

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)
)
 Pastors, Sr. Pastor Michael S. Davis)
 Associate Pastor Maria Irene Davis)
 For "Cornerstone Cathedral" n/k/a "The)
 Truth Outreach" of West Union SC)
)
 Plaintiff(s),)
)
 vs.)
)
 RURAL ECONOMIC DEVELOPMENT)
 CORP., aka "REDC", THE ROCK)
 WORSHIP CENTER & INTERNATIONAL)
 PALM OIL and BIODIESEL LLC)
 Defendant(s).)
 _____)

IN THE COURT COMMON PLEAS
 TENTH JUDICIAL CIRCUIT

RECEIVED
Nov 06 2020
 SC Court of Appeals

Civil Action: 2019-CP-37-585

**ORDER GRANTING DEFENDANTS'
 MOTION FOR SUMMARY JUDGMENT**

This matter was before the Court pursuant to the Defendants', Rural Economic Development Corp. ("REDC") and The Rock Worship Center, Motion to Dismiss. Due to technical difficulties during the virtual hearing on the matter, the Court kept the record open and allowed submissions from the parties for the remainder of the week. The Motion had been filed as a motion on the pleadings. However, the Court treats this motion as a Rule 56 Motion for Summary Judgment since the parties submitted evidence outside of the pleadings. The Defendant Desimber Wattleton-Jones, who is pro-se, also submitted a Motion to extinguish a Lis Pendens on the subject property.

Procedural History

Plaintiffs, Michael Davis and Maria Davis filed a Summons and Complaint on September 20, 2019 naming Desimber Wattleton, Rural Economic Development Corporation, LLC ("REDC"), The Rock Worship, Christopher Bernard Jones, Mark Vincent Day, Crown Properties, LLC, and The Heckman Law Firm, PA as Defendants. In the Complaint, Plaintiffs

sought rescission of a deed in which real property was transferred by the church, and also alleged breach of contract, breach of fiduciary duty, fraud and fraud in the inducement and civil conspiracy. The Plaintiffs have also filed a lis pendens in conjunction with this action. Defendants Heckman Law Firm and Crown Properties were dismissed from the action by Order of the Court on January 30, 2020.

The Plaintiffs filed an amended complaint on February 5, 2020 naming Rural Economic Development Corporation, LLC (“REDC”), The Rock Worship and International Palm Oil and Biodiesel, LLC as Defendants. The Plaintiffs moved for a default judgment against the Defendants on June 23, 2020. Defendants REDC and The Rock Worship responded to the Plaintiffs’ motion for default arguing that the Plaintiffs did not perfect service upon the Defendants pursuant to Rule 4 of the South Carolina Rules of Civil Procedure. The Plaintiffs served the Complaint on Defendants REDC and The Rock Worship via certified mail. Court records indicate that the Defendants’ mailing address had changed. Further, Plaintiffs made different/additional claims in the Amended Complaint and therefore service was required to be perfected in accordance with Rule 4 SCRPC.

The Defendants filed a Motion to Dismiss along with its response to the Plaintiff’s Motion for Default. The Plaintiffs’ motion for default was heard on July 27, 2020. The motion for default was denied on the ground that Plaintiff did not serve the Defendants properly. Plaintiffs were granted leave to file an amended complaint and ordered to properly serve it upon the Defendants. The Defendants’ motion to dismiss was ruled premature at the time of this hearing because the Defendants had not yet been properly served with Plaintiffs’ second amended summons and complaint.

The Plaintiffs filed a second amended complaint on August 10, 2020 and Defendants, REDC and The Rock Worship, filed a motion to dismiss in lieu of an answer under SCRCP 12(b). The Defendants motion to dismiss was scheduled to be heard by the court on September 28, 2020 via Webex virtual hearing. Due to technical difficulties, the Court kept the record open following the hearing and allowed submissions from the parties for the remainder of the week.

