

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2020-000986

RECEIVED

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S.C. SUPREME COURT

The Protestant Episcopal Church in the Diocese of South Carolina, *et al.*, Respondents,

v.

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

RECORD ON APPEAL – Volume VII

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1 Q. And the year or years you served as senior warden?

2 A. I served as senior warden in 2012 and 2013.

3 Q. And, Ms. McMeekin, we're going to talk about some
4 documents that have been already admitted into evidence
5 having to do with the corporate structure and the
6 organization of the Church of the Resurrection, Surfside.
7 Okay?

8 A. Okay.

9 Q. And were you either the junior warden or the senior
10 warden during the period of time that the documents were
11 revised?

12 A. Yes, sir, I was.

13 Q. We're going to get into the details in a minute. Is the
14 Church of the Resurrection incorporated, Ms. McMeekin?

15 A. The Church of the Resurrection is incorporated.

16 Q. Now, you've got with you up there a duplicate set of the
17 exhibits, I believe, do you not?

18 A. I do.

19 Q. I want you to take a look -- sometimes I may say RS-1 or
20 I may just say a number, but all these exhibits we're going
21 to be looking at will have the letter prefix RS and then a
22 number. So if I refer to -- the number's the key thing.

23 So I want you to look at RS-1.

24 A. Okay.

25 Q. You got it?

1 A. I do.

2 Q. What is that?

3 A. That is our articles of incorporation.

4 Q. When was the Church of the Resurrection, Surfside
5 incorporated?

6 A. July the 12th, 1971.

7 Q. Do you know if the church had been in operation as an
8 unincorporated association prior to that?

9 A. Yes, it had been.

10 Q. Since when?

11 A. Since 1958.

12 Q. All right. Has the Church of the Resurrection,
13 Surfside, now known as Surfside, operated continuously as a
14 corporate entity, a nonprofit corporate entity, in the state
15 of South Carolina since the date of this incorporation shown
16 on Exhibit 1?

17 A. Yes, sir.

18 Q. Up until the present time?

19 A. Yes.

20 Q. And continuing?

21 A. Yes.

22 Q. All right. Take a look, if you would, and tell me if
23 from the articles you can discern who the directors of the
24 corporation were and the officers of the corporation were.
25 And you don't need to give names, I want titles.

1 A. In the fifth section it states managers, trustees,
2 directors, and other officers as the senior warden, junior
3 warden, treasurer, secretary, and priest in charge.

4 Q. Okay. And of those designations, which ones are
5 officers?

6 A. All four -- all the first four are the officers, junior
7 warden, senior warden, treasurer, and secretary.

8 Q. All right. And is that true today?

9 A. It is true today.

10 Q. And to the best of your knowledge, has that been true
11 since the first institution of this church as a corporation
12 in 1971?

13 A. Yes, sir.

14 Q. And I'll ask you again, referring to Exhibit 1, if you
15 can tell me what the purpose -- you can summarize if you
16 would like -- the purpose of the corporation was when it was
17 first started.

18 A. The purpose of the corporation was the operation as a
19 mission organized and subject to the canons of the Protestant
20 Episcopal Church in the Diocese of South Carolina.

21 Q. All right. And is there any reference in the articles
22 of incorporation of the Church of the Resurrection, Surfside
23 to what's been called in this Court the national church?

24 A. No, sir, there is not.

25 Q. All right. Is there any requirement in these articles

1 of incorporation to seek approval of either the Diocese of
2 South Carolina or the national church to amend the articles
3 of incorporation?

4 A. No, sir.

5 Q. Any restriction at all in amendment of these articles of
6 incorporation shown on these articles of incorporation?

7 A. No, sir.

8 Q. Was there a time that the Church of the Resurrection,
9 that you know of, determined to amend the articles of
10 incorporation?

11 A. Yes, sir.

12 Q. If you would now, I want you to turn to
13 Resurrection Exhibit, I think it would be 8, Ms. McMeekin.
14 Have you got it?

15 A. Yes.

16 Q. And what is Exhibit 8, Ms. McMeekin?

17 A. These are minutes of the regular vestry meeting held on
18 November the 21st, 2011.

19 Q. And with regard -- well, first of all, did you attend
20 that meeting?

21 A. Yes, sir.

22 Q. And during that time in 2011, I believe from your
23 testimony, you would have been the junior warden?

24 A. Yes, sir.

25 Q. All right. While I'm thinking about it, Ms. McMeekin,

1 with regard to all the minutes in these exhibits that have
2 been offered into evidence, were you in attendance at all of
3 them --

4 A. Yes, sir.

5 Q. -- all those meetings --

6 A. Yes, sir.

7 Q. -- whether they were parish meetings or vestry meetings?

8 A. Yes, I was.

9 Q. Personally present?

10 A. Yes.

11 Q. Now, with regard to this set of minutes for this
12 meeting, was a quorum present? And I know that may be a
13 little silly to ask, but was a quorum present?

14 A. Yes, it was.

15 Q. And was notice sent or was notice necessary?

16 A. Notice was not necessary. It was a scheduled meeting.

17 Q. And when's a regular scheduled meeting set for in 2011
18 for the vestry?

19 A. It was on November the 21st, the third Monday of the
20 month.

21 Q. All right. Did all of the vestry members participate in
22 this meeting either in person or subsequently by signing a
23 document?

24 A. Yes, sir.

25 Q. And is -- I refer to the last two pages of that exhibit

1 entitled Ratification Consent; do you see that?

2 A. Yes, sir.

3 Q. And there are two there, are there not?

4 A. Yes.

5 Q. All right. Were those the two members of the vestry
6 that did not attend?

7 A. They were -- one of them participated by telephone, but
8 she was not in attendance.

9 Q. When you say she, that would be Ms. Rinken?

10 A. Ms. Rinken.

11 Q. So Mr. Antonucci signed and agreed to the meeting of
12 what took place?

13 A. Yes, sir.

14 Q. Now, let's talk about what did take place. What, with
15 regards to the amendment of the articles of incorporation,
16 took place at that meeting?

17 A. We proposed a resolution to amend the articles of
18 incorporation in three places, first to change our name, to
19 change our address, and to change our purpose statement.

20 Q. All right. And what was the name going to go from and
21 to?

22 A. The name was being changed from the Episcopal Church of
23 the Resurrection to the Church of the Resurrection.

24 Q. And the headquarters, can you just tell why that was
25 being changed, the headquarters was being changed?

1 A. We had moved into a new building. We had left our first
2 building on Pine Street in Surfside Beach and moved to
3 Highway 17 bypass.

4 Q. How long had it been since the church moved its building
5 from -- approximately, you don't need to look it up -- from
6 the Pine Drive church over to the one on Highway 17 bypass?

7 A. It had been about 11 years.

8 Q. Oh, but the articles never had been changed?

9 A. No, they had not.

10 Q. And with regard to the purpose, the purpose was in
11 Article 4th you said of the articles of incorporation?

12 A. Yes, sir, yes.

13 Q. And was that completely replaced with this language?

14 A. It was.

15 Q. And what was the language put in place of the new
16 purpose for the Church of the Resurrection?

17 A. The purpose of the said corporation is to transform
18 lives by the resurrected power of Jesus Christ.

19 Q. All right. What was the vote of the vestry on the
20 resolution, that resolution containing those three items?

21 A. It was unanimous.

22 Q. Did the vestry or the officers then put these same
23 resolutions before the membership of the parish?

24 A. Yes, they did.

25 Q. We'll talk about that. I'm going to call your attention

1 and ask you to look at RS-9, that exhibit, please.

2 A. Okay.

3 Q. Do you see it?

4 A. Yes, sir.

5 Q. You can either look on that screen or look at your

6 paper, whatever's easier. Have you got it?

7 A. Yes, sir.

8 Q. Ms. McMeekin, was proper notice given of this meeting?

9 A. Yes, it was.

10 Q. How was notice given; do you remember that?

11 A. It was given by mail with ten days' notice.

12 Q. And were the resolutions also provided with the notice?

13 A. Yes, they were.

14 Q. Was a quorum present at this meeting of the

15 congregation?

16 A. A quorum was present.

17 Q. Do you know off the top of your head what the quorum

18 requirement was at that time?

19 A. 25 percent of communicants.

20 Q. And were the three resolutions as proposed by the

21 vestry, were they exactly the same that came before the

22 entire parish?

23 A. Yes, they were.

24 Q. And what was the result of the vote on the adoption of

25 that resolution of those three items that you've described

1 earlier?

2 A. The motion passed.

3 Q. And can you tell me what the vote was?

4 A. I can. 176 in favor and 3 opposed.

5 Q. All right. Was there a document filed with the
6 Secretary of State to memorialize those changes or at least
7 some of those changes, Ms. McMeekin?

