

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 The Protestant Episcopal Church In The)
 Diocese Of South Carolina; The Trustees of)
 The Protestant Episcopal Church in South)
 Carolina, a South Carolina Corporate Body;)
 All Saints Protestant Episcopal Church, Inc.;)
 Christ St. Paul's Episcopal Church; Christ)
 The King, Waccamaw; Church Of The)
 Cross, Inc. and Church Of The Cross)
 Declaration Of Trust; Church Of The)
 Holy Comforter; Church of the Redeemer;)
 Holy Trinity Episcopal Church; Saint)
 Luke's Church, Hilton Head; Saint)
 Matthews Church; St. Andrews Church-Mt.)
 Pleasant and The St. Andrews Church-Mt.)
 Pleasant Land Trust; St. Bartholomews)
 Episcopal Church; St. Davids Church;)
 St. James' Church, James Island, S.C.; St.)
 John's Episcopal Church of Florence, S.C.;)
 St. Matthias Episcopal Church, Inc.; St.)
 Paul's Episcopal Church of Bennettsville,)
 Inc.; St. Paul's Episcopal Church of)
 Conway; The Church Of St. Luke and St.)
 Paul, Radcliffeboro; The Church Of Our)
 Saviour Of The Diocese of South Carolina;)
 The Church Of The Epiphany (Episcopal);)
 The Church Of The Good Shepherd,)
 Charleston, SC; The Church Of The Holy)
 Cross; The Church Of The Resurrection,)
 Surfside; The Protestant Episcopal Church,)
 Of The Parish Of Saint Philip, In Charleston,)
 In The State Of South Carolina; The)
 Protestant Episcopal Church, The Parish Of)
 Saint Michael, In Charleston, In The State)
 Of South Carolina and St. Michael's Church)
 Declaration Of Trust; The Vestry and)
 Church Wardens Of St. Jude's Church Of)
 Walterboro; The Vestry and Church)
 Wardens Of The Episcopal Church Of The)
 Parish Of Prince George Winyah; The)
 Vestry And Church Wardens Of The)
 Episcopal Church Of The Parish Of St.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2013-CP-18-00013

**SECOND AMENDED COMPLAINT
 FOR DECLARATORY AND
 INJUNCTIVE RELIEF**

2013 MAR -5 AM 10:54
 CERTIFIED COPY
 Clerk of Court
 Dorchester County
George J. Bluestein

Helena and The Parish Church of St. Helena)
 Trust; The Vestry and Church Wardens Of)
 The Episcopal Church Of The Parish Of St.)
 Matthew; The Vestry and Wardens Of St.)
 Paul's Church, Summerville; Trinity Church)
 of Myrtle Beach; Trinity Episcopal Church;)
 Trinity Episcopal Church, Pinopolis; Vestry)
 and Church-Wardens Of The Episcopal)
 Church Of The Parish Of Christ Church;)
 Vestry and Church Wardens Of The)
 Episcopal Church Of The Parish Of St.)
 John's, Charleston County)

PLAINTIFFS,)

v.)

The Episcopal Church (a/k/a, The)
 Protestant Episcopal Church in the)
 United States of America); The Episcopal)
 Church in South Carolina)

DEFENDANT.)

Plaintiffs, through their respective undersigned counsel, bring this action against the Defendant seeking a declaratory judgment pursuant to §§ 15-53-10 *et. seq.* of the South Carolina Code of Laws (1976) that they are the sole owners of their respective real and personal property in which the Defendant, The Episcopal Church ("TEC") has no legal, beneficial or equitable interest. The Plaintiffs (except for St. Andrew's Church, Mount Pleasant) also seek a declaratory judgment that the Defendants and those under their control have improperly used and may not continue to use any of the names, styles, seals and emblems of any of the Plaintiffs or any imitations or substantially similar names, styles, seals and emblems and that the Court enter injunctions prohibiting the Defendants and those under their control from such uses pursuant to §§ 39-15-1105 *et. seq.* and §§ 16-17-310 and 320 of the South Carolina Code of Laws (1976).

In support of these claims, Plaintiffs allege as follows:

406. Neither the Defendant TEC nor any other entity associated with the Defendant TEC has any legal, beneficial or equitable interest in any of St. Paul's real or personal property.

407. Defendants and those under their control including individuals claiming to be members of Defendants have assumed, used, adopted St. Paul's name and emblems by:

- i. Posting St. Paul's name or a name substantially similar on a website and improperly asserting that St. Paul's is "in union with" the Defendants.
- ii. Using St. Paul's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Paul's is "in union with" the Defendants.

Trinity Church Of Myrtle Beach ("Trinity")

408. Trinity is a South Carolina non-profit corporation. Its business address is 3000 N Kings Highway, Myrtle Beach, South Carolina. Trinity was incorporated on May 27, 1949.

409. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation in 1949.

410. Trinity was organized in June 1939 as the "Church of the Messiah." It became a mission of the Diocese of South Carolina in October 1939. In 1949, it voluntarily associated with the Diocese of South Carolina as a parish. In 1951, its name was changed to "Trinity Episcopal Church." In November 2009, its name was changed to "Trinity Church of Myrtle Beach."

411. As of December 2011, Trinity had 650 baptized members and an annual operating income of \$700,533.

412. Trinity's is the fee simple owner of all its real property.

413. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Trinity reaffirmed its disaffiliation with the Defendant TEC by a vote of its Board of Directors on December 10, 2012.

414. During its 63-year history, the acquisition of Trinity's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Trinity without any assistance or contributions from the Defendant TEC.

415. Neither the Defendant TEC nor any other entity associated with the Defendant TEC has any legal, beneficial or equitable interest in any of Trinity's real or personal property.

416. Defendants and those under their control including individuals claiming to be members of Defendants have assumed, used, adopted Trinity's name and emblems by:

- i. Posting Trinity's name or a name substantially similar on a website and improperly asserting that Trinity is "in union with" the Defendants.
- ii. Using Trinity's name or a name substantially similar to it to send email and other correspondence improperly asserting that Trinity is "in union with" the Defendants.

Trinity Episcopal Church, Edisto Island ("Trinity, Edisto Island")

417. Trinity, Edisto Island is a South Carolina non-profit corporation. Its business address is 1589 Highway 174, Edisto Island, South Carolina. It was incorporated in 1793.

418. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

419. Trinity began as a Chapel of Ease in St. John's parish as the distance to the parish church on John's Island was great. On April 7, 1770 the Colonial Assembly authorized the building of the chapel. The parishioners built a church in 1774. In 1793, it was incorporated by the General Assembly as "The Episcopal Church on Edisto Island." In 1808, the General Assembly added 80 acres to the church property for a glebe.

420. A new church was built in 1841 with an organ added in 1845.

421. Between 1861 and 1865, the church was used as Confederate Cavalry headquarters and afterwards as a U.S. Coast Survey observatory. On February 28, 1876, it was destroyed by fire. In 1881, a new church was completed with renovations occurring in 1896 and in 1905, the later after a lightening strike. The parish hall was built in 1953 with an addition added in 1955.

422. In the 1800's, Trinity changed its name to "Trinity Episcopal Church." On February 12, 2012, Trinity changed its name to "Trinity Episcopal Church."

423. Trinity, Edisto Island left the Defendant TEC in 1861 along with the rest of the Diocese. They returned when the Diocese voluntarily reassociated with the Defendant TEC in 1866.

424. Trinity Edisto Island voluntarily associated with the Diocese of South Carolina.

425. As of December 2011, Trinity Edisto Island had 208 baptized members and an annual operating income of \$422,156.

426. In addition to its votes at the Special Convention of The Protestant Episcopal Church In The Diocese of South Carolina held on November 17, 2012, Trinity, Edisto Island reaffirmed its disaffiliation from the Defendant TEC by a vote of its Board of Directors on December 30, 2012.

427. Trinity, Edisto Island is the fee simple owner of all its real property.

428. During its 243-year history, the acquisition of Trinity, Edisto Island's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Trinity, Edisto Island without any assistance or contributions from the Defendant TEC.

429. Neither the Defendant TEC nor any other entity associated with the Defendant TEC has any legal, beneficial or equitable interest in any of Trinity, Edisto Island's real or personal property.

430. Defendants and those under their control including individuals claiming to be members of Defendants have assumed, used, adopted Trinity, Edisto Island's name and emblems by:

- i. Posting Trinity, Edisto Island's name or a name substantially similar on a website and improperly asserting that Trinity, Edisto Island is "in union with" the Defendants.
- ii. Using Trinity, Edisto Island's name or a name substantially similar to it to send email and other correspondence improperly asserting that Trinity, Edisto Island is "in union with" the Defendants.

Trinity Episcopal Church, Pinopolis ("Trinity, Pinopolis")

431. Trinity, Pinopolis is a South Carolina non-profit corporation. Its business address is 1915 Pinopolis Road, Pinopolis Island, South Carolina. It was incorporated on February 24, 1971.