

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Judge Brooks P. Goldsmith, Circuit Court Judge

Case No. 2012-213071

James R. Glover, as Presiding Elder of the Lancaster District of the African Methodist Episcopal
(A.M.E.) Church,.....Appellant.

v.

James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy
McGraw, Jeannie Hall, Rosa Chappell, Alzine Woodard and Jean McCory,.....Respondents.

RECORD ON APPEAL

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RECEIVED

MAR 27 2013

SC Court of Appeals

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Order of July 19, 2012

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS

2012 JUL 19 P 4:41

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

James Glover, as Presiding Elder of the)
Lancaster District of the African Methodist)
Episcopal A.M.E. Church,)

PLAINTIFF,)

VS.)

James Stevenson, Roddie Armstrong,)
Lyndsay Hopkins, Freddie Armstrong,)
Janice Samuels, Daisy McGraw,)
Jeannie Hall, Rosa Chappell, Alzine)
Woodard and Jean McCrory,)

DEFENDANT.)

ORDER

CASE NO. 2011-CP-20-00218

This matter comes before the Court on cross-motions for summary judgment. This is a dispute concerning the ownership of property; the dispute being between a national church and a local church. The Defendants are the trustees of Shady Grove Church, also known as Shady Grove A.M.E. Church. Plaintiff contends that all members of Shady Grove Church have ceased to be members of the national African Methodist Episcopal Church and asks that this Court declare that the national church is the owner of all property now or formerly held by Shady Grove Church. The grounds for the Plaintiff's motion are that the church organization is a connectional or hierarchical church and that the trustees and members of Shady Grove Church are bound by the tenants and provisions contained in the Book of Discipline of the African American Episcopal Church. The provisions of this book dictate that all property of member churches, such

as Shady Grove Church, is the property of the national church. Plaintiff contends that the facts of this case are controlled by the principles set forth in Fire Baptized Holiness Church of God of the Americas v. Great Fuller Tabernacle Baptist Holiness Church, 323 S.C. 418 (Ct. App. 1996), which held that in cases involving hierarchal churches title to church property remains with the national churches and does not follow a congregation that might leave or depart the larger organization and that since the A.M.E. church is a hierarchal church, the civil courts are bound by the interpretation of the church rules as promulgated in the book of discipline.

Defendants contend that the ownership of this church can be determined by civil law without reference to religious law and cite the principles set forth in All Saints Parish Waccamaw v. The Protestant Episcopal Church, 385 S.C. 428 (SC 2009), which recognized and explained there are two methods for a civil court to resolve church disputes. The first is the deference approach and the other is the neutral principles of law approach. Under the deference approach, the court must determine whether a church is congregational or hierarchal in nature and if the court determines that the church is congregational, the court will resolve the dispute by deferring to the majority of the congregation. If the congregation is part of a hierarchal organization, the court will defer to the decision of the higher church authorities. For many years, the deference approach was the only constitutionally recognized method for resolving church disputes.

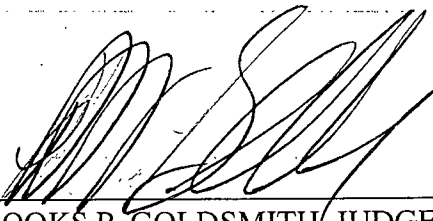
In 1979, the United States Supreme Court approved the court's use of the neutral principles of law approach to resolve ownership disputes concerning church property. Plaintiff contends that the Court must decide this case based on the deference approach. Defendants contend the Court must first attempt to resolve the dispute pursuant to the

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

The Court finds that the Plaintiff has failed to prove that it has any ownership interest in property of Shady Grove Church also known as Shady Grove A.M.E. Church and the Complaint of the Plaintiff is dismissed.

AND IT IS ALL SO ORDERED.

July 19, 2012
Lancaster SC



BROOKS P. GOLDSMITH, JUDGE
SIXTH JUDICIAL CIRCUIT

neutral principles of law approach as set forth in Pearson v. The Church of God, 325 S.C. 45 (SC 1996). Under this approach if civil courts can completely resolve a church dispute on neutral principles of law, then the court must do so without adjudicating religious law, principle, doctrine, discipline, custom or administration.

The Court notes that the decision of the Court of Appeals in Fire Baptized Holiness Church was rendered a few months prior to the decision of the Supreme Court in Pearson.

I find that the Court must first attempt to resolve this matter by using the neutral principles of law approach. Defendants argue that under this approach, Plaintiff's claim is barred by the statute of frauds and the parole evidence rule.

The named Defendants are the current trustees of Shady Grove Church. The real property upon which the church is located was acquired by separate deeds. The first deed in 1919 described 1¼ acres and was conveyed to named individuals, successors and assigns as trustees of Shady Grove Church. The second containing 1.00 acres was likewise conveyed to named individuals as trustees of Shady Grove A.M.E. Church in 1950. These deeds clearly indicate the real property was conveyed to the trustees for the "local" church. There is no deed or other writing signed by the trustees transferring any ownership interest in the real property to this Plaintiff or to the national church. In the absence of such a document, legal ownership could not have been either transferred to the Plaintiff or a trust created for the benefit of the Plaintiff. SEE S.C. Code §62-7-401.

Based on the foregoing, the Plaintiff's Motion for Summary Judgment is denied and the Defendants' Motion for Summary Judgment is granted.

Order of August 31, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder
of The Lancaster District of the
African Methodist Episcopal Church,

PLAINTIFF,

VS.

Corthan Manning, Jr., Theodore
Manning, and Earlene W. Manning,

DEFENDANT.

**ORDER DENYING
MOTION TO RECONSIDER**

CASE NO. 2011-CP-20-00217
CASE NO. 2011-CP-20-00218

James Glover, as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal A.M.E. Church,

PLAINTIFF,

VS.

James Stevenson, Roddie Armstrong,
Lyndsay Hopkins, Freddie Armstrong,
Janice Samuels, Daisy McGraw,
Jeannie Hall, Rosa Chappell, Alzine
Woodard and Jean McCrory,

DEFENDANT.

2012 SEP -4 P 1:22
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

This matter came before the Court on Plaintiff's *Motion to Alter or Amend Judgment* dated July 30, 2012.

After careful consideration of said motion and memoranda submitted by the parties, the Court finds there is no basis for granting the motion and, therefore, Plaintiff's *Motion to Alter or Amend Judgment* dated July 30, 2012 is hereby denied.

AND IT IS ALL SO ORDERED.

August 31, 2012
Lancaster SC


BROOKS P. GOLDSMITH, JUDGE
SIXTH JUDICIAL CIRCUIT

Summons and Complaint

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,

Defendants.

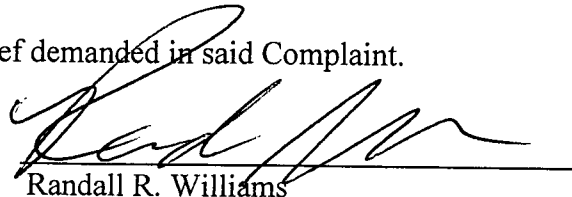
2011-CP-~~20~~218

SUMMONS

2011 MAY 25 P 5:12
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the same on the same on the subscriber hereto, at this office, 110 Riley Ave., PO Box 3461, Greenwood, South Carolina 29648, within **Thirty (30) DAYS** after the service thereof, exclusive of the date of such service, and if you fail to Answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in said Complaint.



Randall R. Williams

Attorney for Plaintiff

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(864) 227-9156

Greenwood, South Carolina

5-25, 2011

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,
Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,
Defendants.

2011-CP-20-218

COMPLAINT

2011 MAY 25 P 5:12
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

The Plaintiff, complaining of the Defendants herein would respectfully show unto this Honorable Court:

1. That Plaintiff is the Presiding Elder of the African Methodist Episcopal Church for the Lancaster District.
2. That Plaintiff is informed and believes Defendants James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy Mc Graw, Jeannie Hall, Rosa Chappell, Alzine Woodard and Jean McCrory, are citizens and residents of Fairfield County, South Carolina.

3. That Shady Grove African Methodist Episcopal Church is located in Fairfield County, South Carolina and all or a substantial portion of the acts giving rise to the complaint occurred or will occur or arise in Fairfield County, South Carolina.
4. That the African Methodist Episcopal Church is a hierarchal church governed in accordance with the Doctrine and Discipline of the African Methodist Episcopal Church 2008(herein the Discipline).
5. That Shady Grove African Methodist Episcopal Church has been affiliated with the African Methodist Episcopal Church since 1919.
6. That Shady Grove African Methodist Episcopal Church has real property located in Fairfield County, South Carolina (Exhibit 1).
7. That under the book of Discipline, the Board of Trustees of a local church such as Shady Grove African Methodist Episcopal Church holds the property in trust for the General Church and not in their individual capacities. (Exhibit 2).
8. That Defendants have formally notified representatives of the 7th Episcopal District by correspondence dated May 11, 2011 of their decision to secede and withdraw permanently from the A.M.E. Church General Conference. That the correspondence contained an enclosure styled DECLARATION AND RESOLUTION TO SECEDE AND WITHDRAW PERMANENTLY FROM THE A.M.E. CHURCH GENERAL CONFERENCE. That the Declaration states that its institutions and properties are now known officially and forever as Shady Grove Independent Church. (Exhibit 3)
9. That the Defendants were placed on the church roll as "Left Without Certificate" upon recommendation of the pastor of Shady Grove African Methodist Episcopal Church.
10. That the placement of the Defendants on the church roll as "Left Without Certificate" precludes the former members rights to real or personal property of the Shady Grove African Methodist Episcopal Church.

11. That Defendant, James Stevenson is a former member and Trustee of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Roddie Armstrong is a former member and Trustee of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Lyndsay Hopkins is a former member and Trustee of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Freddie Armstrong is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Janice Samuels is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Daisy Mc Graw is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Jeannie Hall is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Rosa Chappell is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist

Episcopal Church. That Defendant, Alzine Woodard is a former member and Steward of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church. That Defendant, Jean McCrory is a former member and Secretary of the Shady Grove African Methodist Episcopal Church and the African Methodist Episcopal Church, Inc. who claims the right to use real and personal property of Shady Grove African Methodist Episcopal Church.

12. That Defendants have disturbed the normal worship service of the Shady Grove A.M.E. Church. That on May 15, 2011, the Defendants prevented and prohibited the duly appointed pastor from conducting the worship service. That the pastor advised Defendants that she could only be removed by the Presiding Bishop of the 7th Episcopal District. That the pastor attempted to reason with Defendants and was informed that they would listen, but the matter was a legal issue.

13. That Defendants have unlawfully transferred by deed or caused to be transferred by deed real property from Shady Grove A.M.E. Church to Shady Grove Independent Church. (Exhibit 4)

14. That a new sign has been erected on church property indicating the name of the church has been changed from Shady Grove A.M.E. Church to Shady Grove Independent Church. (Exhibit

5) Further, that the Defendant, Jean A. McCrory issued a newspaper and radio press release titled "Church Secedes and Withdraws From Parent A.M.E. Church" and further, indicated that Shady Grove Independent Church is in process of developing plans and strategies for conducting their future services and programs without assistance from any other higher body or entity. (Exhibit 6)

15. That Defendants have not only retained funds and real and personal property belonging to Shady Grove African Methodist Episcopal Church, including but not limited to bank records and keys, but they have prevented the pastor from carrying on the normal worship service.

16. That Plaintiff is informed and believes that he is entitled to a declaratory judgment stating that all property of the Shady Grove African Methodist Episcopal Church is held in Trust by the Trustees of Shady Grove African Methodist Episcopal Church on behalf of the African Methodist Episcopal Church, Inc. and that the African Methodist Episcopal Church, Inc. is the true owner of both the real and personal property of Shady Grove African Methodist Episcopal Church.

17. That Plaintiff is informed and believes that he is entitled to a declaratory judgment stating Plaintiff is entitled to both real and personal property of the Shady Grove African Methodist Episcopal Church.

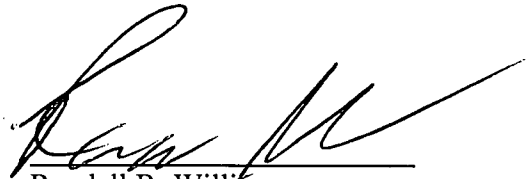
18. That Plaintiff is informed that he is entitled to a declaratory judgment stating that Shady Grove African Methodist Episcopal Church is affiliated with the African Methodist Episcopal Church.

19. That Plaintiff is informed and believes that he is entitled to a temporary restraining order against Defendants preventing them from dispersing any funds now or formerly in an account for Shady Grove African Methodist Episcopal Church or transacting business on behalf of Shady Grove African Methodist Episcopal Church; and enjoining Defendants from retaining and possessing church property both real and personal; enjoining and restraining Defendants from coming onto church property disturbing the normal worship service pending a hearing on a temporary injunction. Plaintiff is informed and believes that he and Shady Grove African Methodist Episcopal Church will be irreparably harmed if a temporary restraining order is not issued. Further, that remedies of law are inadequate.

20. That Plaintiff is informed and believes that he is entitled to a temporary and permanent injunction requiring Defendants to return all funds and properties, both real and personal belonging to the Shady Grove African Methodist Episcopal Church and to a temporary and permanent injunction enjoining and restraining Defendants from coming onto Church property

disturbing the normal worship service. That Plaintiff is informed and believes that unless he is granted a temporary and permanent injunction he will suffer permanent harm and that remedies of law are inadequate.

WHEREFORE Plaintiff prays for a temporary restraining order, temporary and permanent injunction and a declaratory judgment as set forth above.



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Greenwood, SC 29648-3461
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Greenwood, South Carolina
5-25, 2011

Answer and Counterclaim

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT
DOCKET NO. 2011-CP-20-218

James Glover as Presiding Elder of the)
Lancaster District of the African Methodist)
Episcopal (A.M.E.) Church,)

Plaintiff,)

v.)

James Stevenson, Roddie Armstrong,)
Lyndsay Hopkins, Freddie Armstrong,)
Janice Samuels, Daisy McGraw,)

Jeannie Hall, Rosa Chappell,)

Alzine Woodard, and Jean McCrory,)

Defendants.)

ANSWER AND COUNTERCLAIMS

(Jury Trial Requested)

The Defendants, subject to and reserving all rights under any motions, hereby answer and enter counterclaims as to the Complaint of the Plaintiff; and would respectfully show unto the court the following:

FOR A FIRST DEFENSE

(Failure to State a Claim)

1. Each Defendant asserts and hereby moves that the Plaintiff's Complaint should be dismissed for failure to state facts sufficient to constitute a cause of action against any Defendant on which relief can be granted.

FOR A SECOND DEFENSE

(Lack of Standing)

2. Each Defendant asserts and hereby moves that the Plaintiff's Complaint should be dismissed because the Plaintiff does not have standing to bring this present action.

2011 AUG -8 A 11:13
FAIRFIELD COUNTY
CLERK OF COURT
BECKY J. BECKHAM

FOR A THIRD DEFENSE

(Strike Reference to the Book of Discipline)

3. Each Defendant hereby moves to have any and all references to the Book of Discipline should be stricken from the Complaint as the Book of Discipline has no bearing on South Carolina property law or South Carolina trust law.

FOR A FOURTH DEFENSE

(General Denial)

4. Each and every allegation of Plaintiff's Complaint, except as hereinafter specifically admitted, qualified, or explained, is denied and strict proof thereof is demanded.

(Specific Denials)

5. The Defendants admit the allegations contained in paragraphs 1 and 2.

6. The Defendants deny the allegations contained in paragraph 3 insofar as Shady Grove African Methodist Episcopal Church no longer exists and has no current membership whatsoever. The Defendants admit that the property that forms the subject of this controversy is located in Fairfield County, South Carolina.

7. The Defendants deny the allegations contained in paragraphs 4 and 5.

8. The Defendants deny the allegations contained in paragraph 6 insofar as Shady Grove African Methodist Episcopal no longer exists, has no current membership whatsoever and owns no property of any kind whatsoever. The Defendants admit that the property that forms the subject of this controversy is located in Fairfield County, South Carolina.

9. The Defendants deny the allegations of paragraph 7 and deny the applicability of the book of Discipline to this legal action. The Defendants assert that South Carolina recognizes the

neutral principles of law approach and that South Carolina law is the only law applicable in this matter.

10. The Defendants admit the allegations contained in paragraphs 8 and 9 without admitting or acknowledging any formal incorporation with the A.M.E. Church.

11. The Defendants deny the allegations of paragraphs 10, 11 and 12. The Defendants assert that Shady Grove African Methodist Episcopal no longer exists, has no current membership whatsoever, and has no cognizable normal worship services at this time. The Defendants admit that they did in fact advise the former pastor that her services were no longer required.

12. The Defendants deny the allegations of paragraph 13 and demand strict proof thereof.

13. The Defendants admit to the allegations of paragraph 14.

14. The Defendants deny the allegations of paragraphs 15, 16, 17, 18, 19 and 20 and demand strict proof thereof. The Defendants assert that Shady Grove African Methodist Episcopal no longer exists, has no current membership whatsoever, owns no property whatsoever, and is entitled to no relief whatsoever.

(As to the Prayer for Relief)

15. The Defendants deny that the Plaintiff is entitled to any of the relief requested in the prayer for relief and its various subparts or any relief whatsoever.

FOR A FIFTH DEFENSE

(Unclean Hands)

16. The Defendants assert that the Plaintiff's claims are barred by the doctrine of unclean hands.

FOR A SIXTH DEFENSE

(Failure to Join a Party Under Rule 19)

17. The Defendants assert that the Plaintiff's Complaint should be dismissed for failure to join a party under Rule 19.

FOR A SEVENTH DEFENSE

(Reservation of Rights)

18. The Defendants reserve the right to assert any other defenses that may become available or appear during discovery proceedings or otherwise in this case and hereby reserves the right to amend this answer to assert any such defenses.

FOR AN EIGHTH DEFENSE AND BY WAY OF A COUNTERCLAIM

(Declaratory Judgment)

19. The allegations in the previous defense(s) are incorporated by reference as if fully set forth verbatim herein.

20. Each of the above listed Defendants is a citizen and resident of Fairfield County, South Carolina.

21. These Defendants are the representatives of the entire congregation known as Shady Grove Independent Church (hereinafter "Shady Grove") located at 5253 Newberry Road in Winnsboro, South Carolina.

22. Upon information and belief, the Plaintiff is a citizen and resident of Lexington, South Carolina.

23. This matter is brought pursuant to the Declaratory Judgment Act, S.C. Code § 15-53-10 et. seq., and Rule 57 of the South Carolina Rules of Civil Procedure.

24. A justiciable controversy exists between the parties.

25. This court has jurisdiction to entertain this claim and venue in Fairfield County is proper and the property that forms the basis of this controversy is located in Fairfield County.

FACTS

26. On May 3, 1919, one Eleanor Stroman conveyed 1.25 acres of land in Fairfield County to the "Trustees of Shady Grove Church" by general warranty deed. This conveyance was recorded on May 17, 1919 on page 266 of book "BH".

27. This 1.25 acres is located at, 5253 Newberry Road in Winnsboro, South Carolina and this property is now identified as Shady Grove Independent Church.

28. On May 11, 2011, the Trustees of Shady Grove Church conveyed said property to the Trustees of Shady Grove Independent Church. This conveyance was recorded on May 11, 2011 on page 54 of book "1031".

29. Additionally, on May 11, 2011, the Trustees of Shady Grove Independent Church received title to the additional 1 acre of property (Southeast of the above parcel) from the Trustees of Shady Grove Church. This conveyance was recorded on May 11, 2011 on page 57 of book "1031".

30. The Trustees of Shady Grove Independent Church own legal title to all of the property referenced above and all property located at 5253 Newberry Road in Winnsboro, South Carolina.

