

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

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SC Court of Appeals

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.)

FINAL BRIEF OF APPELLANT-RESPONDENT

I.S. Leevy Johnson
William T. Toal
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STATEMENT OF ISSUES ON APPEAL

I.

Where the title to property is not settled by application of property law, are South Carolina Courts required to consider the obligations assumed by members who join a hierarchical church?

II.

If the trust required by the Discipline of the A.M.E. Church is not imposed, should title to the 4.5 acre tract be in the Rockford A.M.E. Church and not the Rockford Church because that name is on the deed?

III.

Should the fact that funds were collected for an account for the Rockford A.M.E. require that those funds be returned to the Rockford A.M.E. Church when the trial court omitted that fact and found that the funds were in an account for Rockford Church with no reference to the A.M.E. Church?

STATEMENT OF THE CASE

The Appellant-Respondent filed a Summons and Complaint alleging that Rockford A.M.E. Church, as a member of a hierarchical denomination, holds its real and personal property in trust for the denomination, namely, the African Methodist Episcopal Church, Inc. as stated in the Book of Discipline of the A.M.E. Church. Appellant-Respondent also claimed that the Respondents-Appellants were no longer members of the local or national churches and therefore had no claim to the real and personal property of Rockford A.M.E. Church. Appellant-Respondent requested a declaratory judgment holding that Rockford A.M.E. church holds all local church property, both real and personal, in trust for the African Methodist Episcopal Church, Inc. and an injunction enjoining the Respondents-Appellants from entering onto local church property disturbing the normal African Methodist Episcopal Church worship service. (R – 286-288). Appellant-Respondent also filed a Motion for Temporary Restraining Order and Temporary Injunction. (R-207-211).

The Respondents-Appellants served an Answer and Counterclaim and asserted defenses of failure to state a claim upon which relief may be granted, lack of subject matter jurisdiction, waiver, res judicata, equitable estoppel, accord and satisfaction, collateral estoppel and alleged that Appellant-Respondent's complaint was contrary to the governing rules and regulations of the African Methodist Episcopal Church. The Respondents-Appellants' counterclaims were defamation, negligent misrepresentation, breach of fiduciary duty, and intentional infliction of emotional distress. The Respondents-Appellants counterclaims of defamation and emotional distress are intertwined, as are the counterclaims of breach of fiduciary duty and negligent misrepresentation so entwined. The counterclaims of defamation and emotional distress are based on Respondents-Appellants assertion that Appellant-Respondent, knowing that

Respondents-Appellants were members in good standing at Rockford A.M.E. Church, knowingly and willfully made false and defamatory statements to third parties about the Respondents-Appellant's standing in the church and their involvement in the removal of church property. Respondent-Appellant also claimed that they incurred damages due to Appellant-Respondent's outrageous conduct, including telling lies and untruths about the Respondents-Appellant to third parties and forcing them to pay excessive fees to the national church.

The Respondents-Appellants counterclaims of negligent misrepresentation and breach of fiduciary duty are based on the common argument that Appellant-Respondent as elder of the church, held a position of trust and owed a fiduciary duty to members of the church to speak truthfully. Nevertheless, for pecuniary gain, he knowingly and negligently, or negligently caused to be made, false and misleading statements to Respondents-Appellants about their right to practice religion at Rockford A.M.E. Church, as well as false statements that Respondents-Appellants improperly removed church property. (R-36-48).

Respondents-Appellants also filed a Motion to Dismiss Appellant-Respondents' complaint on April 15, 2011 claiming the Establishment Clause of the United States Constitution prevents the courts from exercising subject matter jurisdiction over the assertions raised in the complaint and in the motions for injunctive relief. They further alleged that even if the courts do have subject matter jurisdiction, the complaint fails to state any claims upon which relief may be granted under South Carolina law and the motions for temporary restraining order and temporary injunction should be denied because there is no showing of irreparable harm and or that plaintiffs could demonstrate success on the merits. They further claimed that Appellant-Respondent did not have standing to bring this action (R-212-227).