8 A. Yes, there was.

9 Q. Are you looking at RS-10, Ms. McMeekin?

10 A. Yes, sir.

11 Q. Exhibit RS-10, my copy is missing a second page, I
12 think, Ms. McMeekin, but is it a three-page document?

13 A. Yes, it is.

14 Q. And who is it signed by? That's what I'm missing is the
15 signature page.

16 A. Angelo Antonucci.

17 Q. And what was his...

18 A. Senior warden.

19 Q. And the other person that signed? No other person
20 signed. I can see it.

21 A. No, sir.

22 Q. Okay. Thank you.

23 And what amendments were filed with the Secretary of
24 State at that time? Were all three filed?

25 A. No, sir, only two of the three were filed.

1 Q. And which two?

2 A. The address change and the purpose change.

3 Q. All right. And could you tell us just briefly, why
4 didn't the name change get filed?

5 A. When we attempted to file the name change, we discovered
6 that another church in the state already has the name Church
7 of the Resurrection.

8 Q. All right. So we'll get to that in a minute.

9 Now, Ms. McMeekin, so we can kind of get a frame of
10 reference, I want you to look at RS-11 -- and I guess before,
11 this may be somewhat redundant, but I'm going to back up to
12 that articles of amendment we just looked at, which was
13 Exhibit 10. Okay?

14 Is the purpose clause that's filed with the Secretary of
15 State exactly as it was adopted at the vestry meeting you
16 testified to and the congregational meeting you just
17 testified to?

18 A. Yes, sir.

19 Q. And the same with the headquarters, that's the correct
20 address?

21 A. That's the correct address.

22 Q. Now, is there any reference in that amendment to
23 anything to do with the Diocese of South Carolina?

24 A. No, sir.

25 Q. Or the national church?

1 A. No, sir.

2 Q. Now let's go to Exhibit 11 and tell me what that is,
3 Ms. McMeekin.

4 A. That is a copy of the bylaws for the Church of the
5 Resurrection that were adopted in 1983.

6 Q. All right. Were those the bylaws that were in effect
7 during the time we're now talking about, 2011, 2012?

8 A. Yes, sir.

9 Q. Okay. Would you tell us from looking at these bylaws
10 what the amendment procedure was to amend these bylaws?

11 A. The amendment procedure was to present the proposed
12 changes at an annual meeting and then also at a subsequent
13 meeting, a subsequent annual meeting for vote.

14 Q. So it took -- tell the Court what an annual meeting is
15 for purposes of giving her a frame of reference.

16 A. Our annual meeting is held the second Sunday in January
17 or at some other time appointed by the vestry with no less
18 than one week's notice.

19 Q. So it's a yearly --

20 A. A one-time-a-year annual meeting.

21 Q. So in effect, it takes a year to amend these bylaws?

22 A. Yes, sir.

23 Q. All right. Is there any restriction in these bylaws
24 about amending them?

25 A. No, sir.

1 Q. Is there any third-party approval required as contained
2 in these bylaws?

3 A. No, sir.

4 Q. Did the Church of the Resurrection seek any third-party
5 approval from either the national church or the Diocese of
6 South Carolina before it moved forward with amending these
7 bylaws?

8 A. No, sir.

9 Q. Briefly, Ms. McMeekin, if you refer to the bylaws,
10 what's the notice requirement for the annual meeting?

11 A. If it's not on the second Sunday in January, it's one
12 week's notice.

13 Q. All right. And with regard to the annual meetings that
14 took place and any special meetings, was that the notice
15 period used or was it more or less?

16 A. It was more.

17 Q. What was it?

18 A. Our general procedure was to give a minimum of ten days'
19 notice.

20 Q. And what kind of notice?

21 A. Mail.

22 Q. Okay. Also, did the parish use any other means to
23 transmit or communicate to its members that an annual meeting
24 was to take place?

25 A. It was announced during services and in service leaflets

1 and any other correspondence that went out such as
2 newsletters.

3 Q. And with regard to these minutes that we've so far
4 discussed and we're going to discuss, is that the process of
5 notice that was given?

6 A. Yes, sir.

7 Q. Okay. Did Church of the Resurrection move to amend
8 these 1983 bylaws?

9 A. Yes, sir, we did.

10 Q. Okay. Let's look at Resurrection Exhibit 13, please,
11 ma'am. And just tell us briefly, if you would, what is this?

12 A. These are minutes of the annual parish meeting held
13 January the 22nd -- excuse me -- January the 22nd, 2012.

14 Q. All right.

15 MR. BRYAN: I'm going to be redundant, but can't help
16 myself, Judge.

17 Q. Was notice given?

18 A. Yes, sir.

19 Q. Was a quorum present?

20 A. Yes, sir.

21 Q. And let's talk about what took place at the meeting,
22 Ms. McMeekin. What was to take place at the meeting with
23 regard to the bylaws?

24 A. We were to present the bylaws and vote on them.

25 Q. Okay. Were they presented?

1 A. They were.

2 Q. Were they voted on?

3 A. Yes, sir.

4 Q. And what was the result of the vote to amend the bylaws?

5 A. The result was in favor. The votes cast in favor were

6 129; those opposed were 1.