Factual Background

The church that is the subject of the action brought by the Plaintiffs was organized in 1979 under the name, Cornerstone Cathedral. Plaintiff Michael Davis began as pastor of The Cornerstone Cathedral in or around 2009. On January 29, 2016 church members called a meeting with Plaintiff Michael Davis to address the church's concerns regarding the conduct of Mr. Davis and asked him to voluntarily step down as pastor. Mr. Davis refused to voluntarily step down and as result of his refusal, the church notified Mr. Davis that the congregation would vote to terminate him as pastor on Sunday February 14, 2016.

On Sunday, February 14, 2016, the allegations against Plaintiff Davis were presented in writing, read aloud, affirmed by witnesses, and in the presence of two Oconee County Police Officers, a vote was held by the congregation members of The Truth Outreach regarding the termination of Michael Davis as Pastor. The vote to terminate Plaintiff Michael Davis as pastor of The Truth Outreach f/k/a Cornerstone Cathedral was unanimous. The termination of Plaintiff Michael Davis was ratified by the congregation and he was terminated as pastor by final vote of the church congregation effective February 14th, 2016.

Conclusions of Law

In evaluating a motion to dismiss, the Court must base its decision solely upon the allegations set forth in the complaint. Jarrell v. Petoseed Co. Inc., 331 S.C. 207, 209, 500

S.E.2d 793, 794 (Ct. App. 1998). "That is, the motion must be granted if the facts alleged in the complaint and the inferences reasonably deducted therefrom do not entitle the Plaintiff to relief on any theory of the case." Id. See also FOC Lawshe Ltd. P'ship v. Int'l Paper Co., 352 S.C. 408,412. 574 S.E.2d 228,230 (Ct. App. 2002) (quoting Rule 12(b)(6), SCRCP). As such, "[the question to be considered is whether in the light most favorable to the Plaintiff, and with every doubt resolved in its behalf, the complaint states any valid claim for relief." Holy Loch Distrib., Inc. v. Hitchcock, 332 S.C. 247, 252, 503 S.E.:2d 787, 790 (Ct. App. 1998). See also Brown v. Leverette, 291 S.C. 364, 366, 353 S.E.2d 697, 698 (1987) (citation omitted).

"A congregational church is an independent organization, governed solely within itself, either by a majority of its members or by such other local organism as it may have instituted for the purpose of ecclesiastical government...." 27 S.C. Jur. Religious Societies § 5. In Blair v. Blair, the Court of Appeals ruled that ". . . the actions of Pearson Welcome Baptist Church in changing its name, moving to a new location, transferring the property, and mortgaging it were valid and consistent with Baptist church policy. Because such actions are ecclesiastical in nature, they are not reviewable by this court in the absence of fraud, collusion, or arbitrariness. Blair v. Blair, 302 S.C. 399, 404, 396 S.E.2d 374, 377 (Ct. App. 1990). "[T]he action of church authorities in the deposition of pastors and the expulsion of members is final". Turbeville v. Morris, 203 S.C. 287, 26 S.E.2d 821, 827.

The decisions of a congregational church to remove its pastor and transfer its property are ecclesiastical in nature and not reviewable by this Court in the absence of fraud, collusion, or arbitrariness.

After careful consideration of the pleadings, exhibits, applicable caselaw and arguments of counsel, the Court GRANTS the Defendants' Motion to Dismiss on the grounds that this Court lacks jurisdiction over what amounts to an ecclesiastical dispute in a church.

THEREFORE IT IS ORDERED (1) that the Defendants' motion to Dismiss, which the Court treats as a motion for Summary Judgment, is granted; and (2) the lis pendens filed by the Plaintiffs, under case number 2018-LP-3700134, shall be cancelled of record by the clerk for Oconee County.

Done and ordered this the _____ day of October 2020.

R. Scott Sprouse, Presiding Judge Tenth Judicial Circuit



Oconee Common Pleas

Case Caption: Michael Davis , plaintiff, et al VS Mark Vincent Day , defendant, et al
Case Number: 2019CP3700585
Type: Order/Summary Judgment

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit