S.E. 2d 367 (2000) to support their position is misplaced. *Jackson* involves the appeal of Jackson's conviction for Breach of Trust with Fraudulent Intent. It appears *Jackson* purchased a vehicle from an automobile dealer whereby he agreed to trade his automobile to the dealer whereby the automobile dealer agreed to satisfy the lien on *Jackson's* vehicle. The automobile dealer mistakenly sent the check to *Jackson* instead of the lien holder. *Jackson* endorsed and cashed the check. The automobile dealer brought criminal charges due to *Jackson's* endorsement of the check which mentioned transfer of title on the back of the check or in the alternative a declaration to the automobile dealer's clerk that he would return the mistakenly sent check.

The court in *Jackson* reasoned a trust is an arrangement whereby property is transferred with the intention that it be administered by a trustee for another's benefit. Id at 570, 370 The Appeals Court's statement that the transferor must intend that the trustee act for the transferor benefit instead of his own behalf was addressed in terms of transference by fraudulent conversion of money paid or money delivered by mistake. Id. at 570, 370. Such a scenario does not exist in this case.

D. Respondents-Appellants Cannot Succeed On The Merits Under State v. Jackson

Even if State v. Jackson were applicable to this case, it would not equate to a successful outcome for Respondents-Appellants. If the court determines that the transferor did not intend that the trustee act for his benefit, Rockford Church still cannot be the recipient of the 13.10 acres. The issue is not whether the African Methodist Episcopal Church, Inc. benefited Rockford Church. The transferor, in the scenario presented by Respondent-Appellants, is Atlantic City Properties who conveyed the 13.10 acres to "Rockford A.M.E. Church In Trust For the African Methodist Church Inc." Record Of Appeal pgs. 193-194. The question pursuant to State v. Jackson is whether Atlantic City Properties intended that Rockford A.M.E. Church, as trustee for the African Methodist Episcopal Church, Inc., would act for its benefit instead of for itself. The only answer to that question based upon State v. Jackson is that Rockford A.M.E. Church paid the purchase price or is paying the purchase price, as per their agreement and as such acted for Atlantic Coast Properties benefit. Rockford Church is not a part of the transaction. A trust exists in favor of the African Methodist Episcopal Church, Inc.

E. A Constructive Trust Is an Appropriate Remedy

Further, the trial court was correct in dismissing the importance of subsequent deeds to the 13.10 acre tract as it held in dicta that the Appellant-Respondent may have a claim for constructive trust. Record Of Appeal pg.128. The Book of Discipline of African Methodist Episcopal Church, Inc. prohibits transfers of local church property without the approval of the various conferences of the African Methodist Episcopal Church, Inc. Record Of Appeal pg.300-312. The Respondents-Appellants while officers of Rockford A.M.E. Church transferred church property without the approval of the

denomination. Record Of Appeal pg. 273, Ins. 1-7 Pursuant to deed dated November 11, 1999 the Trustees For Rockford African Methodist Episcopal Church in Trust For the African Methodist Episcopal Church, Inc. transferred the property to Trustees of Rockford African Methodist Church, who pursuant to deed dated July 9, 2010 transferred the property to Rockford Church. Record Of Appeal pgs. 193-196. There is no question that the Respondents-Appellants have demonstrated bad faith by violating not only their fiduciary duty, but also fraud and abuse of confidence as well.

CONCLUSION

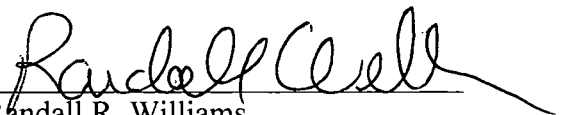
The different parcels of property along with the \$114,875.18 is held in trust by the local church, Rockford A.M.E. Church for the African Methodist Episcopal Church, Inc. The 4.5 acre tract was improperly awarded to Rockford Church as the local church is Rockford A.M.E. Church. Rockford Church is not a party to this lawsuit as it does not exist and Rockford Church does not have a legal or equitable interest in the 4.5 acre tract. The need for writing as evidence of a trust is obviated by the denominations full performance of an order contract. The canons are applicable to this case.