7 Q. All right. And, Ms. McMeekin, I'm going to ask you for

8 just for -- not having a lot of documents, we've only got the

9 final bylaws in evidence, but I want you to look over at

10 Exhibit 18, so jump ahead with me a second.

11 A. Okay.

12 Q. And I want you to tell the Court whether or not that

13 document is the exact document that was submitted at the

14 parish meeting on January 22nd, 2012, and voted on at the

15 parish meeting?

16 A. Yes, sir, it is.

17 Q. Except it wasn't signed yet, was it?

18 A. Correct.

19 Q. All right. And while I'm thinking about it, was that

20 document sent out in the written notice to every member?

21 A. Yes, it was.

22 Q. All right. I'm going to move off the bylaws a moment

23 and I'm going to pick back up. I'm going chronologically, if

24 you can follow. And I'm going to go now to catching that

25 name change. Okay?

1 So we're going to look at RS-14. Tell the Court what
2 that is, please, ma'am.

3 A. That is the minutes of a special meeting of the parish.

4 Q. And with regards -- just -- you don't need to go into
5 the other business, not relevant to the Court's matters
6 today, but if you would tell the Court what took place at the
7 meeting with regard to the name change glitch that occurred
8 with another entity having the Church of the Resurrection
9 name?

10 A. There was a motion that we change our name to the Church
11 of the Resurrection, Surfside.

12 Q. Add Surfside to Church of the Resurrection?

13 A. Correct.

14 Q. Was it voted on?

15 A. It was voted on.

16 Q. What was the result of the vote?

17 A. It was approved and the result of the vote was 98 votes
18 in favor; 1 opposed; 1 abstention.

19 Q. All right. Was a quorum present at the meeting?

20 A. A quorum was present.

21 Q. Was proper notice given of this special meeting?

22 A. It was given. And please forgive me, I gave you the
23 wrong totals there.

24 Q. All right.

25 A. The vote in favor of the resolution was, votes in favor,

1 96; votes opposed, 4; no abstentions.

2 Q. All right. And I'm not sure if I asked you, but just
3 specifically with regard to this meeting, I think you just
4 said notice was given?

5 A. Yes, it was.

6 Q. Just like you described, by mail with minimum of ten
7 days?

8 A. That's right.

9 Q. Let's go to RS-15, Ms. McMeekin. Have you got it?

10 A. Yes, sir.

11 Q. What is that?

12 A. That is the amended articles of incorporation with our
13 name change.

14 Q. And the name changed to what, Ms. McMeekin?

15 A. The Church of the Resurrection, Surfside.

16 Q. And did you sign that article's amendment?

17 A. Yes, I did.

18 Q. And did it get filed with the Secretary of State?

19 A. Yes, it did.

20 Q. And is that the name of the church today?

21 A. It is.

22 Q. Now, Ms. McMeekin, I would ask you to look at RS-16.

23 A. Yes, sir.

24 Q. What is represented in Exhibit RS-16?

25 A. It's the minutes of the special vestry meeting held on

1 January the 3rd, 2013.

2 Q. Were you present?

3 A. Yes, sir.

4 Q. Was a quorum present?

5 A. Yes, sir.

6 Q. Was everybody there?

7 A. Yes, sir, everybody was there.

8 Q. Was notice of that meeting given?

9 A. Notice was given.

10 Q. Did you get the notice?

11 A. I did.

12 Q. And what resolutions were considered by the vestry at

13 that special meeting, Ms. McMeekin, with regard to the issues

14 in this Court?

15 A. Three resolutions were offered, the first was to ratify

16 the name change that had been approved at the parish meeting;

17 the second was --

18 Q. Can I stop you?

19 A. Yes.

20 Q. I know I asked you a question and I'm stopping you, but

21 let's go one at a time.

22 A. Okay.

23 Q. So with regard to the name change ratification, was that

24 voted on separately or as a group with the other two?

25 A. These were voted on separately.

1 Q. All right. Did the name change get voted on by the
2 entire vestry on that day?

3 A. It did.

4 Q. And did it -- how did it result?

5 A. It passed unanimously.

6 Q. Okay. Now tell me what No. 2, Resolution 2 was.

7 A. The second resolution was to adopt the proposed bylaws,
8 subject to the approval at the annual parish meeting.

9 Q. Okay. And the form of those bylaws that the vestry
10 considered in Resolution 2, I want to ask you again if
11 that -- except for the signature, is it identical in form and
12 content to what's contained in Exhibit RS-18?