In response to Respondents-Appellants Motion to Dismiss Appellant-Respondent filed Plaintiffs' Response Defendants' Motion to Dismiss on April 28, 2011 (R-228-229) and Plaintiff's Amended Response to Defendants' Motion To Dismiss on September 10, 2011, (R-230-232). Plaintiff's 2nd Amended Response to Defendants' Motion to Dismiss was filed on August 29, 2012. (R-233-237). Appellant-Respondent pursuant to a motion titled Plaintiffs' 2nd Amended Response to Defendants' Motion To Dismiss alleged Rockford A.M.E. Church is a member of the African Methodist Episcopal Church, Inc., a hierarchical denomination governed in accordance with the Doctrine and Discipline of the African Methodist Episcopal Church which states that all property held by the local churches are held in trust for the African Methodist Episcopal Church, Inc. Appellant-Respondent also alleged standing under the constitution of the A.M.E. Church to bring the action as he is required thereby to see that all charters, deeds and other church property conforms to the Book of Discipline of the African Methodist Church and that he is entitled to bring this action as there were no local trustees at the time of litigation. Appellant-Respondent claimed that he was authorized to bring this action. He further claimed that the Establishment Clause does not prevent the court from exercising subject matter jurisdiction in property disputes.

The Appellant-Respondent filed a Reply to Respondents-Appellants' Counterclaim on September 7, 2011. Appellant-Respondent filed a Reply to Respondents-Appellants' allegations. Appellant-Respondent alleged defenses of failure to state a claim upon which relief may be granted and lack of subject matter jurisdiction over the claims. (R-49-51).

Appellant-Respondent's motions for temporary restraining order and temporary injunction were heard by the Honorable R. Knox McMahon on April 13, 2011. The trial judge found "In considering the Book of Discipline's rules governing church property, the evidence

that the property is held in trust for the higher connectional church, the testimony and affidavits of both parties that Rockford A.M.E. Church remains affiliated with the African Methodist Episcopal Church, Inc. the Appellant-Respondent's Motion for Temporary Injunction is granted with the exception of allowing the Respondents-Appellants to enter church property as long as there are no disruptions. . . ." As a result the Appellants-Respondents were ordered to return 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, and to return the sign outside of the church to its original state, "Rockford A.M.E.". (R-5-10).

Subsequently Appellant-Respondent filed a Rule To Show Cause seeking to prohibit Respondents-Appellants from retaining church property and to require Respondents-Appellants to return church property to Appellant-Respondent. Appellant-Respondent alleged Respondents-Appellants, instead of turning over all of the property of Rockford A.M.E. Church, removed \$117,536.00 from the church banking account, as well as, retained keys, check books and financial information regarding the church. (R-246-248). Although, The Honorable R. Knox McMahon did not hold the Respondents-Appellants in contempt, he ordered Respondents-Appellants to deliver certificates of deposit totaling \$117,536.00 to the McCormick County Clerk of Court to be held in trust until further order of the court; provide bank statements of Rockford A.M.E. Church, dated January 11, 2011 to the present, in their possession that have not already been provided; and to produce whatever was in their possession. (R-11-13).

Appellant-Respondent filed a Motion To Strike on April 10, 2012 asking the trial court to strike portions of Respondents-Appellants' defenses as they required the courts to determine the membership of Rockford A.M.E. Church. Appellant-Respondent alleged that it was immaterial and impertinent as to Respondents-Appellants subjective assertions that they are members of

both the local and national churches and that it would be prejudiced by the courts impermissible intrusion into the administration of the church. Appellant-Respondent moved to strike all allegations relating to Respondents-Appellants' membership at Rockford A.M.E. Church and their relationship to the denomination or stating that Respondents-Appellants are members of Rockford A.M.E. Church and the denomination. (R-251-254).

Appellant-Respondent filed a Motion For A More Definite Statement on July 1, 2012 to determine the identity of the third parties referred to in Respondents-Appellants counterclaims alleging Appellant-Respondent published to third parties that church property was removed from the premises by Respondents-Appellants. Appellant-Respondent also asserted that Respondents-Appellants' claims were so vague and ambiguous that he could not reasonably respond. (R-255-257).

Appellant-Respondent filed both a Motion to Dismiss Respondents-Appellants counterclaims on July 1, 2011. (R-258-260). An Amended Motion To Dismiss Respondents-Appellants' counterclaims pursuant to Rules 12(b)(1) and 12(b)(6) were filed on April 10, 2012. (R-261-263). Appellant-Respondent alleged that the courts do not have subject matter jurisdiction to hear the defamation and intentional infliction of emotional distress counterclaims because both arise out of the same allegations wherein Respondent-Appellant asked the court to determine the membership of and intrude into the administration of the African Methodist Episcopal Church. The free exercise clause prohibits the states from interfering with religious group's right to select its own. Appellant-Respondent further alleged that Respondents-Appellants counterclaims of defamation and intentional infliction of emotional distress fail to state a claim for which relief can be granted because truth is a bar to recovery in this case for both counterclaims.

Respondents-Appellants filed a Response In Opposition To Appellant-Respondent's Motion To Dismiss Counterclaims, Appellant-Respondent's Motion For A More Definite Statement, and Appellant-Respondent's Motion To Strike on July 11, 2011. Respondents-Appellants alleged that the courts have subject matter jurisdiction to review their counterclaims. They claimed that as pleaded, each of the counterclaims arise directly from Appellant-Respondent personal actions against Respondents-Appellants. Respondents-Appellants alleged that each counterclaim stated a claim upon which relief may be granted.

Respondents-Appellants alleged that Appellant-Respondents' Motion To Strike and Motion For A More Definite Statement should be denied. They alleged that because Appellant-Respondent claims subject matter jurisdiction in his complaint, that the courts also by the same token have jurisdiction over their counterclaims. Respondent-Appellants assert that their counterclaims are capable of being resolved by civil law as courts can decide issues arising in a church context that does not involve religious matters. (R-272-285).

Subsequently, Appellant-Respondent filed a Motion For Summary Judgment on April 28, 2011, (R-286-288). An Amended Motion For Summary Judgment was filed on August 29, 2012. (R-289-304). Appellant-Respondents' motion asked the court to grant his request for declaratory judgment. Appellant-Respondent alleged that Rockford A.M.E. Church, as a member of a larger connectional church is subject to the authority, government, and control of the larger national church, and that the constitution of the A.M.E. Church, Inc. mandates that all church property, both real and personal, is the property of the A.M.E. Church, Inc. Appellant-Respondent requested an order stating that all property of Rockford A.M.E. Church is held in trust by the trustees of Rockford A.M.E. church on behalf of the African Methodist Episcopal Church, Inc.; that the African Methodist Episcopal Church Inc. is the true owner of both the real and personal

property of Rockford A.M.E. Church; that the Appellant-Respondent, as representative of the African Methodist Episcopal Church, Inc. is entitled to all of the personal property of Rockford A.M.E. Church; and that Rockford A.M.E. Church is affiliated with the African Methodist Episcopal Church, Inc.

Appellant-Respondents' Amended Motion For Summary Judgment also requested that the trial court issue an order dismissing Respondents-Appellants counterclaims of defamation and negligent misrepresentation. Appellant-Respondent claimed that truth is a bar to recovery in this case and that he did not communicate to anyone that Respondents-Appellants were not affiliated with Rockford A.M.E. Church and that any utterance by Appellant-Respondent was a privileged communication contained in his pleadings. Appellant-Respondent also alleged that Respondents-Appellants cannot demonstrate damages.