The \$114,875.18 found the bank account is the personal property of the local church, namely Rockford A.M.E. Church which holds the funds in trust or the A.M.E. Church, Inc. The funds were removed from an account titled as Rockford A.M.E. Church. Some of the funds were used to pay the expenses of Rockford A.M.E. Church and the remainder was to be used to either repair or build another Rockford A.M.E. Church.

The Rule 27 motion to take depositions was sufficient. Appellant-Respondent does not seek documents, but the testimony of the Respondents-Appellants Banks and representative of the bank. Justice will be served by granting the monies to the proper party. The advanced age of Respondent-Appellant Bank necessitates the taking of a supplemental deposition as he may be unavailable later.

Also, the 13.10 acre tract was property awarded to the Rockford A.M.E. Church in trust for the A.M.E. Church, Inc. The deed recites an express trust in favor of the A.M.E. Church, Inc. Further, Respondents-Appellants attempts to argue for the first time on appeal that a trust is not formed as to the different parcels which he is prohibited from doing.

For these reasons Appellant-Respondent asks that his Request For Declaratory Judgment and permanent injunction be granted


Randall R. Williams
P.O. Box 3461
Greenwood, SC 29648
(864) 227-9156
Attorney for Appellant-Respondent

Greenwood, South Carolina,
May 26, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2013-002236

Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the
African Methodist Episcopal (A.M.E.) Church.....Appellant-Respondent,

v.

Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank
MattisonRespondents-Appellants

CERTIFICATE OF COUNSEL

The undersigned certified that this **Appellant-Respondent's Reply to
Respondents'-Appellants' Response Brief and Initial Cross-Appeal Brief**
complies with Rule 209 (c) SCACR.

May 27, 2014



Randall R. Williams
Post Office Box 3461
Greenwood, South Carolina 29646
(864) 227-9156
Attorney for Appellant-Respondent

RECEIVED

MAY 29 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2013-002236

Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the
African Methodist Episcopal (A.M.E.) Church.....Appellant-Respondent,


v.

Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison
.....Respondents-Appellants.

CERTIFICATE OF SERVICE

I certify that I have served the **Appellant-Respondent's Reply to Respondents'-
Appellants' Response Brief and Initial Cross-Appeal Brief, Certificate of Counsel and
Certification of Service** on Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison,
and Frank Mattison by U.S. Postal Service on May 27, 2014 addressed to their attorney of
record, Marvin Watson at 333 Main Street, P.O. Box 799, Greenwood, South Carolina,
29648.

May 27, 2014


Randall R. Williams
Post Office Box 3461
Greenwood, South Carolina 29648
(864) 227-9156
Attorney for Appellant-Respondent

RECEIVED

MAY 29 2014

SC Court of Appeals

RANDALL ROSEL WILLIAMS
ATTORNEY AT LAW



P.O. BOX 3461
110 RILEY AVENUE
GREENWOOD, SC 29648
(864) 227-9156-Phone
(864) 943-1898-Fax
randall.williams@randallwilliamsllaw.com

May 27, 2014

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


RE: Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the African Methodist Episcopal (A.M.E.) Church, Appellant-Respondent, v. Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison, Respondents-Appellants. Case No: 2013-002236

Dear Ms. Kitchings:

Please find enclosed an original **Appellant-Respondent's Reply to Respondents-Appellants' Response Brief And Initial Cross-Appeal Brief, Certificate Of Counsel And Certification of Service** regarding the above referenced matter.

I remain,

Sincerely,


Randall R. Williams, Esquire
RRW/mre

Enclosure(s)

cc: Marvin Watson, Esquire (*Mailed*)

RECEIVED

MAY 29 2014

SC Court of Appeals