13 A. It is.

14 Q. All right. And how did the vestry vote on the proposed
15 bylaws?

16 A. Passed unanimously.

17 Q. All right. And next, this -- and other parishes, I
18 think, had similar resolutions. Now we've got a resolution,
19 No. 3, tell us what that is.

20 A. This resolution clarified the vestry's position with
21 relationship to the national church and the Diocese of South
22 Carolina.

23 Q. And the date of this meeting is when?

24 A. January the 3rd, 2013.

25 Q. And what action did the vestry take on this resolution?

1 A. The vestry passed it unanimously.

2 Q. Now, Ms. McMeekin, are copies of the resolution attached
3 to that exhibit? It might be a little bit hard to read,
4 unfortunately.

5 A. Yes, sir.

6 Q. And tell me if you signed each of those resolutions.

7 A. I signed all three of them along with the secretary of
8 the vestry, our clerk.

9 Q. All right. And are these three resolutions in the exact
10 form as shown in the original records of the Church of the
11 Resurrection, Surfside?

12 A. Yes, sir.

13 Q. Now, Ms. McMeekin, let's go back to the bylaws. I want
14 you to turn to RS Exhibit 17. Got it?

15 A. Yes, sir.

16 Q. And what is that?

17 A. Those are the minutes of the annual parish meeting held
18 January the 13th, 2013.

19 Q. And with regard to the bylaws -- that's all I care about
20 in this piece of evidence -- what happened?

21 A. There was a motion to accept the bylaws as presented and
22 that motion carried.

23 Q. And of the bylaws that were considered by the
24 congregation on January 13, 2013, in the exact same form
25 except unsigned, as shown in Exhibit RS-18 --

1 A. Yes, sir.

2 Q. And it had been previously submitted to the congregation
3 the year prior, January of '12?

4 A. Yes.

5 Q. And had been voted on just a week or so before by the
6 vestry?

7 A. Correct.

8 Q. Same form?

9 A. Yes.

10 Q. And you said the results of the vote; did you tell us
11 that?

12 A. Not yet.

13 Q. All right.

14 A. In favor, 146; opposed, 2; with 10 abstentions.

15 Q. Was a quorum present?

16 A. A quorum was present.

17 Q. And was notice of that meeting given as you've described
18 earlier?

19 A. Yes.

20 Q. And was a copy of that same set of bylaws sent again to
21 the members with their notice?

22 A. Yes, sir.

23 Q. Any reference in those new bylaws to the national
24 church, the defendant, the national church?

25 A. There is no reference.

1 Q. Any reference in those bylaws to the plaintiff, Diocese
2 of South Carolina?

3 A. No, sir, there is no reference.

4 Q. All of that was removed from the 1983 bylaws --

5 A. Yes, sir.

6 Q. -- any references?

7 A. Yes.

8 Q. Other changes were made as well?

9 A. Yes, it was a complete revision.

10 Q. Ms. McMeekin, with now the resolution of the vestry that
11 we talked about in Exhibit RS-16, that is the third
12 resolution, does that third resolution essentially contain
13 the link between the Church of the Resurrection, Surfside and
14 the Diocese of South Carolina, the plaintiff, Diocese of
15 South Carolina?

16 A. It does.

17 Q. All right. Ms. McMeekin, I want to ask you about the
18 property of the Church of the Resurrection that's in issue in
19 this case, so we're going to go backwards. Okay?

20 A. Okay.

21 Q. Look at number RS-6, if you would, please, ma'am.

22 A. Okay.

23 Q. Got it? Do you know what that is?

24 A. Yes, sir, it's the deed to our property on bypass 17
25 where the parish building is located.

1 Q. Do you know who the grantor, I guess I should say, was?

2 A. The grantor was Ruth Gaul.

3 Q. And describe her connection, if any, to the Church of
4 the Resurrection, Surfside.

5 A. Long-term parishioner.

6 Q. Did she give this property to the church?

7 A. Yes, sir.

8 Q. When I say the church, I mean the Church of the
9 Resurrection, Surfside?

10 A. Yes, sir.

11 Q. How much property did she give to the Church of the
12 Resurrection, Surfside?

13 A. Seven acres.

14 Q. Was the seven acres raw land or was there some building
15 on it?

16 A. It was raw land.

17 Q. Did the Church of the Resurrection build any buildings
18 on it or place any buildings on that property?

19 A. We built a building on it and two buildings have been
20 placed on it.

21 MR. BRYAN: Could we have the photographs?

22 Q. Just for identification and reference now, I want you to
23 tell the Court what that photograph up on the screen is right
24 now.