31. There was no legal conveyance of any property located at 5253 Newberry Road in Winnsboro, South Carolina or any property that forms the subject of this controversy to the A.M.E. Church at any time, nor was there ever a trust conveying any beneficial interest in any property that forms the subject of this controversy to the A.M.E. Church at any time.

32. On May 11, 2011, the defendants and all members of Shady Grove Independent Church (hereinafter "Shady Grove") informed the A.M.E. Church that on March 26, 2011 all of the members of Shady Grove voted unanimously to terminate all affiliation with the A.M.E. Church.

33. Since the termination of all affiliation with the A.M.E. Church in May of 2011, the Defendants and the other congregants of Shady Grove have continued normal worship services every Sunday and have continued to maintain the exact same services that have always occurred at Shady Grove since its inception.

34. The Defendants and the other congregants of Shady Grove have supplied and currently own all personal property located at Shady Grove and all personal property that form the subject of this present controversy.

FOR A FIRST DECLARATION

35. The Defendants repeat, re-allege, and incorporate paragraphs 1-34 as if fully set forth herein verbatim.

36. The Defendants, as Trustees of Shady Grove Independent Church, are the legal owners of all of the property located at 5253 Newberry Road in Winnsboro, South Carolina and all property that is the subject of this controversy.

37. The Defendants, as Trustees of Shady Grove Independent Church, have legal title to all of the property located at 5253 Newberry Road in Winnsboro, South Carolina and all of the property that is the subject of this controversy pursuant to South Carolina law.

38. Therefore, the Defendants are entitled an order declaring and acknowledging the Defendants' exclusive, peaceful, undisturbed use and possession of all property located at 5253 Newberry Road in Winnsboro, South Carolina and all property that is the subject of this controversy.

FOR A SECOND DECLARATION

39. The Defendants repeat, re-allege, and incorporate paragraphs 1-38 as if fully set forth herein verbatim.

40. The Defendants, as Trustees of Shady Grove Independent Church, are the legal owners of all personal property located at 5253 Newberry Road in Winnsboro, South Carolina and all personal property that forms the subject of this present controversy.

41. Therefore, the Defendants are entitled an order acknowledging the Defendants' exclusive peaceful, and undisturbed use and possession of the all personal property located at 5253 Newberry Road in Winnsboro, South Carolina and all personal property that forms the subject of this present controversy.

FOR A THIRD DECLARATION

42. The Defendants repeat, re-allege, and incorporate paragraphs 1-41 as if fully set forth herein verbatim.

43. The Book of Discipline of the A.M.E. Church referenced in the Plaintiff's Complaint is not legal authority regarding South Carolina trust law or South Carolina property law.

44. The Book of Discipline of the A.M.E. Church referenced in the Plaintiff's Complaint is not binding precedent for South Carolina civil courts concerning matters of trust law or matters of property law.

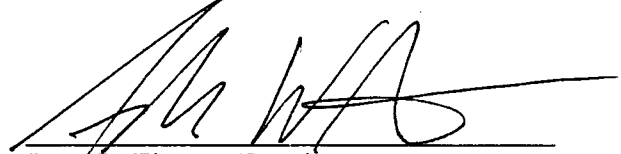
45. Therefore, these Defendants request that South Carolina law be enforced and followed in the resolution of this present controversy.

WHEREFORE, having fully answered and counterclaimed as to the Plaintiff's Complaint in this matter, the Defendants respectfully requests the following relief:

- a. That any and all relief which the Plaintiff is seeking in his Complaint, dated May 25, 2011, which is not consistent with the relief Defendants are seeking in this answer and counterclaim be denied;
- b. That the Complaint in this matter be dismissed, with prejudice;
- c. That any and all relief which the Defendants are seeking in these Counterclaims be granted;

- d. That this Court inquire into these matters and declare that the Defendants, the title owners and legal owners of all property, both real and personal, that forms the subject of the controversy in this matter; are entitled to exclusive, peaceful and undisturbed use and possession of all property, both real and personal, forming the subject of the controversy in this matter;
- e. That this Court declare that the Book of Discipline referenced in the Complaint has no legal authority regarding South Carolina trust law or South Carolina property law, is not binding precedent for South Carolina civil courts concerning matters of trust law or matters of property law; and that South Carolina law be enforced and followed in the resolution of this present controversy;
- f. For the costs of this action to be taxed against the Plaintiff; and
- g. For such other, further and different relief as this Court may deem just and proper.

Respectfully Submitted,



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Attorneys for Defendants

Columbia, South Carolina
August 5, 2011

Reply

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,

Defendants.

2011-CP-20-218

REPLY

2011 SEP - 1 P 3:13
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

The Plaintiff subject to and reserving all rights under any motions, hereby replies to the counterclaim and would respectfully show:

FOR A FIRST DEFENSE

1. Each and every allegation contained in Defendants answer and counterclaim not herein admitted, qualified or explained is denied.
2. That Plaintiff admits the allegations contained in paragraphs 20, 23, 24, 25, 26 and 45.
3. That Plaintiff admits that the A.M.E. Church was informed of Defendants desire to leave the A.M.E. Church, but denies that all members voted unanimously to terminate all affiliation and demands strict proof thereof.
4. That Plaintiff admits the allegation in paragraph 31 that there was never a deed conveying property to Shady Grove A.M.E. Church, but denies that there was never a trust

conveying any beneficial interest to the African Methodist Episcopal Church. That the trustees of all local A.M.E. Churches hold property in trust for the larger National Connectional A.M.E. Church. That Plaintiff demands strict proof thereof.

5. That Plaintiff lacks sufficient information to form a belief as to the allegations contained in paragraph 21 and as such it is denied and strict proof is demanded.

6. That Plaintiff lacks sufficient information to form a belief as to the allegations contained in paragraph 33 as to whether Defendants continue to worship at Shady Grove African Methodist Episcopal (A.M.E.) Church and as such the same is denied and strict proof is demanded.

7. That Plaintiff admits so much of the allegations contained in paragraph 27 that 1.25 acres is located at 5253 Newberry Road in Winnsboro, South Carolina, but denies that the church located at 5253 Newberry Road is known as Shady Grove Independent Church and demands strict proof thereof. Plaintiff would admit that the sign in the church yard has been altered.

8. That Plaintiff admits so much of paragraph 28 that a deed was executed, but said conveyance was not proper as the trustees of Shady Grove A.M.E. Church never executed a deed and strict proof is demanded.

9. That Plaintiff admits so much of paragraph 29 that a deed was executed transferring 1 acre of property to the trustees of Shady Grove Independent Church but denies that the conveyance was proper as the trustees of Shady Grove A.M.E. Church did not execute a deed and as such Plaintiff demands strict proof thereof.

10. That Plaintiff lacks sufficient information to form a belief as to the allegation in paragraph 32 that the entire congregation voted unanimously to terminate any and all affiliation with the African Methodist Episcopal (A.M.E.) Church and demands strict proof thereof.

11. That Plaintiff denies the allegations contained in paragraphs 19, 22, 30, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 and demands strict proof thereof.

FOR A SECOND DEFENSE

12(b)(6)

1. That Plaintiff repeats his previous defenses as if repeated verbatim.
2. That Defendants counterclaim fails to state facts sufficient to constitute a cause of action and as such should be dismissed.

FOR A THIRD DEFENSE

12(b)(1)

1. That Plaintiff repeats his previous defenses as if repeated verbatim.
2. That Plaintiff moves to dismiss Defendants 5th defense of unclean hands as this court does not have jurisdiction to inquire into this matter.

FOR A FOURTH DEFENSE

12(f)

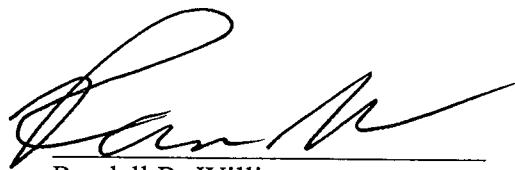
1. That Plaintiff repeats his previous defenses as if repeated verbatim.
2. That Plaintiff moves to strike Defendants 5th defense of unclean hands as this court lacks subject matter jurisdiction to inquire into the administration of the African Methodist Episcopal Church, Inc. and as such Defendants 5th defense is immaterial, impartment and should be stricken.

FOR A FIFTH DEFENSE

Reservation of Rights

1. That Plaintiff repeats his previous defenses as if repeated verbatim.
2. That the Plaintiff reserves the right to assert any other defenses that may become available or appear during discovery proceedings or otherwise in this case and hereby reserves the right to amend this answer to assert any such defenses.

WHEREFORE having replied to the counterclaim Plaintiff prays for an order dismissing Defendants' counterclaim, granting the matter set forth in Plaintiff's complaint and for such other relief as this court deems proper.



Randall R. Williams
Attorney for Plaintiff
P. O. Box 3461
110 Riley Avenue
Greenwood, SC 29648-3461
(864) 227-9156

Greenwood, South Carolina
9-7, 2011

Defendants' Motion for Summary Judgment

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FAIRFIELD) A 10: 38
DOCKET NO. 2011-CP-20-218

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,

Plaintiff,

v.

James Stevenson, Roddie Armstrong,
Lyndsay Hopkins, Freddie Armstrong,
Janice Samuels, Daisy McGraw,
Jeannie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCrory,

Defendants.

MOTION FOR SUMMARY JUDGMENT

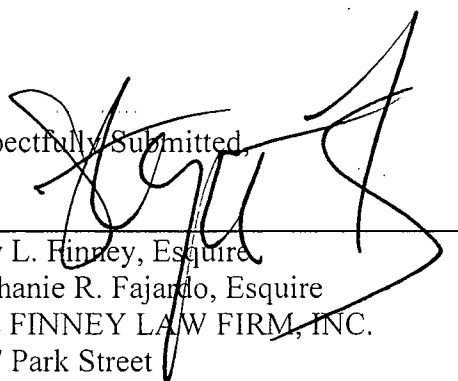
**TO: RANDALL R. WILLIAMS, ESQUIRE, COUNSEL FOR THE PLAINTIFF AND
THE PLAINTIFF:**

YOU WILL PLEASE TAKE NOTICE that Defendants James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy McGraw, Jeannie Hall, Rose Chappell, Alzine Woodard, and Jean McCrory, by and through their undersigned attorney, ten (10) days hence, will move before a presiding Judge of the Fairfield County Court of Common Pleas in Winnsboro, South Carolina, for an Order:

- A. Granting summary judgment to each Defendant on the grounds that there is no genuine issue as to any material fact and that each Defendant is entitled to judgment as a matter of law. Rule 56(c), S.C.R.Civ.P.; and

This motion shall be based upon the pleadings; the South Carolina Rules of Civil Procedure; applicable case law and statutory law; depositions in this matter; the discovery conducted thus far; any memorandums or affidavits filed prior to the hearing on this matter; and upon such additional information or argument as may be received by this Court.

Respectfully Submitted,



Jerry L. Finney, Esquire
Stephanie R. Fajardo, Esquire
THE FINNEY LAW FIRM, INC.
2117 Park Street
Columbia, South Carolina 29201
Tel: (803) 254-7408
Fax: (803) 254-1941

Columbia, South Carolina
April 16, 2012

Ajernal Danley, Esquire
THE DANLEY LAW FIRM, P.C.
240 Stoneridge Dr # 401
Columbia, South Carolina
29210-8013
Tel: (803) 254-2269
Fax: (803) 779-9577
Attorneys for Defendants

Plaintiff's Motion for Summary Judgment

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

2012 MAY -3 P 3:04
FAIRFIELD COUNTY
CLERK OF COURT
JO BECKHAM

2011-CP-20-218

James R. Glover, as Presiding Elder of
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,
Defendants.

**MOTION TO GRANT SUMMARY
JUDGMENT AS TO PLAINTIFF'S
REQUEST FOR DECLARATORY
JUDGMENT**

Plaintiff, pursuant to Rule 56 of the South Carolina Rule of Civil Procedure moves for an Order granting his request for a declaratory judgment. That Plaintiff respectfully requests that this court issue an Order granting summary judgment as to Plaintiff's request for declaratory judgment on the basis that Pine Grove African Methodist Episcopal (A.M.E.) Church is a member of a larger hierarchical or connectional church. Further, Defendants are listed as "Left Without Certificate" on the church roll.

Specifically the grounds for this Motion are as follows:

- (1). That Pine Grove A.M.E. Church is located in Fairfield County, South Carolina.
- (2). That Pine Grove A.M.E Church has been affiliated with the African Methodist Episcopal (A.M.E.), Church, Inc. in excess of 100 years.

(3). That the Connectional A.M.E. Church has in the past and continues to assign pastors to Pine Grove A.M.E. Church until the Defendants left the A. M. E. Church.

(4). That Pine Grove A.M.E. Church pays an assessment to the Connectional A.M.E. Church.

(5). That Defendants were removed from the church roll of Pine Grove A.M.E. Church and are listed as "Left Without Certificate."

(6). That the A.M.E. Church is hierarchical or connectional in nature. That the local church is subject to the authority and government of the larger Connectional A.M.E. Church.

(7). That the Book of Discipline of the A.M.E. Church states that all church property, both real and personal, belong to the National Connectional African Methodist Episcopal Church, Inc.

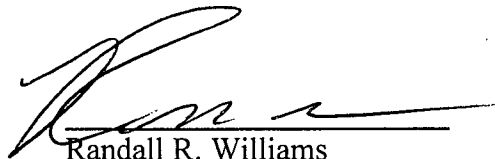
(8). That there is no genuine issue of fact and Plaintiff is entitled to a declaratory judgment.

(9). That Plaintiff is entitled to a declaratory judgment stating that all property of the Pine Grove African Methodist Episcopal Church is held in Trust by the Trustees of Pine Grove African Methodist Episcopal Church on behalf of the African Methodist Episcopal Church, Inc. and that the African Methodist Episcopal Church is the true owner of both the real and personal property of Pine Grove African Methodist Episcopal Church. That Plaintiff is entitled to a declaratory judgment stating Plaintiff is entitled to all property of the Pine Grove African Methodist Episcopal Church. That Plaintiff is entitled to a declaratory judgment stating that Pine Grove African Methodist Episcopal Church is affiliated with the African Methodist Episcopal Church.

That this motion is based on the applicable rules, statutes and case law and any memorandum of law to be submitted at or before the hearing on this matter, as well as any additional affidavits or supplemental memorandum which may be filed with this court at or prior to a hearing.

In support of its Motion, Plaintiff would rely on its verified complaint and case law of the United States and the State of South Carolina.

For these reasons, Plaintiff moves for an Order of this court granting his motion for Summary Judgment.



Randall R. Williams
Attorney for Plaintiff
110 Riley Avenue
Post Office Box 3461
Greenwood, SC 29648-3461
(864) 227-9156

Greenwood, South Carolina

5-3, 2012

Plaintiff's Amended Motion for Summary Judgment

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

2012 JUN 20 P 2:30
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2011-CP-20-218

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,

Defendants.

**AMENDED MOTION TO GRANT
SUMMARY JUDGMENT AS TO
PLAINTIFF'S REQUEST FOR
DECLARATORY JUDGMENT**

Plaintiff, pursuant to Rule 56 of the South Carolina Rule of Civil Procedure moves for an Order granting his request for a declaratory judgment. That Plaintiff respectfully requests that this court issue an Order granting summary judgment as to Plaintiff's request for declaratory judgment on the basis that Shady Grove African Methodist Episcopal (A.M.E.) Church is a member of a larger hierarchical or connectional church. Further, Defendants are listed as "Left Without Certificate" on the church roll.

Specifically the grounds for this Motion are as follows:

- (1). That Shady Grove A.M.E. Church is located in Fairfield County, South Carolina.
- (2). That Shady Grove A.M.E Church has been affiliated with the African Methodist Episcopal (A.M.E.), Church, Inc. in excess of 62 years.

(3). That the Connectional A.M.E. Church has in the past and has attempted to assign pastors to Shady Grove A.M.E. Church after the Defendants left the A. M. E. Church, Inc. and Shady Grove A.M.E Church.

(4). That Shady Grove A.M.E. Church has paid an assessment to the Connectional A.M.E. Church in excess of 62 years.

(5). That Shady Grove A.M.E. Church has used the name, custom, polity, and literature of the A.M.E. Church Inc. in such a manner as to be known as part of the A.M.E. Church connection.

(6). That the property was convey to the trustees of the Shady Grove A.M.E. Church.

(7). That the members of Shady Grove A.M.E. Church paid conference assessments and dues.

(8). That Shady Grove A.M.E. Church was enrolled and participated as a member in the connection of the A.M.E. Church in the quarterly and annual conferences.

(9). That the A.M.E. Church is hierarchical or connectional in nature. That the local church is subject to the authority and government of the larger Connectional A.M.E. Church.

(10). That the Book of Discipline of the A.M.E. Church states that all church property, both real and personal, belong to the National Connectional African Methodist Episcopal Church, Inc.

(11). That the Board of Trustees of the local church holds the property IN TRUST for the General Church and not in their individual capacities.

(12). That the Board of Trustees may not transfer church property unless 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. That this transaction has not approved by resolution at the quarterly conference or by the trustees at the annual conference.

(13). That there is no genuine issue of fact and Plaintiff is entitled to a declaratory judgment.

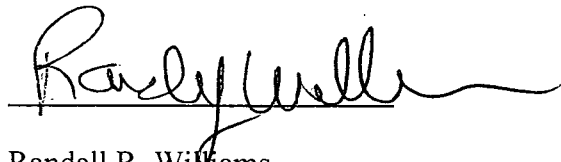
(14). That Plaintiff is entitled to a declaratory judgment stating that all property of the Shady Grove African Methodist Episcopal Church is held in Trust by the Trustees of Shady Grove African Methodist Episcopal Church on behalf of the African Methodist Episcopal Church, Inc. and that the African Methodist Episcopal Church is the true owner of both the real and personal property of Shady Grove African Methodist Episcopal Church. That Plaintiff is entitled to a declaratory judgment stating Plaintiff is entitled to all property of the Shady Grove African Methodist Episcopal Church. That Plaintiff is entitled to a declaratory judgment stating that Shady Grove African Methodist Episcopal Church is affiliated with the African Methodist Episcopal Church.

(15). That the Plaintiff has standing to bring this action because as per Part IV Section IX (f) of the Book of Discipline the Presiding Elder will see that all charters, deeds and other church property in the district conform to the Book of Discipline of the African Methodist Episcopal Church 2008 and to the laws, usages and forms of the county, state, territory or county, wherein such property is located.

That this motion is based on the applicable rules, statutes and case law and any memorandum of law to be submitted at or before the hearing on this matter, as well as any additional affidavits or supplemental memorandum which may be filed with this court at or prior to a hearing.

In support of its Motion, Plaintiff would rely on its verified complaint and case law of the United States and the State of South Carolina.

For these reasons, Plaintiff moves for an Order of this court granting his motion for Summary Judgment.

A handwritten signature in black ink, appearing to read "Randall Williams", written over a horizontal line.

Randall R. Williams
Attorney for Plaintiff
110 Riley Avenue
Post Office Box 3461
Greenwood, SC 29648-3461
(864) 227-9156

Greenwood, South Carolina

_____, 2012

Plaintiff's Motion for Temporary Restraining Order

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,

Defendants.

2011-CP-20-218

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

2011 MAY 25 P 5:13
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

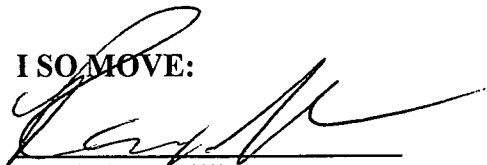
Plaintiff moves for a temporary restraining order pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure requiring Defendants, its agents, appointees, assigns and any other person or entity acting in concert with or on behalf of Defendants to restrain and enjoin them from dispersing funds now or formerly in an account for Shady Grove African Methodist Episcopal Church or transacting business on behalf of Shady Grove African Methodist Episcopal Church and enjoining and restraining Defendants from possessing and retaining church property, both real and personal and enjoining and restraining Defendants from coming onto church property disturbing the normal worship service.