Respondents-Appellants alleged that Appellant-Respondent was not entitled to summary judgment because the court lacked subject matter jurisdiction. Respondents-Appellants allege that the complaint arises out of a dispute between themselves and the A.M.E. Church, Inc., over membership issues and the relationship between Rockford A.M.E. Church and the national church organization. They further alleged that there are genuine issues that exist and that summary judgment should be denied because the neutral principles approach prevents the courts from awarding the real and personal property to Appellant-Respondent as the bank accounts and one deed is titled in Rockford Church. (R-305-318).

A hearing was held on May 22, 2013 in McCormick County, South Carolina regarding Appellant-Respondent's Amended Motion For Summary Judgment, Motion To Strike, Motion For A More Definite Statement, and Plaintiffs 2nd Amended Response to Defendants Motion To Dismiss pursuant to Rules 12(b)(1) and 12(b)(5). Respondents-Appellants' Motion To Dismiss

was treated as a Motion For Summary Judgment and was heard also. In an Order dated June 27, 2013, the trial judge granted a 4.5 acre tract of real property to the Trustees of Rockford A.M.E. Church although according to the trial courts findings the property was titled in the Trustees of Rockford A.M.E. Church. He awarded the monies to Rockford Church as the bank account was titled in Rockford Church and a 13.10 acre tract to the African Methodist Episcopal Church Inc., as the deed was titled in the African Methodist Episcopal Church Inc. The trial judge ruled that the canons of a denomination have no effect on title under South Carolina law and that there was no indication that Respondents-Appellants consented to the trust clause contained in the Book of Discipline. (R-14-21).

Appellant-Respondent subsequently filed a Motion To Alter Or Amend The Judgment dated August 2, 2013. (R-319-322). Appellant-Respondent alleged that the trial court did not have jurisdiction to determine the trustees of Rockford A.M.E. Church and that the court could not award the property to Rockford Church as it does not exist. Appellant-Respondent also alleged that neutral principles required the courts to recognize the creation of a trust recited in the Book Of Discipline of The African Methodist Episcopal Church. Appellant-Respondent asserted that Respondents-Appellants consented to the control and governance of the national church and that they failed to consider their imputed obligations to the national church. Appellant-Respondent further claimed that a denomination may create a trust pursuant to the church's constitution and that the language found in the Book of Discipline of the African Methodist Episcopal Church creates a trust.

Respondents-Appellants filed a response titled Defendants' Response In Opposition To Plaintiffs' Motion To Alter Or Amend The Judgment on August 2, 2013. They opposed the motion alleging Appellant-Respondent no new evidence was offered and that the motion was a

rehash of prior arguments. Respondents-Appellants argued that the court did not hold that Respondents-Appellants were trustees of the AME Church and that both the award of the 4.5 acre tract and the monies were supported by the evidence. (R-337-345).

A hearing was held in Greenwood County, South Carolina on September 5, 2013 to hear Appellant-Respondents' Motion To Alter or Amend. The trial judge amended his order in one respect. The trial judge clarified that he did not find that Respondents-Appellants were the current trustees of Rockford A.M.E. Church. The motion was otherwise denied. (R-22-23).

Timely Notice of Intention to Appeal was filed and served. This appeal contests the award of money and the 4.5 acre tract to the Rockford Church. A cross-appeal by Respondent-Appellants has been consolidated with this case.

ARGUMENTS

I.

The courts must recognize the existence of a trust in favor of the denomination over local church property, both real and personal, recited in the constitution of a hierarchical denomination, in situations where the title instruments do not reference a trust in favor of the denomination over local church property.

A.

The United States Supreme Court named two methods that courts may apply when deciding church property disputes.