25 A. That's a photograph of our parish building.

1 Q. All right. There's another photograph.

2 A. That's the inside of our -- that's the nave of the
3 church.

4 Q. All right. And then another photograph?

5 A. That's the disciple house.

6 Q. And is that located on the same set of --

7 A. Excuse me, that one's the youth building.

8 Q. Youth building.

9 Is that on the same seven-acre site on that Gaul deed I
10 just talked about?

11 A. Yes, sir.

12 Q. And what -- we've got another picture. What's that?

13 A. That is the disciple house.

14 Q. All right. And is that on the same seven acres that
15 Ms. Gaul gave to the --

16 A. Yes, it is.

17 Q. -- Church of the Resurrection?

18 A. Yes, it is.

19 Q. How did the Church of the Resurrection get the money to
20 build the buildings?

21 A. Through donations by parishioners and a loan.

22 Q. All right. Does the church still owe some money on it?

23 A. Yes, sir.

24 Q. Did the national church give the Church of the
25 Resurrection any money to build any of those three buildings?

1 A. No, sir.

2 Q. Did the national church give Resurrection any money to
3 buy any of the personal property and contents of any of those
4 three buildings?

5 A. No, sir.

6 Q. I'm going to ask you to look now at a deed marked RS-7.

7 A. Okay.

8 Q. What is that?

9 A. That's the deed that represents the purchase of our
10 rectory in Deerfield Plantation.

11 Q. And does a rectory just mean a house --

12 A. Yes, it does.

13 Q. -- where a minister lives?

14 A. Yes.

15 Q. Priest, okay.

16 Does Resurrection still own that?

17 A. It does.

18 Q. Did the national church give Resurrection any money to
19 buy that property?

20 A. No, sir.

21 Q. Does Resurrection have -- have these deeds been changed,
22 anything been sold --

23 A. No, sir.

24 Q. -- of these?

25 Okay. Is this all the property, to your knowledge, that

1 Resurrection owns?

2 A. Yes, it is.

3 Q. Has Resurrection or any members of Resurrection, any
4 officers of Resurrection, any board members of Resurrection,
5 signed any document to place any trust on either of these two
6 properties --

7 A. No, sir.

8 Q. -- in favor of anybody?

9 A. No, sir.

10 Q. Any entity?

11 A. No, sir.

12 Q. Any other entity other than the Church of the
13 Resurrection, Surfside?

14 A. That's right, no, sir.

15 Q. Now, let's look at the back of the exhibits. We're
16 going to flip to the end, and I call your attention to RS-19.

17 A. Okay.

18 Q. What's that?

19 A. That is the quitclaim deed given by the Protestant
20 Episcopal Church in the Diocese of South Carolina to the
21 Episcopal Church of the Resurrection.

22 Q. All right. And what's Exhibit 20, RS-20, Ms. McMeekin?

23 A. RS-20 is also a quitclaim deed given by the Right
24 Reverend Mark Lawrence, Bishop of the Episcopal Diocese of
25 South Carolina.

1 Q. Do you know if Resurrection asked the diocese for either
2 of these two deeds?

3 A. I believe that Resurrection did request a quitclaim
4 deed.

5 Q. Did they request both of them, one of them, do you know?

6 A. No, sir, just one.

7 Q. All right. Did you have any contact with the diocese
8 about that?

9 A. No, sir.

10 Q. Do you know anything about it?

11 A. I was aware that we received them.

12 Q. All right. And are you aware that they have been filed?

13 A. Yes, sir.

14 Q. It shows on the document, doesn't it?

15 A. Yes, it does.

16 Q. At this time, Ms. McMeekin, does the Church of the
17 Resurrection, Surfside have any relationship with the
18 defendant, the national church?

19 A. We do not.

20 Q. At this time, Ms. McMeekin, or at any time has the
21 Church of the Resurrection, Surfside had any connection with
22 the defendant, the Episcopal Church in South Carolina?

23 A. Yes. I'm sorry, in South -- I'm sorry --

24 Q. The defendant.

25 A. -- the other -- the other Episcopal --

1 Q. Yeah, there's a defendant --

2 A. Please, excuse me.

3 Q. -- called the Episcopal Church in South Carolina?

4 A. No, sir.

5 Q. Do you understand my question?

6 A. I do understand your question --

7 Q. All right.

8 A. -- and we do not.

9 Q. Has there ever been a connection or relationship between
10 the unincorporated association known as the defendant, the
11 Episcopal Church in South Carolina --

12 A. No.

13 Q. -- and Resurrection?

14 A. No.

15 Q. Has the Church of the Resurrection ever elected any
16 delegates to attend any convention of the defendant, the
17 Episcopal Church in South Carolina?

18 A. No, sir.

19 Q. Has the Church of the Resurrection ever authorized any
20 of its members, directors, officers, anybody to attend on
21 behalf of Resurrection any function of the defendant, the
22 Episcopal Church in South Carolina?