The Defendants are neither current members of Shady Grove African Methodist Episcopal Church, nor do they have authority to act as stewards and/or trustees and as such do not have authority to act on behalf of Shady Grove A.M.E. Church. The Plaintiff would suffer irreparable harm if Defendants or their agents, appointees, assigns and it or any other person or

entity acting in concert with or on behalf of Defendants are allowed to retain church property, both real and personal, transfer, disperse or transact business on behalf of or in connection with Shady Grove African Methodist Episcopal Church or enter onto and upon church property to disturb the normal worship service.

THEREFORE for good cause shown, Plaintiff respectfully request that this Honorable Court issue a temporary restraining order to restrain and enjoin Defendants or its agents from expending, dispersing or transferring funds taken from accounts in the name of Shady Grove A.M.E. Church, enjoining, and restraining Defendants from retaining church property, both real and personal and enjoining and restraining Defendants from coming onto church property disturbing the normal church service for 10 days to preserve the status quo until a hearing can be held.

I SO MOVE:



Randall R. Williams
Attorney for Plaintiff
110 Riley Avenue
Post Office Box 3461
Greenwood, SC 29648-3461
(864) 227-9156

Greenwood, South Carolina
5-25, 2011

Plaintiff's Motion for Temporary Injunction

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James R. Glover, as Presiding Elder of The
Lancaster District of the African Methodist
Episcopal Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy Mc Graw, Jeannie Hall, Rosa Chappell,
Alzine Woodard and Jean McCrory,

Defendants.

2011-CP-~~20~~-218

**MOTION FOR TEMPORARY
INJUNCTION**

2011 MAY 25 P 5:13
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

Plaintiff moves for a temporary injunction pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure requiring Defendants, its agents, appointees, assigns and any other person or entity acting in concert with, or on behalf of Defendants, to return all funds and property, both real and personal, belonging to Shady Grove African Methodist Episcopal Church and enjoining and restraining Defendant from entering upon Church property disturbing the normal worship service referenced in the verified complaint.

Plaintiff will suffer irreparable harm if Defendants are allowed to retain property, both real and personal, and enter onto and upon property belonging to Shady Grove African Methodist Episcopal Church to disturb the worship service. The actions of Defendants or their agents are in violation of the Book of Discipline of the African Methodist Episcopal Church 2008 and state law, resulting in a likelihood of success on the merits. That no adequate remedy exists under the law to protect Plaintiff rights.

Specifically, the grounds for this Motion are as follows:

(1) That Shady Grove A.M.E. Church belongs to a hierarchical or Connectional Church and not a congregational church.

(2) That Defendants notified the 7th Episcopal District of their decision to secede and withdraw permanently from the A.M.E. Church General Conference. That Defendants formally issued a document titled "Declaration and Resolution To Secede and Withdraw Permanently From the A.M.E. Church General Conference."

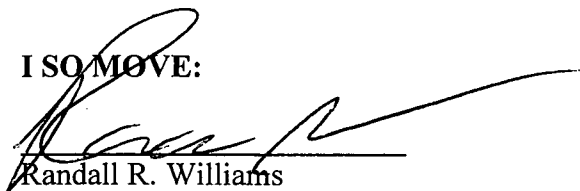
That the pastor of Shady Grove A.M.E. Church attempted to resolve this matter but was informed that the issue would be resolved by their attorney. That Defendants have not only prevented the pastor from executing her ecclesiastical responsibilities thereby disturbing the normal worship service, but they have changed the name on the sign located in front of the church from Shady Grove A.M.E. Church to Shady Grove Independent Church. Further, that Defendants have transferred church property by deed from Shady Grove A.M.E. Church to Shady Grove Independent Church. That Defendants claim that the A.M.E. Church, Inc. does not have an interest in Shady Grove A.M.E. Church property, both real and personal and continue to retain real and personal property of Shady Grove A.M.E. Church, including but not limited to bank records and keys.

In support of its Motion, Plaintiff would rely on its verified complaint and case law of the United States and the State of South Carolina.

For these reasons, Plaintiff moves for an Order of this court granting a preliminary injunction to prevent harm.

This motion is also based on the applicable rules, statutes and case law and any memorandum of law to be submitted at or before the hearing on this matter, as well as any additional affidavits or supplemental memoranda which may be filed with this court at or prior to a hearing.

ISO MOVE:


Randall R. Williams

Attorney for Plaintiff

110 Riley Avenue

Post Office Box 3461

Greenwood, SC 29648-3461

(864) 227-9156

Greenwood, South Carolina

5-25, 2011

Plaintiff's Notice of Motion and Alter or Amend a Judgment

STATE OF SOUTH CAROLINA
JUL 30 P 2:53

COUNTY OF FAIRFIELD
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy McGraw, Jennie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCorory,

Defendants.

CASE NO: 2011-CP-20-218

**NOTICE OF MOTION AND MOTION
ALTER OR AMEND A JUDGMENT
(RULE 59 (e))**

ATERNAL DANLEY

TO: STEPHANIE FAJARDO, ESQUIRE, Attorneys for Respondent:

You will please take notice that the undersigned, as attorney for the Plaintiff, James Glover, will ten (10) days from the service of this Notice of Motion and Motion, or soon thereafter as counsel may be heard, move before the Honorable Brooks P. Goldsmith, to Alter or Amend a Judgment Pursuant to Rule 59 (e) of the South Carolina Rules of Civil Procedure for the following reasons.

1. That this motion is made in furtherance of justice.
2. That affidavits presented by the Plaintiff indicate the local church through the actions of its various pastors, stewards, trustees and officers consented to the control and government of the national church in all aspects, except the proper form of a deed, as per the Book of Discipline.

3. That the court failed to consider the imputed obligations of the parties who have voluntarily submitted to the authority of the church by connecting themselves to it.

4. That hierarchical denominations may create or hold an express trust in church property by reciting an express trust in the general church's constitution in favor of the denomination.

5. That the inclusion of trust language in the Book of Discipline of the African Methodist Episcopal Church requiring trustees of a local church to hold local church property, both real and personal, in trust for the African Methodist Episcopal Church, Inc. creates a valid and enforceable trust in favor of the African Methodist Episcopal Church, Inc.

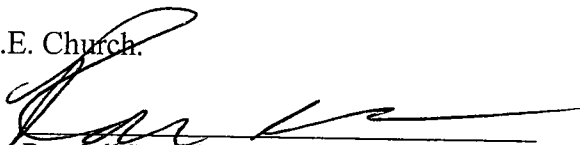
6. That the trust language recited in the Book of Discipline along with the various deeds satisfies the statute of frauds and the parole evidence rule.

7. That this Court is required to hear all relevant testimony and see all relevant evidence including but not limited to constitutions, charters, deeds, correspondence and depositions, when deciding church property cases under the neutral principal approach.

8. That the court failed to consider the trust language contained in the Book of Discipline.

9. That the court should have granted Plaintiff's motion to continue the hearing or hold the courts ruling in abeyance until depositions could be taken.

10. That the African Methodist Episcopal Church, Inc. has an ownership interest in the local church property of Shady Grove A.M.E. Church.



Randall R. Williams
Attorney for the Plaintiff
110 Riley Avenue
P.O. Box 3461
Greenwood, SC 29648-3461
864 227-9156 (Fax) 864-943-1898

Greenwood, South Carolina

7-30, 2012

Defendants' Memorandum in Opposition to Motion Alter or Amend Judgment

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

James Glover as Presiding Elder of the)
Lancaster District of the African Methodist)
Episcopal (A.M.E.) Church,)

Plaintiff,)

v.)

James Stevenson, Roddie Armstrong,)
Lyndsay Hopkins, Freddie Armstrong,)
Janice Samuels, Daisy McGraw,)
Jeannie Hall, Rosa Chappell,)
Alzine Woodard, and Jean McCrory,)

Defendants.)

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

James Glover as Presiding Elder of the)
Lancaster District of the African Methodist)
Episcopal (A.M.E.) Church,)

Plaintiff,)

v.)

Cothran Manning, Jr., Theodore Manning,)
and Earlene W. Manning,)

Defendants.)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT
DOCKET NO. 2011-CP-20-218

**MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION TO
ALTER OR AMEND JUDGMENT**

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT
DOCKET NO. 2011-CP-20-217

2012 AUG 24 A 10:21
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

This matter comes before the court upon the Plaintiff's Motions to Alter or Amend Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure.

The Plaintiff brought these two actions against the Defendants for a Declaratory Judgment and Temporary and Permanent Injunction on May 25, 2011 in regards to real and personal property located in Fairfield County. Defendants filed an Answer and Counterclaims in

both of these actions on August 8, 2011 denying the Plaintiff and the AME church had legal title to the disputed property, and requesting the Court issue a declaratory judgment stating that the Defendants had legal title to the disputed property. Defendants filed Motions for Summary Judgment in these two actions on April 17, 2012 and Plaintiff filed Motions for Summary Judgment in these two actions on May 3, 2012. All summary judgment motions were heard at a hearing on June 22, 2012 in Chester, South Carolina in front of The Honorable Brooks P. Goldsmith. Judge Goldsmith issued his Order denying Plaintiff's Motions for Summary Judgment and granting Defendants' Motions for Summary Judgment on July 19, 2012. Following the receipt of Judge Goldsmith's Order Plaintiff then filed a Motion to Alter or Amend a Judgment pursuant to Rule 59(e) on July 30, 2012.

In the Plaintiff's Motion to Amend or Alter, the Plaintiff fails to state a ground in which the Court erred in granting Defendants' Motions for Summary Judgment and denying Plaintiff's Motions for Summary Judgment. Instead, the Plaintiff reiterates many of the arguments made in Plaintiff's Memorandum in Support of Plaintiff's Motions for Summary Judgment as well as the arguments made at the hearing of all of the summary judgment motions. The only instances of the Plaintiff alleging grounds for his motion are found in paragraph three of the motion in which the Plaintiff states, "that the court failed to consider the imputed obligations of the parties who have voluntarily submitted to the authority of the church by connecting themselves to it" and in paragraph eight in which the Plaintiff states, "that the court failed to consider the trust language contained in the Book of Discipline." These two contentions by the Plaintiff completely ignore the Court's ruling which dictates that the property disputes involved in these two matters must be decided by using the neutral principles of law approach. The Court relied on the reasoning of *All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of S. Carolina*, in which

the court held that, "Church disputes that are resolved under the neutral principles of law approach do not turn on the single question of whether a church is congregational or hierarchical. Rather, the neutral principles of law approach permits the application of property, corporate, and other forms of law to church disputes." 385 S.C. 428, 444, 685 S.E.2d 163, 172 (2009). Using this analysis, the Court does not have to examine the issue of whether the parties submitted themselves to the authority of the church by connecting themselves to it or any reference to the Book of Discipline and the effect thereof, as the Court is able to decide this matter on neutral South Carolina law. As such the Plaintiff's Motion to Amend or Alter the Judgment fails as a matter of law and should be denied by the Court.

In addition to failing to allege a ground in which the Court erred in granting Defendants' Motions for Summary Judgment and denying Plaintiff's Motions for Summary Judgment, the Plaintiff attempts in later paragraphs of his motion to allege that the Book of Discipline, along with various deeds, satisfies the statute of frauds and the parole evidence rule is a complete mischaracterization of the evidence present in these matters. Plaintiff's Motion to Alter or Amend is the first appearance of any argument from the Plaintiff that the Book of Discipline and various deeds satisfy the statute of frauds and the parole evidence rule in either of these matters. *Brailsford v. Brailsford*, addresses this issue in stating that, "[a] party cannot use a motion ... to alter or amend a judgment to present an issue that could have been raised prior to judgment but was not." *Tallent v. South Carolina Dep't of Transp.*, 363 S.C. 160, 165, 609 S.E.2d 544, 546 (Ct.App.2005); *see also MailSource, LLC v. M.A. Bailey & Assocs. Inc.*, 356 S.C. 370, 374, 588 S.E.2d 639, 641 (Ct.App.2003) ("A party cannot raise an issue for the first time in a Rule 59(e), SCRCF motion which could have been raised at trial.") *Brailsford v. Brailsford*, 380 S.C. 443, 448, 669 S.E.2d 342, 344-45 (Ct. App. 2008). The Plaintiff's attempt to plead satisfaction of the

statute of frauds and parole evidence rule after the Court has ruled on the summary judgment motions is completely improper and should not be considered in deciding the Motion to Alter or Amend Judgment. Furthermore, even if the Court feels the Plaintiff has made this argument in some form at the summary judgment hearing, the Plaintiff's argument fails as a matter of law as no evidence has been provided to demonstrate how the Book of Discipline and various deeds satisfy the statute of frauds and parole evidence rule. The statute of frauds prohibits actions to "charge any person upon any contract or sale of lands, tenements or hereditaments or any interest in or concerning them... unless the agreement upon which such action shall be brought or some memorandum or note thereof shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized." S.C. Code Ann. § 32-3-10. Plaintiff has presented absolutely no written evidence signed by the Defendants which details a transfer of the disputed land in any fashion to the Plaintiff. As such, their argument, even if considered by the Court, fails as a matter of law as it is unsupported by evidence and the Plaintiff's Motion to Amend or Alter the Judgment fails as a matter of law and should be denied by the Court.

Plaintiff's remaining allegations contained in his Motion to Amend or Alter the Judgment simply repeat the same arguments Plaintiff proffered at the time of the summary judgment hearing which the Court has already addressed in its Order dated July 19, 2012. Based on this fact, the Defendants would simply rely on the arguments proffered at the hearing as support for the Defendants' position in opposition to Plaintiff's arguments.

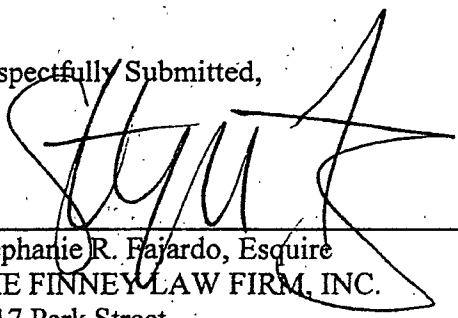
It is the Defendants' position that the Plaintiff's Motion to Amend or Alter the Judgment in these matters solely reiterates the arguments that have been made by Plaintiff throughout this entire matter with no regard for the rulings of the Court. As the Court has not erred in applying

the law in this matter, the Defendants' would respectfully request that the Plaintiff's Motion to Amend or Alter the Judgment in these matters be denied.

Therefore, based upon the foregoing, any arguments that may be advanced at the hearing of this matter, the statutory and common laws of the State of South Carolina, and the South Carolina Rules of Civil Procedure, the Plaintiff's Motion to Amend or Alter the Judgment in these matters should be denied.

Further, upon said, denial the Defendants should be awarded attorneys' fees and all costs should be taxed against the Plaintiff.

Respectfully Submitted,



Stephanie R. Fajardo, Esquire
THE FINNEY LAW FIRM, INC.
2117 Park Street
Columbia, South Carolina 29201
Tel: (803) 254-7408
Fax: (803) 254-1941

Ajernal Danley, Esquire
THE DANLEY LAW FIRM, P.C.
240 Stoneridge Dr # 401
Columbia, South Carolina
29210-8013
Tel: (803) 254-2269
Fax: (803) 779-9577

Attorneys for Defendants

Columbia, South Carolina
August 22, 2012

Exhibit

Deed

201100001013
 Filed for Record in
 FAIRFIELD SC
 BETTY JO BECKHAM
 05-11-2011 At 11:55:28 am.
 DEED 10.00
 State .00
 County .00
 Book 1031 Page 57 - 58

STATE OF SOUTH CAROLINA)
) QUIT - CLAIM DEED
 COUNTY OF FAIRFIELD)

By proper and majority VOTE on May 9, 2011, and under the order and authority,
 so rendered and vested, by and of, the Official Church Conference of Shady Grove
 Independent Church, a Non-Profit Corporation, formerly known as Shady Grove AME
 Church, duly GRANTS and QUIT - CLAIMS the same parcel and tract of land herein
 described to it's present and current Trustees, Roddie Armstrong, James Stevenson, and
 Alzine Woodard, their successors in office; and whereas, so duly recorded and sworn to
 by Jean A. McCrory, Church Secretary; and whereas, it being the same parcel or tract of
 land GRANTED and RELEASED to Trustees, James Neason, et, al on December 19,
 1950; and so recorded at Plat Book "5", at Page 28. See Attached Exhibit A.

1st Witness

2nd Witness

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

JEAN A. MCCRORY
 Secretary

HAVING APPEARED before me: JEAN A. MCCRORY, on this
 date, a Notary Public, in and for the above said State and County, the official secretary of
 said church, who made sworn statement that the above referenced instrument with respect
 to the matter in question, to GRANT and QUIT - CLAIM said referenced Deed to
 present and current Trustees of said church is accurate, true and correct to the best of her
 knowledge and belief.

Sworn and subscribed before me this 11th day of May, 2011.

Robert D. Drake
 NOTARY PUBLIC

My Commission Expires June 28, 2015

FAIRFIELD COUNTY ASSESSOR

DATE 5-12-11

TAX MAP NO. 105-01-00-010

201100001012
 Filed for Record in
 FAIRFIELD SC
 BETTY JO BECKHAM
 05-11-2011 At 11:54:18 am
 DEED 10.00
 State .00
 County .00
 Book 1031 Page 54 - 56

STATE OF SOUTH CAROLINA)

) QUIT - CLAIM DEED

COUNTY OF FAIRFIELD)

By proper and majority VOTE on May 9, 2011, and under the order and authority,
 So rendered and vested, by and of, the Official Church Conference of Shady Grove
 Independent Church, a Non-Profit Corporation, formerly known as Shady Grove Church,
 Duly GRANTS and QUIT - CLAIMS the same parcel and tract of land herein described
 To it's present and current Trustees, Roddie Armstrong, James Stevenson, and Alzine
 Woodard, their successors in office; and whereas, so duly recorded and sworn to by Jean
 A. McCrory, Church Secretary; and whereas, it being the same parcel or tract of land
 GRANTED and RELEASED to Trustees, Frank Gladney, et, al on May 3, 1919; and so
 Recorded in Deed Book "BH" at Page 266. See Attached Exhibit A.

Carey J. Krumpal
 1st Witness
Angela Z. Henry
 2nd Witness
Jean A. McCrory
 JEAN A. MCCRORY
 Secretary

STATE OF SOUTH CAROLINA)

)SS

COUNTY OF FAIRFIELD)

HAVING APPEARED before me: JEAN A. MCCRORY, on this
 date, a Notary Public, in and for the above said State and County, the official secretary of
 said church, who made sworn statement that the above referenced instrument with respect
 to the matter in question, to GRANT and QUIT - CLAIM said referenced Deed to
 present and current Trustees of said church is accurate, true and correct to the best of her

Knowledge and belief.

Sworn and subscribed before me this 11th day of May, 2011.

FAIRFIELD COUNTY ASSESSOR

DATE 5-12-11

TAX MAP NO. 105-01-00-010



Robert D. Drake

NOTARY PUBLIC

My Commission Expires June 28, 2015

SIGNED, SEALED AND DELIVERED,

IN THE PRESENCE OF:

M. D. Douglas

Pearl R. Brown

STATE OF SOUTH CAROLINA.

FAIRFIELD COUNTY

W. W. Turner (Seal)
As Executor of the Last Will and Testa-
ment of Ruth D. Turner, Deceased.

PERSONALLY appeared before me Pearl P. Brown and made oath that she saw the within named W. W. Turner, as Executor of the Last Will and Testament of Ruth D. Turner, deceased, sign, seal and as his act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that she, with E. D. Douglas witnessed the execution thereof.

Said to before me this 10th day of December, 1920.

Pearl P. Brown

M. L. Dooling

(L.S.)

Notary Public of S. C.

RECORDED: December 16th., 1950 at 12:47 P. M. o'clock Walter A. Leach Clerk of Court.