The question as to the ownership of local church property in a hierarchical church where title to real and personal property does not expressly referenced a trust to the denomination is not a novel issue. The United States Supreme Court has approved two methods which states may use as a First Amendment jurisdictional model in church property disputes. The first method is the deferential approach set forth in Watson v. Jones, 80 U.S. 679, 681 (1872). The second is the neutral principals approach as stated in Jones v. Wolf, 443 U.S. 595 (1979) which sanctioned an expanded role of the Courts into church property disputes. Although the First Amendment prohibits the courts intrusion into matters which involve the resolution of religious disputes, the United States Supreme Court has given its consent to the use of neutral principles in resolving church property disputes. Id. at 602.

1.

South Carolina uses the neutral principles approach when resolving ecclesiastical property disputes.

The South Carolina Supreme Court stated “[w]e hereby explicitly reaffirm that, when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law

approach as approved by the Supreme Court of the United States in Jones v. Wolf. ” All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of S. Carolina, 685 S.E.2d 163, 171, 385 S.C. 428, 442 (2009). The neutral principles analysis prohibits courts from resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration, and from substituting its opinion for decisions of religious judicatures as to religious law, principle, doctrine, discipline, custom, and administration. However, courts may adjudicate rights growing out of civil law. See, e.g. Pearson v. Church of God, 478 S.E.2d 849, 851, 325 S.C. 45, 50 (1996).

The trial court stated that All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of South Carolina, 385 S.C. at 449, 685 S.E.2d at 174 held “that a national church’s governing canons cannot have any legal effect on title to the local churches property absent an express declaration of trust or transfer of property.” (R-18). All Saints does not reach that far. The South Carolina Supreme Court held that “a person must hold title to the property in order to declare that it is held in trust for the benefit of another or transfer legal title to one person for the benefit of another.” (Id.) Here, the title was transferred not by the would be beneficiary of the trust but by a third party at the direction of the persons designated as trustees. Under this different factual pattern, it is appropriate to consider “the implied obligations imputed to the parties to the controversy who have voluntarily submitted themselves to the authority of the church by connecting themselves with it.” Morris Street Baptist Church v. Dart, 675 S.C. 338, 338, 455 E. 753, 754 (1904). As demonstrated below, Rockford A.M.E. Church and its trustees were obligated to hold both real and personal property in trust for the denomination.

B.

The local church intended to be bound
by the rules of the denomination.

“The neutral principles analysis. . .should reflect the intentions of the parties. Jones v. Wolf, 443 U.S. 595, 603 (1979). Formal documents as well as the course of conduct under the denominations governing rules reveal the parties intent prior to the eruption of the dispute at the local and national level regarding beneficial ownership. Rector, Wardens and Verstrymen of Christ Church in Savannah et al. v. Bishop of the Episcopal Diocese of Georgia, Inc. et al, 718 S.E.2d 237, 246, 290 Ga. 95, 104.

Those parties intended that their relationship be contractual in nature with a binding trust in the Book of Discipline. The denomination agreed to provide ministers, policy, religious materials, structure and to allow the local church to participate in district, state, and national conferences. In return, the local church would hold local church property in trust for and pay dues to the denomination. Having accepted the benefits of the contract for years the local congregation was obligated to perform its duties under the contract and to hold real and personal property in trust for the denomination. The trust recited in *The Book of Discipline of The African Methodist Episcopal Church* recites explicitly the terms of the contractual relationship between the local church and the denomination.

The receipts of benefits by the local church is evidence of their intent to be bound by the Book of Discipline. The consent of the parties to the trust provisions found in the Book Of Discipline is an important neutral principle factor in determining ownership of church property in a hierarchical or connectional church in situations where the deed does not expressly mention a trust. Morris Street Baptist Church v. Dart, 67 S.C. 338, 45 S.E. 573. The local church’s course of conduct and the actions of its various pastors, stewards, trustees, and officers reveal the

local church's consent to the national church's control and governance. Neutral principles of contract law require enforcement of trust imposed by the discipline.

C.

The neutral principles analysis requires
the parties to adhere to their imputed
obligations to the denomination.