23 A. No, sir.

24 Q. Has the Church of the Resurrection ever authorized the
25 defendant the Episcopal Church in South Carolina to use the

1 name or any symbol or any photograph or any representation of
2 Church of the Resurrection, Surfside or its organization or
3 its property?

4 A. No, sir.

5 Q. And that question would include any mark, logo, seal;
6 same question.

7 A. That's correct.

8 Q. None?

9 A. None.

10 Q. Nothing. Do you know approximately how many members
11 there are at the Church of the Resurrection today?

12 A. We have about 350.

13 MR. BRYAN: That's all the questions I have,
14 Ms. McMeekin. The lawyers for the defendants will have some.
15 Thank you.

16 THE COURT: All right. Counsel?

17 MS. KOSTEL: Thank you, Your Honor.

18 THE COURT: Yes.

19 CROSS-EXAMINATION BY MS. KOSTEL:

20 Q. Good afternoon, Ms. McMeekin.

21 A. Good afternoon.

22 Q. My name is Mary Kostel. Just a couple questions to
23 follow up on your testimony.

24 You testified -- you said no when asked did the national
25 church give any money to build any of the church's buildings

1 or buy any personal property, didn't you?

2 A. I believe he asked me if the national church had given
3 money to build that current building. And, no, they did not
4 give money to build that.

5 Q. Did it give money to build an earlier building?

6 A. I was not around at that time. I've been told that we
7 had a loan at an earlier time period.

8 Q. And do you know the amount of that loan?

9 A. I believe it was 20,000.

10 Q. All right. In 1971, does that sound right?

11 A. That sounds right.

12 Q. From the Episcopal Church Foundation?

13 A. Again, not firsthand knowledge.

14 Q. Fair enough.

15 And are you aware of a loan, a later loan in 1975 for
16 \$2500?

17 A. No, ma'am.

18 Q. Okay. And you were on the vestry off and on from 1991
19 to 2013?

20 A. 1999, yes, ma'am.

21 Q. Oh, '99, okay. Misheard that.

22 So you may have been aware that in 2008 Resurrection was
23 slated to receive \$25,000 in short-term disability
24 compensation from the church pension fund to reimburse the
25 parish for the time the rector had been away on medical

1 leave; does that ring a bell?

2 A. Yes.

3 Q. That did happen?

4 A. That did happen.

5 MS. KOSTEL: Okay. Thank you. Nothing further.

6 THE COURT: Okay. Mr. Tisdale?

7 MR. TISDALE: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Ms. McMeekin, good afternoon.

10 A. Good afternoon.

11 Q. Ms. McMeekin, you said that, I think, that the parish
12 requested a quitclaim deed from someone?

13 A. Our chancellor requested one, yes, sir, I believe.

14 Q. Your chancellor?

15 A. Yes.

16 Q. Would that be Mr. Bryan?

17 A. Yes, it would be.

18 Q. And who, if you know, did he request it from?

19 A. From the diocese, Diocese of South Carolina.

20 Q. And when did he make that request, generally? I don't
21 need an exact date.

22 A. I believe it was late 2011, but I'm not sure of that
23 date.

24 Q. That's all right.

25 And why was that deed requested to be issued by the

1 diocese, a quitclaim deed?

2 A. I don't know.

3 Q. Did you ask for a deed from anyone else?

4 A. No, sir, not that I'm aware of.

5 Q. And are you aware that two deeds arrived?

6 A. Yes, sir.

7 Q. And what did those deeds convey to the parish? They're
8 Exhibits 19 and 20.

9 A. Not being an attorney, I can read exactly what they
10 conveyed, but it appears to --

11 Q. You can?

12 A. Yes, I can. I'll be glad to.

13 Q. Well, go ahead and do that, if you would.

14 A. It says that The Protestant Episcopal Church in the
15 Diocese of South Carolina, through several people, to the
16 Episcopal Church of the Resurrection, a South Carolina
17 nonprofit corporation, has remised, released, granted,
18 bargained, conveyed, and forever quitclaimed, and by these
19 presents do remise, release, grant, bargain, convey, and
20 forever quitclaim unto said grantee, its successors, assigns,
21 and assigns forever, all estate, right, title, and interest
22 of the grantor, if any, in and to all -- any and all real
23 property now held or owned and thereafter acquired, held, or
24 owned by said grantee (as read).