[illegible]

STATE OF SOUTH CAROLINA,)

\$1.00 State Stamps & 55¢ Federal Stamps

COUNTY OF FAIRFIELD,....)

KNOW ALL MEN BY THESE PRESENTS, That We, WALLACE A. TURNER and JO J. TURNER, of the County of Fairfield, in the State aforesaid, in consideration of the sum of Four Hundred Fifty and 00/100 (\$450.00) Dollars, to us paid by James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, heirs and assigns:

All that certain parcel or lot of land lying, being and situate on the southern side of the Bells Bridge Road, which is also known as Highway No. 22, in Fairfield County, in the State aforesaid, containing one (1) acre, more or less, represented by a plat dated July 19, 1950, and heretofore annexed as a part of this deed, bounded on the north by said highway, on the east by lands formerly of the grantors, now of W. Frank Caughman, on the south by lands of W. W. Turner, and on the west by lands of Shady Grove Church; and being a part of the tract of land conveyed to the grantors herein by deed of Robert C. Stevenson, and others. See Plat Book "5", at Page 28 for above mentioned plat.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, Heirs and Assigns forever.

And We do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, Heirs and Assigns, against us and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hands and Seals this 18th day of December in the year of our Lord one Thousand Nine hundred and fifty and in the one hundred and seventy-fifth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of:

M. D. Douglas

WALLACE A. TURNER (SEAL)

Pearl P. Brown

JO J. TURNER (SEAL)

STATE OF SOUTH CAROLINA,
FAIRFIELD COUNTY.

Personally appeared before me Pearl P. Brown and made oath that she saw the within named Wallace A. Turner and Jo. J. Turner sign, seal and, as their act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that she, with M. D. Douglas witnessed the execution thereof.

SWORN to before me this 19th day of December, 1950.

M. D. Douglas (L. S.)
Notary Public of S. C.

Pearl P. Brown

STATE OF SOUTH CAROLINA,
FAIRFIELD COUNTY.

RENUNCIATION OF DOWER

I, M. D. Douglas, Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Jo J. Turner, the wife of the within named Wallace A. Turner did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in Office, Heirs and assigns, all her interest and estate, and also her rights and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal this 19th day of December Anno Domini 1950.

M. D. Douglas (L. S.)
Notary Public of S. C.

Jo J. Turner

RECORDED: December 19th. 1950, at 10:59 A. M., W. W. Lewis Clerk of Court.

STATE OF SOUTH CAROLINA, \$25.00 State Stamps & \$12.75 Federal Stamps
See Deed Book "CG", at Page 340 for assignment recorded 12/27/50.
KNOW ALL MEN BY THESE PRESENTS, That I, John J. Hood, of the County of Fairfield, in the State aforesaid, in consideration of the sum of Twelve Thousand, Five Hundred and 00/100 (\$12,500.00) Dollars, to me paid by E. O. Dinkins, of the County of Fairfield, in the State aforesaid, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said E. O. Dinkins, his heirs and assigns:

All of the pine trees and pine timber which will measure twelve (12") inches or more in diameter at the stump, twelve (12") inches above the ground, in and upon:

All that certain piece, parcel or tract of land lying, being and situate mostly in the County of Fairfield, South Carolina, on Big Cedar Creek, Waters of Little River, and a small part in the County of Richland, containing three hundred fifty eight (358) acres, more or less, bounded on the North and Northeast by lands of Irvine F. Belser, formerly of B. Y. Langford; East by lands now or formerly of Martha Black; and on the West by lands formerly of John B. Ross, or his wife.

TOGETHER with the right of ingress and egress unto the Grantee, herein, his heirs and assigns, his agents and servants, in, over, through and across said premises, with or without teams, wagons, trucks, implements, tools and machinery for the purposes of cutting, hauling, stacking or removing said trees and timber or other products manufactured therefrom, and the right to do any and all things necessary or convenient for the full enjoyment of all of the privileges contemplated by this conveyance, PROVIDED HOWEVER, all such rights and easements shall cease and determine at the

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expiration of twelve (12) months from the date of this deed, and at the expiration of said period the title to all uncut trees and timber shall revert to the Grantor herein, his heirs and assigns.

It is understood that the Grantor herein has reserved the pulpwood on said premises of every kind under the dimensions described in this deed. In this connection however, the grantor expressly covenants and agrees that pulpwood cutting and processing will not commence until the timber herein has been cut and removed unless the grantee expressly consents to the contrary.

TOGETHER WITH all and singular the rights, members, hereditaments and appurtenances to the said trees and timber belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the trees and timber before mentioned unto the said E. O. Dinkins, his Heirs and Assigns forever.

And I do hereby bind myself, my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said trees and timber unto the said E. O. Dinkins, his Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 14th day of December in the year of our Lord one thousand nine hundred and fifty and in the one hundred and seventy-fifth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:

T. K. McDonald

JOHN J. HOOD (SEAL)

Essie Mae Arrington

STATE OF SOUTH CAROLINA,

FAIRFIELD COUNTY.

PERSONALLY APPEARED before me Essie Mae Arrington and made oath that she saw the within named John J. Hood sign, seal and, as his act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that she, with T. K. McDonald witnessed the execution thereof.

SWORN to before me this 14th day of December, 1950.

T. K. McDonald (L. S.)
Notary Public of S. C.

Essie Mae Arrington

STATE OF SOUTH CAROLINA,

FAIRFIELD COUNTY.

RENUNCIATION OF DOWER

I, T. K. McDonald, a Notary Public for S. C., do hereby certify unto all whom it may concern, that Mrs. Bertha M. Hood, the wife of the within named John J. Hood did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named E. O. Dinkins, his heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the trees and timber within mentioned and released.

Given under my Hand and Seal, this 14th day of December, Anno Domini 1950.

Bertha M. Hood

T. K. McDonald (L. S.)

Notary Public of S. C.

RECORDED: December 19th, 1950, at 4:44 P.M. W. W. Lewis Clerk of Court

STATE OF SOUTH CAROLINA,

\$1.00 State Stamps -.55 Fed. Stamps

KNOW ALL MEN BY THESE PRESENTS, That we, Henry K. Bass, David Boulware, Junie Belle Davis, Duncan K. Peake, Viola Bloom, and Carrison Brunham, of the County of Fairfield, Daisy Punderburk, Luther Boulware, and Henry Boulware, of the County of Kershaw, and J. B. Boulware, of the County of Chester, in the State aforesaid, and Mannie Boulware Smith, of New Orleans, in the State of Louisiana, in consideration of the sum of One Hundred Fifty and No/100 (\$150.00) Dollars, to us paid by John T. Butler, of the County of Fairfield, in the State aforesaid, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said John T.

(Next Page)

Exhibit “A”

Deed

EXHIBIT "A"

Book CG
Page 326

STATE OF SOUTH CAROLINA,,
COUNTY OF FAIRFIELD....)

KNOW ALL MEN BY THESE PRESENTS, That We, WALLACE A. TURNER and JO J. TURNER, of the County of Fairfield, in the State aforesaid, in consideration of the sum of Four Hundred Fifty and 00/100 (\$450.00) Dollars, to us paid by James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, heirs and assigns:

All that certain parcel or lot of land lying, being and situate on the southern side of the Belle Bridge Road, which is also known as Highway No. 22, in Fairfield County, in the State aforesaid, containing one (1) acre, more or less, represented by a plat dated July 19, 1950, and hereto annexed as a part of this deed, bounded on the north by said highway, on the east by lands formerly of the grantors, now of W. Frank Caughman, on the south by lands of W. W. Turner, and on the west by lands of Shady Grove Church; and being a part of the tract of land conveyed to the grantors herein by deed of Robert C. Stevenson, and others. See Plat Book "5", at Page 28 for above mentioned plat.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, Heirs and Assigns forever.

And We do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said James Neason, Sam Brown, J. H. Armstrong, Willie Moore, Robert Brown, Isaiah Hair, Joe Edd Gladden, Isaiah Gladden, and Preston Hall, as Trustees of Shady Grove A. M. E. Church, their Successors in office, Heirs and Assigns, against us and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

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RAW BLANK No. 2-TITLE TO REAL ESTATE

WALKER, TYLER & CORP. 100 S. CHARLESTON, S. C. 29201

The State of South Carolina,

County of Fairfield

I, Eleanor Stevenson of the County of Fairfield

KNOW ALL MEN BY THESE PRESENTS THAT

In the State aforesaid

Five Hundred

in consideration of the sum of

DOLLARS,

to me

in hand paid as and before the writing of these presents by Frank H. Haden, Sanders Blackmore and Joseph Young, Trustees of the Shady Grove Church

in the State aforesaid

the receipt whereof is hereby

acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Frank H. Haden, Sanders Blackmore, and Joseph Young Trustees, as aforesaid

all that certain piece of land or tract of land lying, being and situated in the County of Fairfield, in the State aforesaid, containing One and One fourth acres, more or less, located in the North West Corner of the tract of land assigned to me by Miss Mamie Jordan, bounded North by the Public Road to the Church, East partly by said road and by other land of Eleanor Stevenson on the South by lands of R. C. Stevenson, West by lands of W. W. Turner, including the area of the present Church, Church building and more land.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises mentioned unto the said Frank H. Haden, Sanders Blackmore and Joseph Young, Trustees of the Shady Grove Church, and their heirs and assigns forever.

IN TRUST nevertheless for the religious uses and purposes of Shady Grove Church as a religious body

AND I, do hereby bind myself my

Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Frank H. Haden, Sanders Blackmore and Joseph Young, Trustees of the Shady Grove Church, and their heirs and assigns, against me and my

whomsoever lawfully claiming, or to claim the same, of any part thereof

WITNESS my Hand and Seal this 3rd day of May

in the year of our Lord one thousand nine hundred and Nineteen the one hundred and Ninety-ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

S. J. Clowrey

Eleanor Stevenson

THE STATE OF SOUTH CAROLINA,

Fairfield COUNTY,

PERSONALLY appeared before me

and made oath that

I, S. J. Clowrey, saw the within named

Eleanor Stevenson

with

Eleanor Stevenson

attested the execution thereof.

SWORN to before me, this

3rd day of May A. D. 1919

R. B. Clowrey (SEAL)

Magistrate

THE STATE OF SOUTH CAROLINA,

COUNTY

I, _____

do hereby certify unto all whom it may concern that Mrs. _____

the wife of the within named _____

did this day

appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or

any person or persons whomsoever, renounce, release and forever relinquish unto the within named _____

Her and Assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this _____ day of _____

Anno Domini 1919

(SEAL)

Recorded this 17th day of May 1919

C. C. C. P. and G. S.

RENUNCIATION OF DOWER.

THE STATE OF SOUTH CAROLINA,

COUNTY

I, _____

do hereby certify unto all whom it may concern that Mrs. _____

the wife of the within named _____

did this day

appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or

any person or persons whomsoever, renounce, release and forever relinquish unto the within named _____

Her and Assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this _____ day of _____

Anno Domini 1919

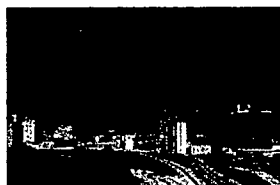
(SEAL)

Recorded this 17th day of May 1919

C. C. C. P. and G. S.

Exhibit

Defendants' Title Search for Property



Real Estate Title
Abstractor/Consultant

Title Services Agency

Post Office Box 244
Columbia, SC 29202

Tel: 803. 318.8327

FRobinson1@sc.rr.com

PREPARED FOR:

Stephanie R. Fajardo, Esq.
The Finney Law Firm
2117 Park Street
Columbia, South Carolina 29201

REGARDING:

Trustees of Shady Grove AME Church
5253 Newberry Road
Winnsboro, South Carolina 29180
Tax Map # 105-01-00-010

Title Report

NUMBER: 105 01 00 010

BEGINNING: May 5, 1919

ENDING: July 11, 2011

TIME: 8:45 a.m.

Pursuant to your request I have performed a diligent search of the public records of Fairfield County, which affect the title to the premises set forth above, but is more fully described in the below referenced deed(s). I respectfully report as follows:

ACCORDING TO THE PUBLIC RECORDS, TITLE IS VESTED IN:

Trustees of Shady Grove Independent Church

THE SUBJECT PROPERTY WAS ACQUIRED IN TWO PARCELS AS FOLLOWS:

1. One and one-fourth acres (including the church building and graveyard) was conveyed to Trustees of Shady Grove Independent Church by quit-claim deed from Shady Grove Independent Church, formerly known as Shady Grove Church, dated 05-11-11 recorded on 05-11-11 in book 1031 at page 54; and,

2. One acre (southeast of the above parcel) was conveyed to Trustees of Shady Grove Independent Church by quit-claim deed from Shady Grove Independent Church, formerly known as Shady Grove Church, dated 05-11-11 recorded on 05-11-11 in book 1031 at page 57;

IN THE OFFICE OF THE RMC/CLERK OF COURT FOR THE COUNTY AFORESAID;

SUBJECT TO THE ESTATES, LIENS, DEFECTS, OBJECTIONS, EXCEPTIONS, IF ANY, AND THE OTHER STANDARD MATTERS SET FORTH ON THE FOLLOWING PAGE(S).

Exceptions:

1. **The subject parcel is tax exempt; Tax Map # 105-01-00-010**
2. **Mortgage** from Shady Grove AME Church to the Bank of Ridgeway, dated 04-27-99 recorded 04-30-99 in book 449 at page 227, securing \$126, 505.99, as modified by instrument recorded on 04-28-04 in book 646 at page 112.
3. There are no other mortgages, liens, judgments or other adverse matters of record affecting the premises.
4. Exception is taken to claims, if any, arising and/or accruing from Shady Grove Independent Church's authority to convey the subject parcel, which was originally conveyed to "Shady Grove Church", mortgaged by Shady Grove AME Church.

TAX RECORD REPORT

PROPERTY ADDRESS: 5253 Newberry Road
Winnsboro, South Carolina **COUNTY:** Fairfield
LOT: **BLOCK:** **ACREAGE:** 2.01 **SUBDIVISION:**
TAX MAP NUMBER: 105-01-00-010 **DISTRICT:** 1-W2 **RECEIPT #:** 2010-0003661
MILLS: **CITY:** **COUNTY:** 396.30 **ASSESSMENT:** **LAND:** **AND** **BUILD:**
AMOUNT FOR 2010: **CITY:** and **COUNTY** **TOTAL** exempt
DATE PAID: exempt **PRIOR YEARS DELINQUENCIES:** NONE
RETURNED IN THE NAME OF: Trustees of Shady Grove AME Church

Express Exception is taken to matters not disclosed, filed and/or properly indexed in the public records; matters that would be disclosed by an accurate survey and/or physical inspection of the premises; the incompleteness and/or inaccuracy of the assessor's and/or treasurer's records; unfiled mechanic's and/or material man's liens; water, sewer, environmental and other charges, liens and assessments not recorded in said ROD, Clerk, or Treasurer's office. Genuineness or authenticity of recorded documents; including without limitation, undisclosed minorities of parties, marital status, undisclosed heirs, the organizational validity of corporations, partnerships or other entities appearing in the chain of title and the authorization of persons signing for such entities.

Exhibit

Book of Discipline

THE
BOOK
OF
DISCIPLINE
OF THE

AFRICAN METHODIST EPISCOPAL CHURCH

2008



THE BOOK OF DISCIPLINE
OF THE AFRICAN METHODIST EPISCOPAL CHURCH
2008

GENERAL CHURCH PROPERTY

Mr. Richard Allen Lewis Sr.
Treasurer/CFO

1134 11th Street, NW
Washington, DC 20001
(202) 371-8700—Office
(202) 371-8735—FAX
and
512 8th Avenue, South
Nashville, TN 37203
(615) 259-3771
(615) 259-3776—FAX
cfo96amec@aol.com

Attorney William A. Marsh Jr.
General Counsel

P.O. Box 125
120 E. Parrish Street, Suite 310
Durham, NC 27702
(919) 688-2374—Office
(919) 688-2376—FAX
Wmarshjr.1@earthlink.net

CONSULTANTS

Bishop Philip Robert Cousin Sr.
Consultant

1322 Rosemary Lane
Bowling Brooks, IL 60490
(815) 577-9706

Dr. Jamye Coleman Williams
Consultant

125 Wynfield Way, SW
Atlanta, GA 30331
(404) 346-8927—Phone/FAX
JMACAME@aol.com

Section II. GENERAL CHURCH PROPERTY

y A. Purchase, Transfer

The African Methodist Episcopal Church, Inc., is organized and functions solely as a connectional church. The title(s) to all real, personal and mixed property held at the General Annual Conference level or by the local churches, shall be held IN TRUST for the African Methodist Episcopal Church, Inc., and subject to the provisions of *The Book of Discipline of the African Methodist Episcopal Church*.

However, the absence of an IN TRUST clause as indicated herein, in deeds, and documents of conveyances previously executed shall not exclude a

GENERAL CHURCH PROPERTY

local church from or relieve it of its Connectional character and responsibilities to the African Methodist Episcopal Church, Inc., nor shall the lack of the IN TRUST phrase excuse or absolve a local congregation, church agency or Board of Trustees of its responsibilities and accountability to the African Methodist Episcopal Church, Inc., provided, the intent and desires of the founders and of the later congregations or Board of Trustees have all demonstrated the following conduct:

1. use of the name, customs, polity, or literature of the AME Church, Inc., in such a manner as to be known as a part of the AME Church connection;
2. conveyance of said property to the trustees of a local church or agency to the AME Church, Inc.;
3. the acceptance of the pastorate of ministers appointed by a bishop of an episcopal district or Annual Conference of the AME Church, Inc.;
4. the payment of conference assessments or dues;
5. the participation and enrollment of the church as a member of the connection of the AME Church, Inc., by said local church in the Quarterly Conference and the Annual Conferences.

B. Local Church Property—Transfer of Property

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.

The Board of Trustees of the local church holds the property IN TRUST for the General Church and not in their individual capacities. When the local church shall be incorporated, all property—real, personal, or mixed—shall be deeded to it in its corporate name, IN TRUST for the African Methodist Episcopal Church, Inc.

The local church corporation shall have the power to sell, convey and dispose of both real and personal property as directed by *The Book of Discipline of the African Methodist Episcopal Church*. The proceeds of or from the sale of any local church property shall be held IN TRUST for the African Methodist Episcopal Church or disbursed for another improvement of other property owned by it, or to be purchased by it. No property shall be sold except with the approval of the Quarterly Conference, by Resolution.

C. Mortgaging Property

The Board of Trustees and Incorporators of the local church, elected, and

GENERAL CHURCH PROPERTY

organized as prescribed in *The Book of Discipline of the African Methodist Episcopal Church*, shall have the power to mortgage or encumber the property of the local church or corporation, PROVIDED such action has been authorized by majority vote of the membership present in a duly called Church Conference for this specific purpose. It shall be required that NOTICE of such meetings must be given fourteen (14) days previously, including two (2) Sundays, and such action must be approved by Resolution in a regular session of the Quarterly Conference. When a local church complies with the requirements set forth in this section, consent for the same is not necessary to be obtained from the African Methodist Episcopal Church, Incorporated. (Wherever these laws conflict with the laws of the state in which the property is located, the pastor and the Trustees shall proceed in a manner to conform with these laws).

D. Abandoned Property

If any church property is abandoned in consequence of the disbanding of the society, the title of said property shall be vested in the Annual Conference in which it is located. Said property shall be sold by the Annual Conference Trustees and the proceeds deposited in the Annual Conference treasury, to be used for mission work and church extension in the conference in which said property is located. The funds shall be disbursed by the direction of the conference committee on church extension, with the approval of the Annual Conference. A duplicate record of the transaction shall be deposited with the General Secretary of the African Methodist Episcopal Church.