1.

Members of a hierarchical or connectional
church structure have obligations to the
denomination.

“Where a church controversy involves the right to the possession of property, civil tribunals cannot avoid adjudicating these rights, under the law of the land, having in view, nevertheless, the implied obligations imputed to those parties to the controversy who have voluntarily submitted themselves to the authority of the church by connecting themselves with it.” Pearson v. Church of God, 478 S.E.2d. 849, 852, 325 S.C. 45, 51 (1996). The trustees violated their imputed obligations to the A.M.E. Church, Inc. by failing to protect, hold, and preserve the property in trust for the African Methodist Episcopal Church Inc., and by purposefully failing to include a proper trust provision in the deed referencing a trust in favor of the A.M.E. Church Inc. The Book of Discipline provides that trustees “shall guard for the Connection all real estate, churches, parsonages, schools, and any other property obtained by the local church.” (R-363). The Respondents-Appellants wish to leave the hierarchical connection and take church property with them. They have failed to adhere to their imputed obligations under the Book of Discipline.

As full participants and members of the African Methodist Episcopal Church, Inc. the Respondents-Appellants were required to adhere to the Book of Discipline when transferring

church property. The A.M.E. Constitution i.e. the Book of Discipline states, “The Board of Trustees, duly elected by the local church as provided by *The Book of Discipline of the African Methodist Episcopal Church*, may take such steps to purchase, mortgage, sell, transfer and convey real and personal property, PROVIDED, that such transfer has been duly approved by the resolution in Quarterly Conference of the said church, and also by the trustees of the Annual Conference in which the property is located, and of which the presiding bishop is president, (R-362-363). The Respondents-Appellants in the present case neither sought nor received the approval of either the quarterly conference or annual conference.

II.

The trial court’s rationale for the decision requires that title to the 4.5 acre tract be in Rockford A.M.E. Church, not Rockford Church.

Even were the court below correct in holding that the Discipline of the African Methodist Episcopal Church cannot impose a trust in favor of the denomination, its incorrect factual finding requires reversal of the award of the 4.5 acre tract to the Rockford Church. The trial court correctly found that title to the tract was in the Trustees of the Rockford African Methodist Episcopal Church. That deed was issued by court Order in a case instituted by the Rockford A.M.E. Church trustees. Then, inexplicably, he found that “[t]hese deeds clearly indicate that the real property was conveyed to Trustees of the Rockford Church, with no mention of the A.M.E. Church. . . . Therefore, Rockford Church holds legal and equitable title to the 4.5 acre tract.” If the trial judge be correct in his analysis, title to the 4.5 acre tract should be in the trustees of Rockford A.M.E. Church. The Bishop is the proper representative of the Rockford A.M.E. Church. The property should have been awarded to the trustees of Rockford A.M.E. church. That church still exists.

Nor could the court below determine who are the trustees who control those funds.

Courts may not resolve disputes as to religious law, principle doctrine, discipline, custom or administration and from substituting its opinion for decisions of religious judicatures as to religious law, principle, doctrine, discipline, custom, and administration. Pearson v. Church of God, 428 S.E.2d 849, 851, 325 S.C. 45, 50 (1996). Where a civil court is presented with an issue which is a question of religious law or doctrine it must defer to the decision of the proper judicatories in so far as it contains religious or doctrinal issues. All Saints Parish Waccamaw v. The Protestant Episcopal Church in the Diocese of South Carolina, 685 S.E.2d 163, 171, 385 S.C. 428, 445 (2009). The trial court could not substitute its opinion as to who and who are not trustees. To do so is a clear violation of the Pearson rule that prohibits courts from substituting its opinion as to administration and custom. Once the proper judicatory has spoken as to the administration, discipline and custom this court jurisdiction is at an end. In cases involving the administration, doctrine, or discipline of a denomination, the courts function is to assure the church itself has spoken. If it has, this court cannot inquire further into the matter. Thomas C. McCain, Sr. and Joseph Curry, individually and as trustees of the Mount Canaan Baptist Church; James E. Johnson and Nathan Goodwin, individually and as deacons of the Mount Canaan Baptist Church v. G. L. Brightharp, 730 S.E.2d 916, 921, 399 S.C. 240, 250 (S.C. App. 2012). The property belongs to the Rockford A.M.E. Church and is to be controlled by the Trustees as determined by the A.M.E. Church.

III.

The opinion of the trial judge did not mention that the funds in the Rockford Church account had been transferred from a Rockford A.M.E. Church account. That omitted fact requires that the funds be transferred to the Rockford A.M.E. Church.

The trial judge found that the funds were in an account

“in the name of “Rockford Church” with no reference to the A.M.E. Church on the account. Members of the Rockford Church have overwhelmingly indicated that the funds were *inter vivos* gifts to the church for the purpose of repairing the sanctuary. Those funds were clearly gifts to the Rockford Church. Thus, the congregation intended to vest an irrevocable title to the funds in the name of Rockford Church, not in the name of the A.M.E. Church.

(R-19)

Alternately the court below “could also find” that the donations of funds were intended as a trust in favor of the Rockford Church sanctuary”, and thus accompanied the award of the underlying real estate. (*Id.*)

This holding ignores essential facts. The funds in question were transferred from an account labelled Rockford A.M.E. Church. (R-76, lines 2-25, R-77, lines 1-11)(R-367-371). At the time the funds were created the purpose was to build or repair the Rockford A.M.E. Church sanctuary. Moreover, \$37,714.26 came from the Operating Account of the Rockford A.M.E. Church. No trust of any kind can be imposed on those operating account funds. They were donated and in fact used for ongoing expenses of the Rockford A.M.E. Church. No rationale advanced by the court below would award these funds to the Rockford Church. The funds were accumulated at a time when there was no Rockford Church. The donors intended for the funds to be used for purposes of the Rockford A.M.E. Church.

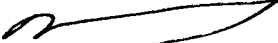
All of the funds are the property of the Rockford A.M.E. Church. The Discipline requires that all property, real, personal or mixed be held in trust for the African Methodist Episcopal Church, Inc. The funds are owned by the Rockford A.M.E. Church and are subject to the provisions of the Discipline. (R-363).

CONCLUSION

For the foregoing reasons, the opinion below should be reversed and the ownership of the 4.5 acres upon which the sanctuary sits should be titled in the Rockford A.M.E. Church and the funds from both the operating account and the building fund should be awarded to the Rockford A.M.E. Church.

Respectfully submitted,

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December 15, 2014

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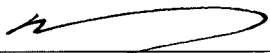
CASE NO.: 2013-002236

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 COUNSEL

The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

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December 15, 2014

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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

RECEIVED
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SC Court of Appeals

Samuel L. McPherson, as Presiding Elder of the)
Abbeville-Greenwood District of the African)
Methodist Episcopal (A.M.E.) Church,)
Appellant-Respondent,)
vi.)
Henry Banks, Mary Robinson, Delois Phillips,)
Naomi Mattison, and Frank Mattison,)
Respondents-Appellants.)

CERTIFICATE OF SERVICE BY MAIL

I, Melisa Y. McClurkin, employee of Johnson, Toal & Battiste, P.A., Attorneys for the Appellant-Respondent, in the above-captioned case, hereby certify that I have served the **Final Brief of Appellant-Respondent** on Marvin R. Watson, Esquire - Counsel for Respondents-Appellant, by mailing one copy of the same, postage prepaid and return address clearly indicated on said envelope on December 15, 2014, at the following addresses:

Marvin R. Watson, Esquire
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JOHNSON, TOAL & BATTISTE, P.A.

BY

Melisa Y. McClurkin

Columbia, South Carolina
December 15, 2014