E. Form of Deed

BE IT KNOWN AND REMEMBERED that on this _____ day of _____, the year of our Lord _____. We, the below named Trustees of the church, a duly organized religious body, in the presence of the witnesses, who have joined this the Notary Public in affixing our signatures hereto:

BY THESE PRESENTS WITNESSETH:

That the church is a not-for-profit religious congregation under the laws of the State of _____ That the said

_____ Church is a local church of the African Methodist Episcopal Church, as set forth by *The Book of Discipline of the African Methodist Episcopal Church*, and amended, and is therefore subject to the

LOCAL CHURCH ORGANIZATION

responsibility of the pastor or person conducting that election, to provide clear instructions on number of nominees to be elected, and how voters should indicate their choice of nominees. It shall also be the responsibility of the pastor or person conducting the election, to allow for the highest level of voter privacy possible, considering the setting and environment where the election is held. In cases where voting machines are used, it shall be the responsibility of the pastor or person conducting the election to provide clear instructions and the highest possible level of voter privacy considering the environment where the election is held. "The election shall proceed until the required number of trustees shall have been elected by majority vote. The pastor in charge shall declare the results of the election." In cases where ballots are required and the election is uncontested, a voice vote may be held. The latest edition on *Robert's Rules of Order, Newly Revised* shall be the parliamentary authority for all elections.

f) No officer, member or person shall interfere with the election of trustees or attempt to disturb or prevent the pastor from holding the election. Those in violation of this law are subject to expulsion from membership.

4) The Chairperson of the Board

a) The minister in charge shall be chairperson of the Board of Trustees and the minister's signature shall be necessary to make the acts of the trustees legal.

b) If the Chairperson of the Board is at any time unable to be present at a meeting, he or she shall appoint a chairperson pro tem, whose signature also shall be legal.

5) Duties of Trustees

a) The trustees shall manage all the temporal concerns of the church not otherwise provided for and shall have a treasurer elected by the Board.

b) They shall guard for the Connection all real estate, churches, parsonages, schools, and any other property obtained by the local church.

c) They shall make improvements upon the property or real estate when authorized to do so by a majority of the legal members of the church.

d) They shall secure, by purchase or hire, a house for the pastor's family and also comfortably furnish it. In lieu of this arrangement, the pastor may be given a housing allowance.

e) They shall pay the moving expenses of the pastor and family from their previous assignment.

Exhibit

Correspondence

Shady Grove Independent Church
5253 Newberry Road (P. O. Box 915)
Winnsboro, South Carolina 29180

May 11, 2011

Reverend Rhudene R. Toomer, M. Div.

138 Old Market Lane

Irmo, South Carolina 29063

Reference: Shady Grove Independent Church

Subject: Farewell, Release & Relief of Ministry.

Dear Pastor Toomer:

We are aware that you were assigned to us only last November, and at that time, we graciously greeted you and your family with open arms and extended our warmest welcome. Now, we do so once again by first greeting you in the name of our **Lord and Savior, Creator and Master Builder of the Universe, Prince of Peace.**

Sister Pastor, with all due respect to you, we prayerful give notice that your tenure as pastor and senior minister of Shady Grove Church is unfortunately terminated effective immediately on receipt of this correspondence; due to illegitimate bondage, the abandonment and lack of sufficient and adequate support by the AME Church General Conference. These past matters, of course, had nothing whatsoever to do with you, your conduct nor your performance. **Our reasoning and explanations are as follows:**

Financially, over the past several years, we have been painfully struggling to meet the budget assessment obligations levied by the Presiding Elder, the Presiding Bishop, and the AME Church General Conference; it has been very difficult and stressful, due to our extremely low membership and attendance; our average of 25 paying members, our nonpaying youth, and our few elderly members who are either on fixed income or have no income at all; and very rarely attend church. Accordingly, on our own volition, we have sought and achieved a new direction for immediate relief and positive change.

Now therefore, with respect to these serious issues and conditions undergone, we have unfortunately and unexpectedly experienced numerous differences with Presiding Elder James R. Glover as well as Bishop Preston Warren Williams, II. We truly regret their inattention to our significant and important concerns. We humbly respect their leadership abilities; however, it is unfortunate that they have failed to recognize our needs and conditions, our small membership, and our inability to pay the extremely high

assessments so levied. Spiritually, we feel this is absolutely wrong in sight of the Almighty God, and we have declared, resolved and acted against it.

To this end, please note, on May 9, 2011, we, the officers and members of Shady Grove Church, by due and proper notice, have gathered and met on one accord, at a Church Conference; we declared, we resolved, and we decided by proper ballot and vote (with the majority present); to immediately terminate our fellowship, our affiliation, our 92 years of voluntary association with the AME Church, and effectively SECEDE and permanently withdraw from it, effective on Saturday, May 14, 2011.

Moreover, Shady Grove Church was founded in 1823 by five slaves who were the first trustees of the church under the leadership of Pastor P. S. Mosely. At that time there was no connection whatsoever with the AME Church (our voluntary association came 96 years later on May 17, 1919). On May 17, 2011 we will recognize our 188th Anniversary as a family church by keynoting this historic and momentous event. From May 17, 1919 to the present time, by our voluntary association with the AME Church, the membership has painfully suffered both humiliation and sheer financial hardship for 92 years, while being subjected to both illegal and illegitimate bondage. We also feel this treatment is wrong in sight of the Almighty God. Now therefore, we as the true descendants of our enslaved founders, want out of this relationship now! And that we have done!

Further, Sister Pastor, for your information, for your comfort, and for the record, Presiding Elder James R. Glover, Bishop Preston Warren Williams II, and the Council of Bishops in Jackson, Mississippi have also been duly notified of this crucial and critical decision we have made. **Our Declaration and Resolution on the matter is already in their hands, as you receive this letter of release and relief of your ministry.**

Again, while we fully recognize that you have been with us as pastor and senior minister for only a very short period of time, we want you to know and understand that this matter and the decision we have made has absolutely nothing whatsoever to do with you as a person, nor does it have anything to do with your performance. As you can now see, it goes back a long ways. Notwithstanding, as pastor of Shady Grove AME Church, you did your job well, and our membership humbly thanks you.

In closing, we also want you to know we love you dearly. We wish you and your family well, and Godspeed as you move on, and we humbly extend to you our very best wishes in all your future endeavors. May God forever bless you and keep you in His loving arms and in His protective care. Peace be with you, our sister! And remember this:

"The righteous cry out, and the Lord hears, and delivers them out of all their troubles", "Many are the afflictions of the righteous, but the Lord delivers him out of them all" Psalms 34: 17 & 19.

Humbly and respectfully submitted to you...We are...Yours in Christ,

James Stevenson

James Stevenson

Trustee

Roddie Armstrong

Roddie Armstrong

Trustee/Treasurer

Rosa Chappell

Rosa Chappell

Senior Steward

Jean A. McCrory

Jean A. McCrory, Secretary

FOR IMMEDIATE NEWSPAPER AND RADIO PRESS RELEASE

By: Mrs. Jean A. McCrory, Church Secretary

CHURCH SECEDES AND WITHDRAWS FROM PARENT AME CHURCH

Shady Grove Church, formerly known as Shady Grove AME Church, and now known as Shady Grove Independent Church, is among the oldest Black Churches in the Region. It completely seceded and withdrew its previous voluntary affiliation and association permanently from its parent Church, The African Methodist Episcopal Church on May 14, 2011, after being under that General Conference for 92 years.

The Church was founded and established 188 years ago by nine slaves shortly after the turn of the 18th Century, in 1823. They periodically stole away from their slaveholders and met in secret places on Carmack Hill at Brush Harbor, a community near Winnsboro. After 96 years of exercising their very first independence as a church, on May 17, 1919 the trustees and church membership voted to voluntarily associate themselves with the AME Church General Conference to seek further spiritual guidance and fellowship.

They original slave Founders and Charter members were often punished by their masters for praying and worshipping on the sacred ground of Carmack Hill at Brush Harbor. They were beaten and flogged in public until their bodies were scared and bloody. Yet, they continued to worship their God in their own way. The majority of the present membership today is made up of the true descendents of those first charter members.

Over the past 92 years of voluntary association with the AME Church General Conference and Connection, the Shady Grove Church membership suffered severe financial hardships due to heavy assessments levied by the AME Church. The attendance dropped off significantly and several members left altogether. The remaining officers and members became so disenchanted by such ill and arrogant treatment, they decided to break away. A church conference was called on May 9, 2011 and of the total active membership present, a majority of votes were cast in favor of seceding and withdrawing permanently from the AME Church.

The church is located on State Highway 34, six miles West, at 5253 Newberry Road, Winnsboro, SC, 29180. It is now in the process of developing strategies and plans to not only maintain and build up its present membership, but to bring back those members who had left over the years as well. In addition, the officers, members and leaders are also developing plans and strategies for conducting their own future services and programs without assistance from any other higher body or entity. They are now indeed independent and extend a warm welcome to all peoples to visit and worship with them.

End of Immediate Newspaper and Radio Press Release.

Exhibit

Affidavit of James Glovers

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

2012 JUN 20 P 2:30
FAIRFIELD COUNTY
CLERK OF COURT
JO BECKHAM

THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

20
2011-CP-29-218

James R. Glovers, as Presiding Elder of the)

Lancaster District of the African Methodist)

Episcopal Church,)

Plaintiff,)

vs.)

James Stevenson, Roddie Armstrong, Lyndsay)

Hopkins, Freddie Armstrong, Janice Samuels,)

Daisy Mc Graw, Jeannie Hall, Rosa Chappell,)

Alzine Woodard and Jean McCrory,)

Defendants.)

**AMENDED AFFIDAVIT OF ELDER
REV. DR. JAMES R. GLOVER**

Appeared Before Me, Rev. Dr. James R. Glover, who after being duly, sworn, deposes,
and states the following:

(1.) That my name is Rev. Dr. James R. Glovers and I am the presiding Elder of the
Lancaster District of the African Methodist Episcopal (AME) Church and Shady Grove A.M.E.
Church located in Fairfield County, South Carolina.

(2.) That Shady Grove A.M.E Church has been affiliated with the African Methodist
Episcopal (A.M.E.), Church, Inc. in excess of 62 years.

(3.) That the Connectional A.M.E. Church has in the past and has attempted to assign
pastors to Shady Grove A.M.E. Church after the Defendants left the A. M. E. Church, Inc. and
Shady Grove A.M.E Church. That until December 3, 2012 the Defendants accepted pastors
assigned by the annual conference.

(4). That Shady Grove A.M.E. Church has paid an assessment to the Connectional A.M.E. Church in excess of 62 years.

(5). That Shady Grove A.M.E. Church has used the name, custom, polity, and literature of the A.M.E. Church Inc. in such a manner as to be known as part of the A.M.E. Church connection.

(6). That the property was conveyed to the trustees of the Shady Grove A.M.E. Church.

(7). That the members of Shady Grove A.M.E. Church paid conference assessments and dues.

(8). That Shady Grove A.M.E. Church is enrolled and formerly participated as a member in the connection of the A.M.E. Church in the quarterly and annual conferences.

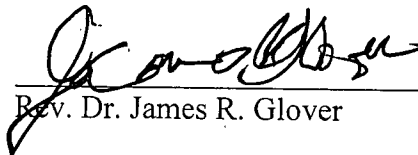
(9). That the A.M.E. Church is hierarchical or connectional in nature. That the local church is subject to the authority and government of the larger Connectional A.M.E. Church.

(10). That the Book of Discipline of the A.M.E. Church states that all church property, both real and personal, belong to the National Connectional African Methodist Episcopal Church, Inc.

(11). That the Board of Trustees of the local church holds the property IN TRUST for the General Church and not in their individual capacities.

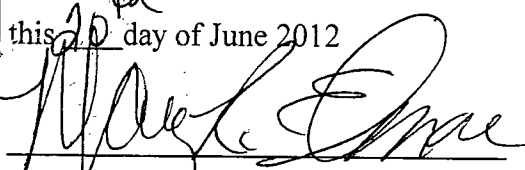
(12). That the Board of Trustees may not transfer church property unless such transfer has been duly approved by the resolution in Quarterly Conference of the said church, and also by the trustees of the Annual Conference in which the property is located, and of which the presiding bishop is president. That this transaction has not approved by resolution at the quarterly conference or by the trustees at the annual conference.

(13). That I have standing to bring this action because as per Part IV Section IX (f) of the Book of Discipline the Presiding Elder will see that all charters, deeds and other church property in the district conform to the Book of Discipline of the African Methodist Episcopal Church 2008 and to the laws, usages and forms of the county, state, territory or county, wherein such property is located.


Rev. Dr. James R. Glover

SWORN to and subscribed before me

this ^{20th} day of June 2012


Notary Public of South Carolina

My Commission Expires: 9-11-13

Exhibit Transcript

1 STATE OF SOUTH CAROLINA

2 COURT OF COMMON PLEAS

3 COUNTY OF FAIRFIELD

4 2011-CP-20-217

5

6 James Glover, as Presiding Elder of the Lancaster District

7 AME Church

8 vs.

9 Corthan Manning, Jr., Theodore Manning and Earlene W. Manning

10

11

12 Chester, South Carolina

13 June 22, 2012

14 Before the Honorable Brooks P. Goldsmith

15

16 APPEARANCES

17 For the Plaintiff: Randall R. Williams

18 For the Defendant: Stephanie R. Fajardo

19

20 Reported by: Michael C. Watkins

21 Official Court Reporter

22

23

24

25

1 THE COURT: These are two cases that we're hearing
2 simultaneously, the cases we've been referring to as Glover
3 versus Stevenson and Glover versus Manning, a shortened
4 version, captioned 2011-CP-20-217 and 218. The cases were
5 scheduled to be heard in Fairfield County, now being heard
6 in Chester County, both sides are present. Pending before
7 the Court as I understand it are cross motions for summary
8 judgment. And as I understand it now there are some
9 actually some other motions that the parties wish to be
10 heard before proceeding any further, is that correct,
11 Mr. Williams?

12 MR. WILLIAMS: That's correct, Your Honor. May it
13 please the Court, Your Honor? Your Honor, we would move for
14 a continuance on the summary judgment hearing because the
15 parties have not had the opportunity to do depositions, and
16 I would respectfully ask the Court to consider continuing
17 the matter or allowing us to do depositions, or holding the
18 issues under order until we have the opportunity of doing
19 the depositions, Your Honor, or holding your ruling in
20 abeyance until we have the opportunity.

21 THE COURT: Continuance or --

22 MR. WILLIAMS: Yes, sir.

23 THE COURT: And I take it you mean submitting the
24 depositions in accordance with the motions.

25 MR. WILLIAMS: That's correct, Your Honor.

1 THE COURT: Well, let me ask you this, I saw in a
2 letter from you yesterday or the day before that depositions
3 had been scheduled but had been postponed or canceled or
4 something. Have they been rescheduled?

5 MR. WILLIAMS: No, sir, they have not been rescheduled.

6 THE COURT: Ms. Fajardo?

7 MS. FAJARDO: The defendants would oppose this motion
8 for continuance, there has been ample opportunity to conduct
9 depositions. This case has been pending since May of 2011,
10 it is over a year old now. Plaintiff has made absolutely no
11 attempt to schedule any depositions until I noticed the
12 depositions of the Elder way in advance of our June 7th
13 motion for summary judgment, that deposition was canceled by
14 the plaintiff due to the elder being sick, I informed him at
15 that time that I didn't feel we had enough time prior to the
16 summary judgment and I didn't wish to take anymore
17 depositions. He told me at that time he wanted to take the
18 defendants' depositions and I told him if we could fit it in
19 before summary judgment, he gave me no dates. He then
20 noticed them all on the same day for June 18th after the
21 summary judgment, I contacted him and said that the case has
22 been pending for over a year with no interest. I had
23 attempted to coordinate depositions with his office to no
24 response prior to this, that I felt this was a tactic to
25 delay this proceeding and that I wished to move on with

1 summary judgment. I did cancel the depositions on the 18th,
2 I told him I would be happy to try to get some depositions
3 scheduled following the summary judgment depending on the
4 outcome. But plaintiff has made no attempt to get any
5 depositions scheduled, they're merely holding out the fact
6 that they want to do depositions in order to delay this and
7 so we would oppose the continuance.

8 THE COURT: How many depositions were there to be
9 when -- you said they were all scheduled one day, how many
10 were there?

11 MS. FAJARDO: He sent me a general notice of
12 depositions of all named defendants, so that would be 13
13 people. And I informed him that would take probably over a
14 day even through doing them back to back and I didn't have
15 that kind of time prior to the summary judgment hearing,
16 that we would need to break them up and I heard nothing more
17 from his office. In fact, I spoke to his paralegal and said
18 I would be happy to discuss the matter with Attorney
19 Williams if he wanted to talk with me and I received no
20 contact.

21 THE COURT: Mr. Williams?

22 MR. WILLIAMS: Judge, that is not true, that there has
23 not been no cooperation from my office, we've had the
24 depositions scheduled. Now, it is true after they filed
25 this summary judgment motion and I said, "Hey, we need to do

1 depositions," and we filed ours also. And at that time we
2 couldn't have -- we had scheduled the depositions but my
3 client was in the hospital for a couple of weeks and
4 couldn't take the depositions, we informed them so the
5 depositions were scheduled, I think, for the 19th or the
6 18th. And as I informed the Court a couple of weeks ago it
7 was scheduled for the 19th and that's what we thought we
8 were going to do, Judge. So it's not as though we haven't
9 cooperated, we had a date set and it was just a difficult
10 time with my schedule and her schedule. But we did not
11 delay anything Judge, and we're asking the Court if the
12 Court doesn't continue it just allow us to -- hold your
13 ruling in abeyance and allow us to do depositions, that's
14 all. We're not trying to delay anything, we are ready to
15 proceed but we would like to do the depositions and I have
16 told her that, we would like to do depositions. So
17 respectfully, Judge, I would ask the Court to consider
18 continuing the matter or to allow us -- to hold your ruling
19 in abeyance until we can do depositions.

20 MS. FAJARDO: And I would just -- for the record just
21 note that the elder's deposition was scheduled I believe it
22 was in the beginning to mid-May, after that deposition was
23 scheduled plaintiff's counsel scheduled no depositions for
24 the defendant. It wasn't until I called a few days before
25 the depositions to make sure it was going forward was the

1 first time I had heard he wanted to take any depositions of
2 the defendants.

3 MR. WILLIAMS: Judge, we had depositions scheduled for
4 this week.

5 THE COURT: I couldn't hear you, sir.

6 MR. WILLIAMS: Judge, we had depositions scheduled for
7 this week and they canceled it for no apparent reason.

8 MS. FAJARDO: It was noticed arbitrarily by the
9 plaintiffs, I would just put that on the record. Thank you,
10 Your Honor.

11 THE COURT: As far as the motion to continue the
12 hearing today I am going to deny that, and I will take it
13 under advisement, though, hopefully decide today, whether
14 the Court will hold any decision in the case in abeyance
15 until after the deposition or wait and see where we go with
16 this.

17 MR. WILLIAMS: Yes, sir.

18 THE COURT: I'm trying to figure out -- I don't need to
19 go there now, but I may end up asking you in a little while,
20 Mr. Williams, what would the depositions accomplish, so you
21 be thinking about that.

22 MR. WILLIAMS: I will, Judge.

23 THE COURT: All right. So I'm taking under advisement
24 the issue of holding the decision in abeyance. Now,
25 Ms. Fajardo, you indicated you had a matter we needed to

1 take up.

2 MS. FAJARDO: Yes, Your Honor. Defendants would object
3 to the plaintiff submitting the affidavits and the amended
4 memorandum, it was filed and it was served on me on
5 Wednesday, June 20th. As the Court is aware the matter was
6 continued from June 7th, prior to that time plaintiff had
7 ample opportunity to prepare and submit affidavits, he did
8 not. I do not believe he should be able to use the
9 additional time to submit affidavits as well as an amended
10 memorandum, especially due to the circumstances of why our
11 last hearing was continued. Additionally, I do object to
12 the affidavits on additional grounds, that the affidavits
13 are of Reverend Tumor, Reverend Williams, and then two from
14 Elder Reverend Glover. I do not believe the affidavits were
15 made on personal knowledge, they include statements in their
16 affidavits, they are not qualified to allege, they are legal
17 conclusions. Additionally in both of the presiding elders
18 affidavits he alleges that the defendants have accepted
19 pastors until December of 2012, clearly that's an
20 inaccuracy. I have no way to know if the rest of his
21 affidavit is accurate as well so I would ask for the entire
22 affidavit to be struck. Additionally, Attorney Williams had
23 told me in discussing actually the deposition of the
24 presiding elder that the elder had recently suffered a
25 stroke and was unable to testify and so I would ask the

1 Court to inquire as to how he was able to execute an
2 affidavit to personal knowledge. So we would ask for all of
3 the affidavits -- all four affidavits in the memorandum to
4 not be considered in this case.

5 MR. WILLIAMS: May it please the Court, Judge? Those
6 affidavits were made of personal knowledge by my client.
7 Those affidavits -- if the Court will -- we did file an
8 affidavit when we filed the case in the beginning. There's
9 nothing new in the affidavits except maybe one thing. The
10 only thing we've done, Judge, we've clarified information
11 that we've already given in the Book of Discipline. It
12 talks about the things that the AME -- AME considers the
13 property to be a part of the AME Church. So we have not
14 included anything new in the affidavits except one thing and
15 I think that may be the part about standing. But everything
16 else, Judge, is -- we had already given them the
17 information, we provided the information from the Book of
18 Discipline, we provided the information in our memorandum so
19 there's nothing new. And in the interest of justice, Judge,
20 we would like for those affidavits heard -- I mean, made a
21 part of the record. Now, Judge, I will say one thing,
22 though, and the affidavit does say 2012, that is a typo and
23 I would just -- that's just purely a typo, Your Honor, but
24 he -- they can -- and in any event the elder has already
25 testified to all of that stuff at the first hearing that we

1 had, so this is nothing new. And we would just put it --
2 place it on paper. As I said, he's already testified to all
3 of these things, they're all -- they're included in our
4 memorandums. It was included in our first affidavit the
5 part about the church, the member trustees holding property
6 in trust for the larger church, all of those things have
7 already been testified to, they're already aware. We
8 testified to it at the first hearing, we included it in the
9 first memorandum and we included it in the materials that we
10 provided to them, so it's not anything new, Your Honor.

11 THE COURT: Well now, Ms. Fajardo says the way she
12 reads these affidavits they are not based on personal
13 knowledge, I haven't read them, but they're merely
14 conclusionary.

15 MR. WILLIAMS: They are based on personal knowledge.
16 We have affidavits from the both ministers who -- they're
17 just -- I think they -- the only things they've said is that
18 the church -- that the -- both churches used the literature
19 of the AME Church, the name of the AME Church, they know
20 that. They know if they paid assessments or not, they know
21 all of the factors and they were firsthand knowledge of it,
22 Judge. So all of the things we allege they know firsthand.

23 THE COURT: Here is it what we are going to do -- I'll
24 give you 30 seconds to reply.

25 MS. FAJARDO: I would just point out, he didn't address

1 the timeliness due to this motion being continued from the
2 last time as well as if you look at the affidavits, there
3 are things the reverends, there's no way they would know.

4 MR. WILLIAMS: I don't know how they would know what
5 they know, Judge. But, you know --

6 THE COURT: Hang on a minute. Here is what we're going
7 to do, as to the issue of timeliness, I'm going to deny the
8 motion based on that ground, but -- the motion to strike the
9 affidavits or disregard the affidavits -- but I'm going to
10 give the defendants seven days from today's date if they
11 wish to file any counter affidavits based on any new matters
12 in these affidavits. So for today's purposes we're going to
13 argue -- we're going to consider them and therefore you need
14 to consider that in the argument of what is said in here.
15 If you've got any new matter in here that you have been
16 caught by surprise on that you think you need to respond to,
17 you get the seven days, so obviously I'm going to take the
18 matter under advisement. Now, I will have to -- so we need
19 to argue more, I guess, about the personal knowledge issue,
20 of course, the Court will just have to decide that after I
21 hear what you have to say and actually have a chance to look
22 at them.

23 MS. FAJARDO: I understand, Your Honor. Thank you.

24 THE COURT: Anything else?

25 MR. WILLIAMS: Nothing further.

1 THE COURT: Okay. Who filed the motion to -- since we
2 have cross motions for summary judgment we are going to hear
3 who filed the first motion for summary judgment.

4 MS. FAJARDO: I did, Your Honor.

5 THE COURT: Is there any reason we shouldn't hear your
6 motion first?

7 MS. FAJARDO: I see no reason.

8 MR. WILLIAMS: No reason.

9 MS. FAJARDO: All right. Thank you, Your Honor. May
10 it please the Court? This matter comes before the Court on
11 our motion for summary judgment, we do have a motion in each
12 of the cases, Glover versus Stevenson and Glover versus
13 Manning. The plaintiff brought these two actions against
14 the defendant for declaratory judgment and a temporary and
15 permanent injunction on May 25th of 2011, and the defendants
16 denied plaintiff has a legal title to the disputed property
17 involved in this action. To give the Court a little bit of
18 background regarding these cases, first I want to address
19 Pine Grove Church which would be Glover versus Manning. On
20 July 12, 1873, Tabitha Brown conveyed 1.8 acres of land in
21 Fairfield County to the trustees of Pine Grove Church by a
22 general warranty deed. Additionally --

23 THE COURT: I'm sorry, I hate to do this, do I have --
24 I have looked everywhere, do I have a copy of your
25 memorandum?

1 MS. FAJARDO: I did not file a memorandum, Judge, for
2 the purposes of I don't feel that it is necessary.

3 THE COURT: Okay. Go ahead. I feel much better now
4 that I am --

5 MS. FAJARDO: You did not lose it, Your Honor. To
6 continue on, on May 14, 1984 an additional .37 acres was
7 conveyed to Pine Grove Church by a general warranty deed,
8 both of those conveyances make up the property that's
9 located at 190 South Wynn Drive in Ridgeway, South Carolina.
10 At no point was this property ever conveyed to the AME
11 Church nor was a trust ever setup giving the property to the
12 benefit of the AME Church. On or about on November 29th of
13 2010 the defendants and all members, it was a unanimous
14 vote, of Pine Grove Church informed the AME Church that they
15 wished to terminate any and all affiliations with the AME
16 Church, from that time they have continued their normal
17 worship services with no interruption. In regards to Shady
18 Grove Church, which is Glover versus Stevenson, on May 3
19 1919, Eleanor Stroven (phonetically) conveyed 1.25 acres of
20 land in Fairfield County to the trustees of Shady Grove
21 Church. Since that time there has been no legal conveyances
22 of any property located -- I apologize, I forgot to give the
23 address, 5253 Newberry Road in Winnsboro, South Carolina --
24 and there's been no legal conveyance of this property to the
25 AME Church, nor was a trust ever set up for the benefit of

1 the AME Church. In regards to this case, on May 11, 2011,
2 the defendants and all of the members of Shady Grove Church,
3 it was also a unanimous vote, informed the AME Church that
4 they wished to terminate any and all affiliations with the
5 AME Church, and since that time have continued normal
6 worship services with no interruption. Obviously the Court
7 is aware the standard in summary judgment is that summary
8 judgment is appropriate when the moving party shows there is
9 no genuine issue as to material fact, and that such party is
10 entitled to judgment as a matter of law. In determining
11 whether any triable issues of fact exist, all inferences in
12 the record must be viewed in the light most favorable to the
13 party opposing the summary judgment motion. In these two
14 cases -- and I want to address the cases at the same time
15 because the issues are identical -- in both of these cases
16 the plaintiff has presented no evidence whatsoever of
17 plaintiff having any title to the disputed property. The
18 plaintiff's entire argument for title to this property is
19 based on alleged AME Church doctrine which based on the case
20 All Saints Parish of Wacamaw versus Protestant Episcopal
21 Church is not applicable to this situation as there is South
22 Carolina law on this issue that would apply. I have a copy
23 of that case that I would be happy to hand up to the Court
24 if you wish.

25 THE COURT: I'm familiar with it, I've read it but not

1 recently.

2 MS. FAJARDO: It's stated -- and I'm just going to read
3 two quotes from that case -- there is a general
4 constitutional command based in the first amendment
5 mandating that civil courts decide church disputes without
6 resolving underlying controversies over religious doctrine.
7 All Saints continues on to say that where a civil court can
8 completely resolve a church dispute on mutual principles of
9 law the first amendment commands it to do so. And Judge,
10 that is a strong word to be in case law, the first amendment
11 commands the Court to do so. These two cases that are
12 before you today are clear examples of a dispute that must
13 be decided on South Carolina law. To decide these cases on
14 alleged religious doctrine would fly in the face of not only
15 the South Carolina case law but also the first amendment.
16 Even the plaintiffs argument for standing in this case,
17 which we do dispute, is based on alleged AME doctrine. We
18 feel that the lack of standing is a ground by itself that
19 the Court is able to dismiss the plaintiff's complaint and
20 grant summary judgment in our favor. I do have to pass up
21 to the Court two title searches that were performed on both
22 of the properties in question, they support our position
23 that the defendants own this property. These title searches
24 have been made available to the plaintiff, the plaintiff has
25 not challenged the authenticity of these title searches nor

1 have they produced any evidence whatsoever, or even an
2 allegation that's based on South Carolina law that the
3 defendants are not the rightful owners of this property.
4 The plaintiff has attempted in his affidavit and memorandum
5 to allege the defendants conveyed the property in question
6 previously and were not able to do that. It's kind of a
7 confusing statement, his basis for the transfer is again
8 based upon alleged AME doctrine. He cites no case law, he
9 cites no evidence as to how the title searches are wrong or
10 anything, and I would submit to the Court that the plaintiff
11 has not properly pled this issue in any form in his
12 pleadings. And I would emphasize again that his only basis
13 for his request for declaratory judgment is based on the
14 defendants no longer wanting to be part of the AME Church,
15 and that per alleged church doctrine they aren't allowed to
16 take the property that they legally own. If you take all of
17 the evidence in the light most favorable to the plaintiff
18 there still does not exist a issue of material fact in this
19 case and summary judgment must be granted for all of the
20 defendants. I do feel that it is important to again note
21 the entire congregation of Pine Grove and Shady Grove Church
22 unanimously decided to no longer be affiliated with the AME
23 Church, and this is a fact that the plaintiff is well aware
24 of. The property that is in dispute is property that Pine
25 Grove and Shady Grove Church currently sits on is all owned

1 by the defendants. They performed all of the maintenance,
2 all of the repairs, and, in fact, when they were in
3 financial trouble several years ago and asked this plaintiff
4 for money they were told -- I apologize, I'm not sure if
5 this was plaintiff, it was an elder, I'm not sure if it was
6 Elder Glover, it was the AME Church -- the AME Church told
7 them, no, the AME church does not own the property and we
8 will not give you any money to repair the property. The AME
9 Church instructed the defendants to basically transfer it to
10 the AME Church and then they would help, something that did
11 not occur. The plaintiffs again --

12 THE COURT: Say that one more time.

13 MS. FAJARDO: They asked --

14 THE COURT: I heard you, I just wanted you to say it
15 again.

16 MS. FAJARDO: When the defendants asked the AME Church
17 several years ago, the AME Church informed them no, they
18 would not help, the AME Church did not own the property in
19 question and therefore would not given money to repair it.
20 They did tell them and on several occasions after this they
21 had told the defendants to transfer the property to the name
22 of the AME Church and then it was understood that the
23 defendants would have assistance in their financial burdens
24 in repairing -- the AME Church was not providing Pine Grove
25 or Shady Grove Church with any money for upkeep. And

1 again --

2 THE COURT: Does that also mean that the AME Church had
3 nothing to do with the acquisition of the land or buildings?

4 MS. FAJARDO: That is correct, Your Honor. Again, we
5 would go back to the plaintiff's sole argument in his
6 pleadings and throughout this entire proceeding has been
7 that church doctrine dictates this dispute, the doctrine
8 that they have not proven applies to the defendants. There
9 have been absolutely zero allegations made by the plaintiff
10 that based on South Carolina law the defendants do not own
11 this property. The plaintiff seeks to allege that a trust
12 existed between the AME Church and the defendants, but again
13 has presented no evidence regarding this trust. No evidence
14 of a writing. They have failed to show that it meets the
15 statute of frauds which is required in a case such as this
16 with a trust and therefore the statute of frauds has not been
17 met. We would argue that existence of a trust fails and
18 that summary judgment must be granted for the defendants.
19 Finally, the plaintiff has failed to allege a valid cause of
20 action, they've failed to raise a genuine issue of material
21 fact, they've failed to prove standing in this case, and as
22 such we feel that the Court should grant summary judgment to
23 the defendants in its entirety. Additionally we would ask
24 the Court if the Court fails to agree with us and grant
25 summary judgment for the defendants we are seeking costs and

1 fees in this case. This case has been going on for a year,
2 nothing has changed, nothing new has even been presented
3 since the beginning. And I take my religion very seriously,
4 I grew up in a catholic home, went to a catholic school my
5 entire life, this case is solely about the AME Church angry
6 at Pine Grove, angry at Shady Grove Church, trying to scare
7 other AME churches into not break away from the AME Church.
8 There have been rumors in the community that the AME Church
9 is telling other churches that this case is over, that the
10 AME Church has already won. We feel this action was begun
11 out of spite and out of anger and the defendants never
12 should have been put through this and we would ask the Court
13 to grant summary judgment.

14 THE COURT: Well, one quick question.

15 MS. FAJARDO: I'm sure I'll have more to say after he
16 talks.

17 THE COURT: I understand you're seeking costs and fees,
18 I understand the costs, but how do you get the fees?

19 MS. FAJARDO: The defendants were forced to hire an
20 attorney to defend against this action and we feel that
21 since it's such a frivolous action that we would be entitled
22 to be reimbursed for the attorney's fees, and I would be
23 happy to submit an affidavit to the Court detailing costs
24 and fees.

25 THE COURT: Okay, I've got you. Now from the

1 plaintiff.

2 MR. WILLIAMS: May it please the Court, Your Honor?

3 THE COURT: Do you want to just respond or do you want
4 to address your motion at the same time?

5 MR. WILLIAMS: I'm just going to address my motion.

6 THE COURT: All right. We'll hear you then.

7 MR. WILLIAMS: May it please the Court, Judge? The
8 first matter that there is no deed, nothing that says
9 anything about trustees of Pine Grove or trustees of Shady
10 Grove, if you look at the packet I just showed you there is
11 a deed in there where the property was presented to James
12 Necee (phonetically) Sam Brown, J. H. Armstrong and others
13 as trustees at Shady Grove AME Church, there's a file deed
14 in there in Fairfield County. Also in the case involving --
15 well, that was Shady Grove, Judge, I'm sorry, that was Shady
16 Grove. In the matter of Pine Grove AME we have a deed where
17 the property has been AME Property Management and James
18 Manning and Henry Manning as trustees for Pine Grove AME
19 Church. So there is a deed, there are deeds.

20 THE COURT: Hang on just one second. Tell me again who
21 it was deeded to in the case of Shady Grove --

22 MR. WILLIAMS: It looks like it was deeded to -- you
23 have a copy in your file, Judge, we have the -- it was James
24 Necee, Sam Brown, J. H. Armstrong, Willie Moore. Do you
25 want me to name all of the parties?

1 THE COURT: No, as trustees of --

2 MR. WILLIAMS: Shady Grove AME Church.

3 THE COURT: Shady Grove.

4 MR. WILLIAMS: Yes, sir, that's the Shady Grove AME.

5 THE COURT: AME. Okay.

6 MR. WILLIAMS: And in Pine Grove we also have a deed
7 which we have provided to the parties and to you, Judge,
8 where the property was presented to Theodore Cauthen, James
9 and Henry Manning as trustees of Pine Grove AME Church.
10 And, Judge, we would just respectfully as stated, we're
11 not -- my clients are not mad at the parties, it seems like
12 they're mad at my clients. They are the ones who left,
13 we're not upset with them. But in any event, Judge -- and I
14 would also say that when they brought up the matter about
15 the failing to provide for the church, Judge, that's an
16 issue that this Court can't get into at the administration
17 of the AME church, that's a separation of church and state.
18 But in any event, Judge, in this type of analysis you've got
19 to look at the different types of churches. You have
20 congregational churches, and that's a church where the
21 trustees hold the property in trust for the members. And
22 then there's a non-congregational church, the hierarchy and
23 connectional church where the trustees hold the property in
24 trust for the larger connection, I mean, that's case law.
25 It says we haven't provided any case law, we provided that

1 case law in our memorandum. Once you determine the type of
2 church, Judge, you have to ask yourself were they connected
3 with either the hierarchy church or the connecting church.
4 If they are connected with the connectional church or a
5 hierarchy church you must look at the rules within that
6 particular church. And I would bring to the Court's
7 attention a case that we've handed up to the Court, Fire
8 Baptized Holiness Church of God of America versus Greater
9 Fuller Tabernacle Fire Baptized church, that is a part of
10 the Court's packet. And in this particular church the local
11 membership became upset with the national church they were a
12 part of and they sought to withdraw and they deeded the
13 property to themselves which is exactly what has happened in
14 this case. They claim that there is a good title, yeah, but
15 they did not transfer the property correctly. I don't know
16 who the title search was but I guess if you go ahead and
17 look at it, the title in the clerk of court's office, you
18 are going to see that, yeah, it was passed from this person
19 to this person but we're saying that the conveyance to
20 themselves was improper because it did not meet the
21 requirements of the connection. Now, if you take a look at
22 it what the Court said in this particular case was that --
23 and we would allege that this is the same matter, this is a
24 case where a civil right is dependent upon the ecclesiastic
25 right because this is a non-congregational church. And if

1 you look at the particular -- that's a particular case, it
2 says -- in this case it says on page 771, in this case a
3 civil right, the ownership of property, is dependent upon an
4 ecclesiastical matter, the interpretation of the national
5 church's rule as promulgated in its discipline. Now, this
6 is what the Court is saying, that you have to look at their
7 discipline to determine how they're going to withdraw this
8 property. Having found that the local congregation was a
9 part of the national church organization and because the
10 local congregation has abandoned this type of fallen type of
11 misrepresentation, this Court must accept as conclusive the
12 decisions of the national church with regard to the subject
13 property. You've got to look at the Book of Discipline.
14 Now Judge, we have -- now, that is case law. It says -- it
15 is stated, the cases, this is the Supreme Court of South
16 Carolina -- no, South Carolina Court of Appeals 1996 has
17 said that you have got to look to their particular
18 discipline. And it also says that the interpretation of the
19 mandates of discipline is an ecclesiastical matter for the
20 legally constituted ecclesiastical tribunal of the national
21 church. Once they became a part of the connection, Judge,
22 they made themselves susceptible to the rules of that
23 particular church, and also if you look at my memorandum we
24 list several churches on that matter -- several cases,
25 rather, Your Honor. In Brownlett (phonetically) v. Young,

1 the congregation attempted to withdraw from the national
2 church and attempted to take the property. The Court said
3 that they could not do that, that even no matter -- the
4 courts will seek to enforce the rights of the parties who
5 will keep the church as it was previously. This was an AME
6 church, they are connected to the AME Church, they've paid
7 assessments, they've accepted -- use the name, they've used
8 literature, they used policy. If the Court looks at the
9 particular cases that we have they all agree. Also in
10 Tubberville v. Manning a majority of the members of the
11 Methodist Church declared themselves to be the true
12 successors of the Methodist Church and took over the church
13 after a merger. The Court held that if a portion succeed in
14 the risk however small their number adhere -- that adhere by
15 the fidelity secure the existence or are entitled to the
16 privileges of a particular church in the corporation. Even
17 if the entire congregation withdraws from a hierarchy church
18 or connectional church the title to church property remains
19 in the church and does not follow the congregation. So we
20 would we respectfully ask the Court to look at our
21 memorandum, the cases that we've provided, and especially,
22 Judge, look at Fire Baptized Holiness because I believe this
23 case is directly on point on this particular case. And
24 Judge --

25 THE COURT: That's the First Baptist Holiness Church of

1 God of America versus Greater Fuller Tabernacle, is that the
2 case?

3 MR. WILLIAMS: Yes, sir, Judge, 323 South Carolina 418.
4 And they basically say that once you become a part of the
5 connection that even though it is a civil right it is
6 dependent upon an ecclesiastical matter and because it is an
7 ecclesiastical matter this Court must accept the ruling or
8 the determination of the larger church. We have also in our
9 memorandum -- in both memorandums, amended and in our
10 original memorandum, we cite the Book of Discipline of the
11 AME Church, just they're a part of the connection. They
12 can't join the connection and take advantage of its benefits
13 then when they don't like it, leave the church and take the
14 property with them. There are rules once you become a part
15 of the church organization. The Book of Discipline of the
16 African Methodist Episcopal Church says that the titles of
17 all real -- and I do have a copy of the discipline that we
18 will provide to you, Judge -- says that titles to all real,
19 personal and mixed property held at the general and the
20 conference level or by local churches shall be held in trust
21 for the African Methodist Episcopal Church, Incorporated,
22 and it is subject to the Book of Discipline. And also even
23 if it does not have an in-trust clause in the deed it
24 doesn't matter, the Book of Discipline talks about it's
25 still as a part of the connection, Your Honor, and they list

1 several factors. One of them is the use of the name, custom
2 or policy of the literature of the AME Church which they
3 have done, as part of my affidavits that's what my clients
4 said in the of affidavit, both the ministers and the elder.
5 They have -- now, we only have to have one of these, Judge,
6 conveyance of said property --

7 THE COURT: Which case are you citing from now? I'm
8 sorry.

9 MR. WILLIAMS: Sir?

10 THE COURT: Which case are you citing from?

11 MR. WILLIAMS: Judge, I'm reading from the Book of
12 Discipline now.

13 THE COURT: I am sorry, go ahead.

14 MR. WILLIAMS: And it says that conveyance of property
15 to the trustees of the local church or agency, which they
16 have done, we've shown the Court two deeds, acceptance of
17 the pastor of ministers supported by the Bishop of the
18 Episcopal District Annual Conference. They've definitely
19 accepted AME ministers in the past, they just fired this
20 particular minister -- both ministers after they didn't like
21 the assessments that the local -- that the national church
22 was requiring. They also -- the payments of assessments or
23 dues, my clients in their affidavits have signed the
24 affidavits saying they did pay assessments and dues. We
25 have the affidavits of a local minister who is saying the

1 same thing. The participation by the local church in the
2 quarterly conference and in the annual conference, that's
3 all on the affidavit, they've done all of those things, Your
4 Honor. And more importantly they did not follow the rules
5 of divesting themselves -- divesting property from the
6 church. The Book of Discipline says you can transfer
7 property provided you duly approve our resolution in the
8 quarterly conference and also by the trustees at the annual
9 conference. So that was never done. Judge, this is a
10 connectional church, you cannot unilaterally destroy the
11 connection. Once you become a part of the connection you
12 are subject to its rule of the church. And so, Judge, we
13 would respectfully say that we think we have met our burden
14 in the summary judgment. We've shown that this is a
15 non-congregational church where local trustees do not hold
16 the property for its membership, this is a type of church
17 where the trustees hold the property for the larger church.
18 Once we determine that then the issue is were they connected
19 to this church? Yes, they were connected to the church.
20 And once -- I'm sorry.

21 THE COURT: Let me ask you this question. Does it make
22 any difference one way or the other what the deed or deeds
23 to the real estate say?

24 MR. WILLIAMS: No, sir, Judge, no, sir. They were
25 likely to say in trust, but there are the six factors where

1 it doesn't -- where they say, well, even in the absence of
2 the in-trust clause of the deed.

3 THE COURT: Now, you're talking about the discipline
4 now?

5 MR. WILLIAMS: Yes, sir.

6 THE COURT: Okay.

7 MR. WILLIAMS: But as far as the -- there are deeds
8 that say trustees of Shady Grove AME Church or trustees of
9 Pine Grove Church, they're there on the record.

10 THE COURT: From a legal standpoint does it make any
11 difference that the deed said, or the deeds say Shady Grove
12 or Pine Grove AME Church as opposed to had they merely said
13 Shady Grove or Pine Grove Church?

14 MR. WILLIAMS: No, sir, Judge, I don't think that it
15 does. Because once you become a part of the connection you
16 submit yourself to the rules of that.

17 THE COURT: It doesn't really make any difference.

18 MR. WILLIAMS: No, sir, it doesn't. Because what you
19 have here -- the case law says in my memorandum it doesn't
20 make any difference, once you submit yourself to the rules
21 of that connection you are bound by that. So no, Judge,
22 that really is not an overriding factor, but it is something
23 to look at, of course. So Judge, we would and ask that you
24 grant the motion for summary judgment, the case law is -- it
25 talks about what is a congregational church and

1 non-congregational church. Bramlette (phonetically) v.
2 Young, Tubberville, First Baptist, all of these cases are on
3 point and specifically address this issue and say that this
4 Court once -- it's true, it is a civil matter but once you
5 become a part of the connection, once it's determined that
6 you are a part of the connection then you have to go by the
7 rules of that particular religion, and if you will look at
8 the Fire Baptist Holiness it says all over the case, Judge.
9 So we would respectfully ask the Court to grant summary
10 judgment in our favor, not dismissing our complaint and we
11 do feel that we have standing as I said based on the Book of
12 Discipline because they are connected to the church. He has
13 the obligation to protect the -- make sure that the deeds
14 and the property adheres to the laws of the state and the
15 county and of the country. So respectfully, Judge, we
16 provided our memorandums, we have things listed on our
17 amended motion, to grant summary judgment are nothing more
18 than things that we've already provided to the parties
19 through our discovery through the first hearing, all of
20 these things were testified to by my client at the first
21 hearing. So there's nothing new in this affidavit except
22 for one thing, Your Honor, and that is the part about the
23 standing, that is true. And we would respectfully -- that
24 is true, we did add that, but the other part it has all been
25 provided.

1 THE COURT: Let me ask you this question. You're
2 saying that there are no facts that are in dispute that
3 would make any difference in the case because of the facts
4 as you've alleged them to be and you think that they are
5 agreed to, the ones that are relevant, so why do you need to
6 take any additional depositions?

7 MR. WILLIAMS: Well Judge, you know, I wanted to do the
8 depositions of the other parties to make sure that as far as
9 that they've met these requirements of the Book of
10 Discipline so there wouldn't be any issue of material fact.
11 And I want them to say, "We haven't paid the assessments,"
12 so we can clear that issue up, Your Honor, clear the facts
13 up for the Court.

14 THE COURT: Okay. Well, maybe we're getting ready to
15 find out in a minute whether those facts are disputed or
16 not.

17 MS. FAJARDO: Your Honor, almost the entirety of the
18 plaintiff's argument with all of the case law that he has
19 cited was directly overruled by All Saints Parish. This is
20 a supreme court case from 2009, they acknowledge the stance
21 that Attorney Williams just informed the Court of, of the
22 differences in the type of church. And All Saints, the
23 Supreme Court of South Carolina said that will not, not be
24 the stance in South Carolina. If there are neutral
25 principles of law we will go to the neutral principles of

1 law to decide that, that overrules the entirety of the
2 plaintiffs argument. The reason I didn't do a memorandum is
3 because we don't even get to the point where we can look at
4 what all of the facts are because there is no legal basis
5 for the plaintiff's argument. They're citing to the Book of
6 Discipline, they have not proven in any sort that the Book
7 of Discipline even applies to Shady Grove and to Pine Grove.
8 They cannot prove that the Book of Discipline should decide
9 this case because this is not an ecclesiastical matter, this
10 is a legal matter, this is a property dispute. We are not
11 here to argue about Pine Grove and Shady Grove churches
12 wanting to be a part of AME Church or anything of that, we
13 are here solely on a property dispute. And it's not an
14 ecclesiastical matter, it's a legal matter and that's where
15 we looked to South Carolina law for the reasons that South
16 Carolina -- we have South Carolina law so that it is clear
17 when we have disputes how they are to be decided. To look
18 to church -- to allege church doctrine is to say that anyone
19 can begin a church, say these are going to be the rules, if
20 you come to church once, you are in, these are rules. I can
21 make up my own rules. I would love to be able to say when
22 someone comes over to my house, "Well, you came to my house,
23 this is the church of the Attorney Fajardo and therefore all
24 of your property is now mine." That is obviously a crude
25 and basic example, but that is what the plaintiff is trying

1 to say, that because they made these rules -- those rules
2 were never ratified and we don't even get to that point.
3 This is a legal issue and they've presented no legal
4 argument whatsoever. I would submit to the Court they
5 haven't alleged a cause of action. In regards to the deeds
6 that he cited, the trustees of Shady Grove and the trustees
7 of Pine Grove -- and I will note that the deed that he's
8 speaking of Pine Grove says Pine Grove Church, not Pine
9 Grove AME Church, I understand he says that doesn't matter
10 but it does say Pine Grove Church not -- or it does say Pine
11 Grove AME Church also known as Pine Grove Church. These are
12 the trustees, these are the trustees of Shady Grove AME
13 Church, Shady Grove Church. They own this property and they
14 were able to do what they will about it because no one has
15 ever challenged that they did not have the right to transfer
16 that property. They can transfer the property to whatever
17 they want because they legally own it and that is what the
18 title searches state. There's been no argument from the
19 plaintiff that that is not true. He continuously cites to
20 the Book of Discipline which is not applicable in this case.
21 Additionally there's been no argument about how presiding
22 elder has standing to bring this action. Again, he cites to
23 the Book of Discipline, that's not applicable in this case,
24 this is in a court of law, this is South Carolina law. The
25 plaintiff right now, what they're doing about --

1 THE COURT: You're saying if I read All Saints that
2 that's going to end it and I don't need to go -- I don't
3 need to look at any other case, All Saints will lay it out
4 in front of me.

5 MS. FAJARDO: Yes, Your Honor. They clearly say that
6 it is a legal matter, you go to the neutral principles of
7 law, it is not an ecclesiastical matter and they lay out
8 what --

9 THE COURT: What is the significance of the deed,
10 though, the deeds, when they do -- when the property is put
11 in the name of the trustees of Shady Grove AME Church?

12 MS. FAJARDO: Correct. And our position is the
13 trustees of Shady Grove AME Church are the trustees of Shady
14 Grove Church, that they owned that property and they hold
15 that property for their church, not for the AME Church,
16 there has been no existence of a trust that has been proven.
17 Our position is you cannot just allege that there is a trust
18 and not follow it up with any evidence. And that is part of
19 my issue with saying we have to first resolve the issue of
20 law, that it is South Carolina law. Because continuing to
21 cite the Book of Discipline is muddying the waters going
22 through the factors and, well, it doesn't have to say
23 in-trust, that's not South Carolina law, that's the Book of
24 Discipline, that is not applicable in this case so we never
25 get to the issues which we do feel are in contention. If

1 they allege that there's a trust, there's been no proof of a
2 trust and we can fight against a trust being made. The
3 issue is in this entire case the plaintiff as he stated in
4 the beginning, not much has changed since he filed his
5 summons and complaint, he's continued to rest solely on that
6 and provide us with no further evidence, no case law. And
7 it's additionally our argument why depositions are not
8 needed in this case because nothing is going to change, they
9 can produce to us no evidence. We have been through
10 interrogatories, requests for production, requests for
11 admission, nothing has changed. They have received no new
12 evidence, they just continued to cite to the Book of
13 Discipline which is improper. Additionally the -- and I did
14 just want to point out, Attorney Williams cited to several
15 cases and both -- all of those can be distinguished without
16 even looking at All Saints, in those cases it was a small
17 faction of the community and that's why I felt it was
18 important to note, this was unanimous. There is no Shady
19 Grove AME Church, there is no Pine Grove AME Church.

20 THE COURT: Well, I am going to ask, you haven't
21 addressed it, and I understand you're saying it doesn't make
22 any difference but I'm still going to ask you, does the
23 defendants contest or disagree with the statements made by
24 the plaintiff, the facts alleged by the plaintiff that the
25 defendants used the name of the church, paid dues to the

1 church and accepted benefits to the church? I know you said
2 it doesn't make any difference but do they contest that
3 allegation?

4 MS. FAJARDO: I believe we could contest it because I
5 would submit to the Court that there were no benefits
6 provided to the churches.

7 THE COURT: That what?

8 MS. FAJARDO: There were no benefits provided to the
9 churches, to Shady Grove or Pine Grove Church.

10 THE COURT: That was one of the things, though.

11 MS. FAJARDO: I believe they did pay dues to the
12 greater conference and they did -- I'm sorry, what was the
13 other factor that you asked me about?

14 THE COURT: Used the name of the church.

15 MS. FAJARDO: I mean, AME church was in their previous
16 name of their church. They previously had a sign that said
17 Shady Grove AME Church and Pine Grove AME Church that they
18 have since changed because they are no longer affiliated
19 with the name.

20 THE COURT: In other words the plaintiff says that if
21 the Court were to disagree with the defendants' position on
22 the standard to be used that they didn't want to have to
23 come back and address this issue later, that these facts as
24 set forth in the Book of Discipline that they can prove and
25 that's what I wanted to find out, whether there's a dispute

1 about those facts.

2 MS. FAJARDO: I understand. And our main dispute
3 regarding the Book of Discipline if the Court is mindful of
4 our argument, if the Court were to look at the Book of
5 Discipline our main argument is they cannot prove that the
6 Book of Discipline applied to Shady Grove AME Church and
7 Pine Grove, it was never ratified. The Book of Discipline
8 as I understand it, and it has been presented to me by the
9 plaintiff, is basically a set of rules that the general --
10 much higher up in the AME Church meets, comes up with these
11 rules and then says, "Okay, this is how it's going to be."
12 It's not ratified by the church, these members -- and I'm
13 obviously not going to testify for them, but they've not
14 been made aware of everything that's in the Book of
15 Discipline. They don't have an opportunity to say, "We
16 don't agree with that, we don't want to be part of the AME
17 Church if those are going to be the rules." So because they
18 were never given the opportunity or even informed of what it
19 would be we would contend that they're not bound by the Book
20 of Discipline even if the Court were to look to that
21 position, and there has been no evidence submitted that they
22 would have been bound. Again, just merely oral testimony of
23 this is how it is and because they had AME Church we feel
24 they should be bound by everything that the plaintiff
25 chooses to write in the Book of Discipline along with the

1 other members of the AME conference.

2 THE COURT: I've got you. Okay.

3 MS. FAJARDO: And I would just renew -- again, the
4 defendants are requesting you to grant summary judgment.

5 THE COURT: I understand. You say the Book of
6 Discipline wouldn't apply. Mr. Williams?

7 MR. WILLIAMS: May it please the Court, Your Honor?
8 Your Honor, as part of the factors of the Fire Baptist
9 Holiness in the part where it says that a civil right is
10 depending upon the ecclesiastical matter, that is a part of
11 the neutral principles analysis, that is a part of it. So
12 we agree with that, the neutral principles analysis is a
13 part of it and this statement by the Court is a part of that
14 analysis. If you look at the factors, and they talk about
15 neutral principles, it talks about whether it's a civil
16 right or whether its dependent upon an ecclesiastical matter
17 or not and these type things, so the Court is looking at
18 whether it is applied to the neutral principles analysis.
19 Also, Judge, it's not an issue to whether the church
20 provided the benefits to the defendants, the question is
21 whether the defendants participated within the connection,
22 whether they pay dues, whether they pay assessments. It has
23 nothing to do with -- this Court cannot inquire into what
24 the AME Church did with the administration of the church, in
25 fact that's the beyond the Court's jurisdiction. And also,

1 Judge, these people have been a part of the AME Church for
2 over 50, 60 or 80 years. Each church has a Book of
3 Discipline, each church if they read it or not they are a
4 part of it. They do ceremonies when you become a part of
5 the AME Church, the Bishop comes down, he opens the church
6 up as an AME Church and every member of the AME church knows
7 what the discipline is. Now, whether they chose to pick it
8 up and read it I don't have any control of that, Your Honor.
9 But the issue is has the connection been broken, it has not,
10 it has not been broken, this church and this property is
11 still a part of the AME church. Now, the members, that's
12 something different, they can leave and there is a way to
13 dispose of the church property which they did not do
14 properly. So Your Honor, the connection has not been
15 broken, it cannot be broken by the members, it must be
16 mutual assent as the case law says it, and it was no mutual
17 assent. And respectfully, Judge, we would ask the Court to
18 consider granting the motion for summary judgment.

19 THE COURT: All right. I think I now understand the
20 position of both sides.

21 MS. FAJARDO: And just very briefly, I would just point
22 out -- I'm so glad he brought up the ceremony -- there has
23 been no evidence that that ceremony occurred, there's been
24 no evidence that the Book of Discipline was in effect when
25 they joined. All of this we've asked and have been provided

1 nothing, and as well they haven't proven it's church
2 properties anyway.

3 THE COURT: Go ahead.

4 MR. WILLIAMS: Judge, as I've just repeated, Judge,
5 they all, every member of the AME Church knows what the Book
6 of Discipline is and that's the case I pointed out as the
7 case pointed out this Court must determine the discipline of
8 the particular church. The connection has not been broken,
9 we would respectfully ask the court to grant summary
10 judgment.

11 THE COURT: Well, as I've already indicated, I'm going
12 to take this matter under advisement, I would like to
13 take -- to change my mind on one thing. Ms. Fajardo, I
14 would like to take you up on your offer to hand up a copy of
15 all statutes.

16 MS. FAJARDO: I will, as well as I will hand up a copy
17 of the two title searches, and I will provide a copy to
18 opposing counsel.

19 THE COURT: All right. Anything further from the
20 plaintiff?

21 MR. WILLIAMS: No, Judge. You're just going to take
22 this under advisement and we will come back -- you will let
23 us know about --

24 THE COURT: I'll be in touch with you with my decision
25 on the matters that I have taken under advisement, those

1 being whether or not the Court is going to hold in abeyance
2 the decision pending depositions, that's one thing I've got
3 to decide, I guess we can decide that first. I'll be in
4 touch with both sides probably by way of e-mail and address
5 that issue first.

6 MR. WILLIAMS: Yes, sir.

7 THE COURT: And then we'll decide where to go from
8 there.

9 MS. FAJARDO: And I assume if it's held in abeyance for
10 depositions we would be able to take depositions as well.

11 THE COURT: Yeah, both sides certainly. Anything else?

12 MS. FAJARDO: Nothing further from the defendant, Your
13 Honor.

14 THE COURT: Thank you. Court is adjourned.

15 (END OF THE HEARING)

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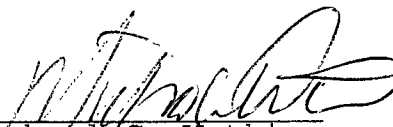
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25

1 I, the undersigned, Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
4 accurate and complete transcript of record of the proceedings
5 had and evidence introduced in the trial of the captioned
6 case, relative to appeal, in Court of Common Pleas for
7 Fairfield County, South Carolina, on the 22nd day of June,
8 2012.

9 I do further certify that I am neither of kin, counsel,
10 nor interest to any party hereto.

11
12 November 13, 2012

13
14 
15 Michael C. Watkins
16 Court Reporter.
17
18
19
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22
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25

Exhibit

Plaintiff's Amended Answer to Defendants'
Interrogatories

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFEILD

IN THE COMMON PLEAS COURT
SIXTH JUDICIAL CIRCUIT

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church

Plaintiff,

v.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels
Daisy McGraw, Jennie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCorory,

Defendants.

CASE NO: 2011-CP-20-218

**PLAINTIFF'S AMENDED ANSWER TO
DEFENDANT'S INTERROGATORIES**

**TO: AJERNAL DANLEY, ESQUIRE, COUNSEL FOR THE DEFENDANTS AND TO
THE ABOVE-NAMED DEFENDANTS:**

The Plaintiff herein submits its answer to Defendants' Interrogatories pursuant to Rule 33

GENERAL OBJECTIONS:

1. The Plaintiff objects to each discovery request to the extent that it seeks information or documents which were compiled in anticipation of litigation or for trial and which are protected by the attorney work-product doctrine. The Plaintiff further objects to each and every discovery request to the extent the information called for that is protected by the attorney-client privilege, consulting expert privilege, or any other privilege. The disclosure of any information protected by any of the foregoing privileges shall be deemed inadvertent and not with the intention to waive any privilege with regard to the information disclosed.

2. Any information produced in response hereto is produced expressly subject to any objections contained herein and is produced without in any way waiving or intending to waive any objections that the Plaintiff may have with respect to the subsequent use of such information and the Plaintiff respectfully reserves:

- a. All questions as to admissibility of any and all such information, in whole or in part, or of the subject matter thereof;
- b. The right to object to the use of any such information, in whole or in part, or the subject matter covered thereby, in any subsequent step or proceeding in this action, on any or all of the foregoing grounds or on any proper grounds whether or not enumerated above; and
- c. The right to object to any and all grounds at any time to Interrogatories or other discovery procedures involving or related to the subject matter of the information sought by the requesting party.

3. The Plaintiff objects to each and every discovery request to the extent that it seeks information that is equally available to or already in the possession of the party and its counsel and the burden on the party or its counsel to obtain the requested information is no greater than the burden on the Plaintiff.

4. The Plaintiff objects to each and every discovery request to the extent it is overly broad, oppressive, unduly burdensome, or unduly expensive. The Plaintiff further objects to each and every discovery request to the extent it seeks information not limited in time, nature, and scope.

5. The Plaintiff objects to each and every discovery request to the extent that it seeks confidential or proprietary information. Similarly, the Plaintiff reserves the right to redact sensitive or proprietary information from any documents that it produces in response hereunder.

6. The Plaintiff states that its agreement to produce documents responsive to these Requests is to produce any documents in its possession and control, and to the extent which they exist, for inspection in the offices of Randall R. Williams , 110 Riley Avenue, Greenwood, SC 29646.

1. Give the names and addresses of persons known to you or your attorney to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

Answer:

a. Elder James Glover

**205 Marabou Circle
West Columbia, SC 29169**

**b. Rev. Rhudene R. Toomer
138 Old Market Lane
Inmo, SC 29063**

**c. James Stevenson
5253 Newberry Rd.
Winnsboro, SC 29180**

**d. Roddie Armstrong
Plaintiff is not aware of Defendant Roddie Armstrong's address**

**e. Lindsay Hopkins
806 Thelma Gladney Rd
Winnsboro, SC 29180**

**f. Freddie Armstrong
4301 Old Airport Rd.
Winnsboro, SC 29180**

**g. Janice Samuel

Winnsboro, SC 29180
Plaintiff is not aware of Defendant Janice Samuel's address.**

**h. Daisy McGraw
5692 Old Airport Rd.
Winnsboro, SC 29180**

**i. Jeanie Hall
1524 Ramsey Rd.
Winnsboro, SC 29180**

**j. Rosa Chappell
1714 Pumphouse Rd.
Winnsboro, SC 29180**

**k. Alzine Woodard
23 Magndia Dr.
Winnsboro, SC 29180**

**l. Jean McCorry
2700 Old Airport Rd.
Winnsboro, Sc 29180**

Plaintiff is not aware of written or recorded statements taken from the parties above. Plaintiff is in possession of correspondence written on 7th Episcopal District.

2. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

Answer:

a. Elder James Glover

Plaintiff will testify that Shady Grove A.M.E. Church has been associated with the Connectional Church in excess of 100 years. Plaintiff will further testify that as per the Book of Discipline all property held by the local church both, real, personal and mixed is held in trust for the National Connectional Church.

b. Rev. Rhudene R. Toomer

Rev. Toomer will testify that she was advised by Defendants that she was no longer the Pastor of Shady Grove A.M.E. Church. She will further testify that Defendants secured the services of another minister and refused to allow her to carry on the normal AME worship service.. She will also testify that all property held by the local church is held in trust for the National Connectional Church.

c. James Stevenson, Roddie Armstrong, et al

Plaintiff believes that Defendants will testify that Shady Grove A.M.E. Church has in the past paid assessments to the Connectional Church; accepted pastors appointed by the 7th Episcopal District; was known as Shady Grove A.M.E. Church and used the polity and literature of the AME Church; and the trustees participated and enrolled the church as a member of the connection. Plaintiff believes Defendants will testify that correspondence was sent to the 7th Episcopal District announcing their personal secession from the African Methodist Episcopal Church.

3. Please furnish a detailed factual basis for each claim and allegation that you assert in your pleadings.

Answer: See Interrogatory No.2.

4. Please describe by name and citation or other generally recognized identification decisions, statutes, codes, regulations, legal principles, and customs or usages which you contend are especially applicable to this action.

Answer: Plaintiff objects to the extent that Defendants interrogatories are inconsistent with or enlarge upon the South Carolina Rules of Civil Procedure. Further, Interrogatory No.4 requests the mental impressions of counsel and will not lead to the discovery of factual admissible information.

5. Please set forth a list of photographs, plats, sketches, or other written or prepared documents in possession of the defendants or counsel that relates to the claim or defense in this case.

Answer: Plaintiff is not aware of any photographs, plats, sketches or other written or prepared documents in the possession of Defendant. Further, Plaintiff is not in possession of any plats, sketches or other written or prepared documents.

6. Identify the name, address, job title and telephone number for any and all agents, servants, employees, representatives, private investigators or other individual or entity than made any investigation into this matter on the plaintiff's behalf.

Answer: Plaintiff is not aware of any investigation into this matter other than by counsel.

7. Please identify by name, occupation, professional title, and present address each expert whom their plaintiff proposes to use as a witness as the trail of this case and for each such expert witness, please state the subject matter on which he or she is expected to testify, the substance of

the opinions to which he or she is expected to testify, a summary of the grounds for each such opinion and identify any videotape or visual aid each such expert intends to use at trial.

Answer: Plaintiff does not intend to retain an expert to testify.

8. If this Plaintiff has ever been involved in any other legal action, whether criminal or civil, wither as a Plaintiff or Defendant, give the court, case number, names or the parties, names of counsel for the parties, description of the action and description of each.

Answer: Plaintiff has not been involved in any other legal action.

9. If the A.M.E. Church has ever been involved in any other legal action in the last 10 years, either Plaintiff or Defendants, give the court, case number, names of parties, names of counsel for the parties, description of the action and the disposition of each.

Answer: Plaintiff objects because interrogatory #9 is overly broad, unduly burdensome when taking into account the needs of this case and the importance of the issues at stake in the litigation. Further, interrogatory #9 is not relevant to the subject matter involved in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence.

10. List the name and address of each and every A.M.E. Church in the Lancaster District. For each such church, list the names and addresses of the trustees and of said church.

Answer: Plaintiff objects because interrogatory #10 is not relevant, the items sought are not inadmissible to the subject matter in this action and is not calculated to lead to admissible information or the discovery of admissible evidence. Further, the request is overly broad and unduly burdensome.

11. List all real property held by or for the A.M.E. Church in South Carolina. For each property, list the legal basis on which ownership is claimed.

Answer: Plaintiff objects to interrogatory No. 11 because the request is both unduly burdensome, overly broad, oppressive and unduly expensive. Further it is not relevant to the subject matter in this action and is not calculated to lead to the discovery of admissible evidence. Further, this court lacks jurisdiction to inquire into the administration or financial affairs of the AME Church.

12. List all personal property held by or for the A.M.E. Church in South Carolina. For each property, list the legal basis on which ownership is claimed.

Answer: Plaintiff objects to interrogatory No. 12 because the request is unduly burdensome, overly broad, oppressive, unduly expensive. Further a listing of AME Church property in South Carolina is not relevant the items sought are inadmissible and not reasonably calculated to lead to the discovery of admissible evidence in this matter.

13. List the net worth of the Lancaster District of the African Methodist Episcopal (A.M.E.) Church on May 25, 2011.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial aspects of the African Methodist Episcopal Church, Inc. Further, interrogatory #13 is not relevant, the items sought are inadmissible and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects in that Defendants seeks confidential information.

14. List the net worth of the African Methodist Episcopal (A.M.E.) Church General Conference on May 25, 2011

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial and administrative aspects of the African Methodist Episcopal Church. Further,

interrogatory 14 is irrelevant, the items sought are not admissible and is not reasonably calculated to lead to admissible evidence.

15. List all sources of income or monies of any kind for the Lancaster District of the African Methodist Episcopal (A.M.E.) Church on May 25, 2011.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial aspects of the African Methodist Episcopal Church. Further, interrogatory 15 is irrelevant, the items sought are inadmissible and are not reasonably calculated to lead to the discovery of admissible evidence. Further, the request is overly broad, unduly burdensome, Oppressive considering the facts of this case.

16. List specificity the exact amount of monies that the Lancaster District of the African Methodist Episcopal (A.M.E.) Church and the A.M.E. Church General Conference received from Shady Grove Church in the last five (5) years; detail the nature of each such payment; list the recipient of each such payment; and list who has possession of any and all documentation of such payments.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial aspects of the African Methodist Episcopal Church. Further, interrogatory 16 is irrelevant, the items sought are inadmissible and not reasonably calculated to lead to the discovery of admissible evidence. Also, the request is unduly burdensome, overly broad, Oppressive considering the facts of this case.

17. List all bank accounts held by the Lancaster District of the African Methodist Episcopal (A.M.E.) Church and the Plaintiff.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial aspects of the African Methodist Episcopal Church. Further, interrogatory 17 is

irrelevant, the items sought are inadmissible and not reasonably calculated to lead to the discovery of admissible evidence. Also, the request is unduly burdensome, overly broad And oppressive.

18. List the names and addresses of all current members of Shady Grove A.M.E. Church.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the membership of Shady Grove AME Church. Further, the request is not relevant, the items sought inadmissible and will not lead to the discovery of admissible evidence.

19. List the names and addresses of all church that the A.M.E. Church, or anyone action on behalf of the A.M.E. Church, has initiated legal action against in the past 10 years.

Answer: Plaintiff objects because the interrogatory is unduly burdensome, oppressive and broad. The request is not relevant to the subject matter, and items sought are inadmissible and the information sought will not lead to the discovery of admissible evidence.

20. List with specificity the irreparable harm claimed by the Plaintiff in this matter.

Answer: The Plaintiff is personally responsible for all property both, real, personal and mixed held by the local church on behalf of the larger connectional church.

21. Indicate the title of owner to the property that forms the basis of this controversy and indicate the basis for the claim of ownership.

Answer: Shady Grove Independent Church is listed as the owner on the deeds of the church. It does not matter whether the deed names the African Methodist Church, Inc. as the title owner because the trustees of Shady Grove AME Church hold all church property on behalf of the lager connectional church.

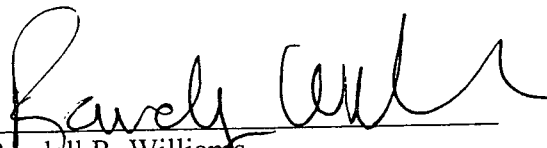
22. Please list all cash payments received by the Plaintiff, the Lancaster District of the

African Methodist Episcopal (A.M.E.) Church, and the A.M.E. Church General Conference in the past five (5) years; detail the nature of each such payment; list the recipient of each such payment; and list who has possession of any and all documentation of such payments.

Answer: Plaintiff objects because this court does not have jurisdiction to inquire into the financial and administrative aspects of the African Methodist Episcopal Church. Further, interrogatory no. 22 is irrelevant, the items sought are not admissible and not reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiff objects as this request asks for confidential information.

23. Please list the names and addresses of all churches, all church congregations, or any individual in the Lancaster District of African Methodist Episcopal (A.M.E.) Church that have expressed any intent to terminate or cease affiliation from the A.M.E. in the past five (5) years.

Answer: Plaintiff objects because interrogatory #23 is not relevant to the subject matter involved in this matter and will not reasonably lead to the discovery of admissible evidence. Further, this court does not have jurisdiction to inquire into this matter.


Randall R. Williams
Attorney for the Plaintiff
110 Riley Avenue
P.O. Box 3461
Greenwood, SC 29648-3461
864 227-9156 (Fax) 864-943-1898

Greenwood, South Carolina

12-27, 2011

Exhibit

Acceptance of Services

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFEILD

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

2012 JUN 21 P 2:00
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,

CASE NO: 2011-CP-20-218

Plaintiff,

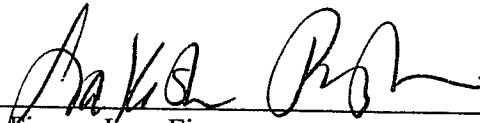
vs.

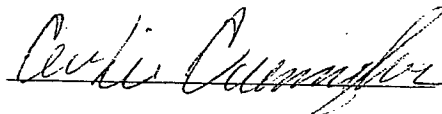
ACCEPTANCE OF SERVICE

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy McGraw, Jennie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCorory,

Defendants.

Service of an Amended Motion to Grant Summary Judgment, Amended Memorandum of Law in
Support of Motion to Grant Summary Judgment, Amended Affidavit of Rev. Dr. James Glover,
and an Affidavit of Rev. Rhudene R. Toomer in the above captioned case is hereby accepted and
acknowledged this 20 day of June 2012.


Finney Law Firm

Served by: 

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF FAIRFEILD

2012 AUG -8 P 2:53

SIXTH JUDICIAL CIRCUIT

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy McGraw, Jennie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCorory,

Defendants.

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

CASE NO: 2011-CP-20-218

ACCEPTANCE OF SERVICE

Service of a NOTICE OF MOTION AND MOTION ALTER OR AMEND A JUDGMENT

RULE 59 (e) in the above captioned case is hereby accepted and acknowledged this 30 day
of July 2012.

Akisha Pross

Served by:

Candice Hill

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF FAIRFEILD

2012 AUG -8 P 2: 53

SIXTH JUDICIAL CIRCUIT

James Glover as Presiding Elder of the
Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,

Plaintiff,

vs.

James Stevenson, Roddie Armstrong, Lyndsay
Hopkins, Freddie Armstrong, Janice Samuels,
Daisy McGraw, Jennie Hall, Rosa Chappell,
Alzine Woodard, and Jean McCorory,

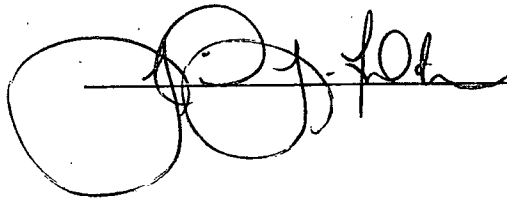
Defendants.

CASE NO: 2011-CP-20-218

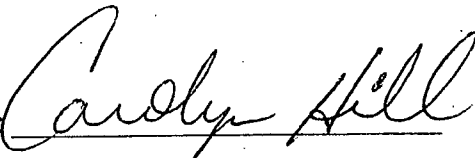
ACCEPTANCE OF SERVICE

Service of a NOTICE OF MOTION AND MOTION ALTER OR AMEND A JUDGMENT

RULE 59 (e) in the above captioned case is hereby accepted and acknowledged this 30 day
of July 2012.



Served by:



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2012-213071

James R. Glover, as Presiding Elder of the Lancaster District of the African Methodist Episcopal (A.M.E.) Church,.....Appellant,

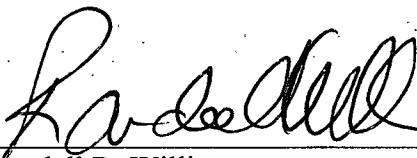
v.

James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy McGraw, Jeannie Hall, Rosa Chappell, Alzine Woodard and Jean McCorry,.....Respondents.

CERTIFICATE OF COUNSEL FOR APPELLANT

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 27, 2013



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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2012-213071

James R. Glover, as Presiding Elder of the Lancaster District of the African Methodist Episcopal (A.M.E.) Church,.....Appellant,

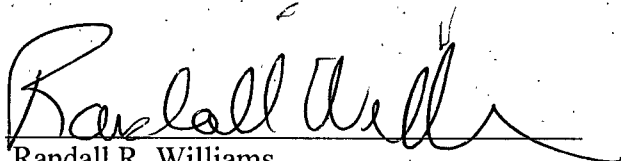
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CERTIFICATE OF COUNSEL

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March 27, 2013



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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2012-213071

RECEIVED

MAR 27 2013

SC Court of Appeals

James R. Glover, as Presiding Elder of the Lancaster District of the African Methodist Episcopal (A.M.E.) Church,.....Appellant,

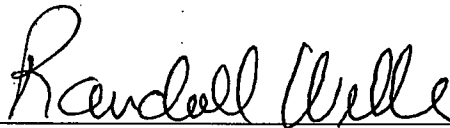
v.

James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy McGraw, Jeannie Hall, Rosa Chappell, Alzine Woodard and Jean McCorry,.....Respondents.

PROOF OF SERVICE

I certify that I have served the **Record on Appeal** and **Proof of Service** on James Stevenson, Roddie Armstrong, Lyndsay Hopkins, Freddie Armstrong, Janice Samuels, Daisy McGraw, Jeannie Hall, Rosa Chappell, Alzine Woodard and Jean McCorry, by depositing a copy of it in the United States Mail, postage prepaid, on March 27, 2013, to their attorneys of record, Jerry Finney, The Finney Law Firm, Inc. at 2117 Park Street, Columbia, South Carolina, 29201, and Ajerenal Danley, Danley, Clawson and Associates, P.C. 240 Stoneridge Drive, #401, Columbia, South Carolina, 29210 and Adam L. Whitsett, SC Attorney General's Office, P.O. Box 11549, Columbia, SC 29211.

March 27, 2013



Randall R. Williams
Post Office Box 3461
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Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2012-213070

James R. Glover, as Presiding Elder of the Lancaster District of the African Methodist
Episcopal (A.M.E.) Church,.....Appellant,

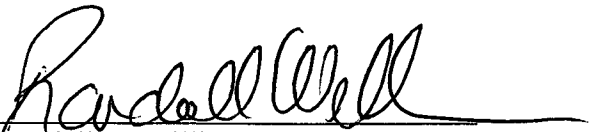
v.

Corthan Manning, Jr., Theodore Manning, and Earlene W. Manning,.....Respondents.

CERTIFICATE OF MAILING

I certify that I have hand delivery an original Certificate of Mailing dated March 27, 2013 to The Honorable Jenny Abbott Kitchings, Clerk of Court for the South Carolina Court of Appeals, 1015 Sumter Street, Columbia, South Carolina 29211 and copies to Corthan Manning Jr., Theodore Manning, and Earlene Manning, by depositing a copy of it in the United States Mail, postage prepaid, on March 27, 2013, to their attorneys of record, Jerry Finney, The Finney Law Firm, Inc. at 2117 Park Street, Columbia, South Carolina, 29201, Stephanie R. Fajardo, The Finney Law Firm, 2117 Park St., Columbia, SC 29201, Ajerenal Danley, Danley, Clawson and Associates, P.C. 240 Stoneridge Drive, #401, Columbia, South Carolina, 29210 and Adam L. Whitsett, SC Attorney General's Office, P.O. Box 11549, Columbia, SC 29211.

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