25 Q. Are you reading from Exhibit 19?

1 A. Yes, sir, I am.

2 Q. And who made that grant?

3 A. That grant was made by the Protestant Episcopal Church
4 in the Diocese of South Carolina.

5 Q. And who signed that deed on behalf of the grantor?

6 A. Mark Lawrence.

7 Q. Exhibit 19.

8 A. And --

9 Q. And?

10 A. -- Paul Fuener on behalf of the standing committee.

11 Q. To your knowledge did the Diocese of South Carolina, the
12 grantor diocese, have any interest in your property?

13 A. No, sir, not to my knowledge.

14 Q. They did not.

15 And did the standing committee of the diocese, granting
16 diocese, have any interest in your property at any time?

17 A. No, sir.

18 Q. Okay. So why were these deeds granted, if you know?

19 A. I don't know why they would have taken the action. I
20 don't know.

21 Q. Do not know.

22 Now, you said that the parish had requested one of them.
23 Do you know why you got two?

24 A. No, sir.

25 Q. Let me ask you this, before the parish disaffiliated

1 from the Episcopal Church in 2012, I think --

2 MS. GOLDING: Object to the form of the question, Your
3 Honor. I don't think this parish was ever affiliated with
4 the national church.

5 Q. Was your diocese -- excuse me -- was your parish in
6 union with the convention of the Diocese of South Carolina up
7 to a certain point?

8 A. Yes, it was.

9 Q. And when did that union end?

10 A. With the Diocese of South Carolina? That affiliation
11 has not ended.

12 Q. All right. Well, what affiliation did end, if any?

13 A. We retained our affiliation with the Diocese of South
14 Carolina and did not have a direct affiliation with the
15 national church.

16 Q. Okay. So you had an affiliation with the Diocese of
17 South Carolina before a point and then continued that
18 affiliation.

19 A. Correct.

20 Q. But at some point had no affiliation with the national
21 church.

22 A. The diocese had the affiliation with the national
23 church --

24 Q. Correct.

25 A. -- so we had an indirect affiliation.

1 Q. And the Episcopal Church in South Carolina still does as
2 you understand it, don't they?

3 A. As I understand it.

4 Q. Yes. Now, did your parish throughout its history since
5 you've been there in '83 use the Book of Common Prayer?

6 A. Yes, sir.

7 Q. Does it still use it?

8 A. It does.

9 Q. And is that the Book of Common Prayer of the Episcopal
10 Church?

11 A. Yes, it is.

12 Q. And that has been consistent throughout the history
13 until today that you've used the Book of Common Prayer for
14 whatever purposes it provides; is that right?

15 A. Yes.

16 Q. Up until you changed whatever you changed from one
17 Diocese of South Carolina to another, did you send
18 delegates --

19 A. We didn't change --

20 MR BRYAN: I object to him saying we changed.

21 MR. TISDALE: I'm not trying to confuse her. I'm
22 just -- the language is confusing.

23 THE COURT: Okay.

24 MR. TISDALE: And I'm trying to find out if your
25 parish -- and I think this will clear it up.

1 Q. Has your parish sent delegates to the convention of
2 whatever diocese through the years?

3 A. We have sent delegates to the Diocese of South
4 Carolina's convention --

5 Q. Right.

6 A. -- general convention, yes.

7 Q. And has the parish been doing that ever since you have
8 been affiliated with it?

9 A. Yes.

10 Q. And have you ever served as a delegate?

11 A. I have.

12 Q. When have you served, if you can tell us?

13 A. I believe those years were 2011 and 2012.

14 Q. That's the years you went?

15 A. Yes.

16 Q. Not before?

17 A. Not before.

18 Q. Okay. Does the parish have any signs anywhere on the
19 premises or off the premises or anywhere that use the name
20 Episcopal?

21 A. To my knowledge, we have no signs today.

22 Q. When did you have such signs?

23 A. We had signs -- our church signage at the building
24 included Episcopal in it until we changed our name, because
25 that was our name.

1 Q. All right.

2 A. When we had the name change, we changed the sign. We
3 had some road signs that had Church of the Resurrection with
4 Episcopal in small lettering underneath.

5 Q. And when were those signs -- that sign removed, the one
6 on the road?

7 A. As far as I know, they're not up today, but I'm not sure
8 when they were removed.

9 Q. All right. Now, who is -- what clergy staff do you have
10 now? Who are they?

11 A. Father Ron Greiser; as a part-time priest, Dana Boynton.

12 Q. Boynton?

13 A. B-O-Y-N-T-O-N.

14 Q. Thank you.

15 You testified, I think, Ms. McMeekin, that the property
16 that the church rests on was granted to the parish by
17 Ms. Gaul?

18 A. Yes, it was.

19 Q. And would that have been -- I'm looking at the exhibit
20 in the record -- in the -- that you referred to perhaps.

21 Is that a deed dated February 27th, 1998?

22 A. It is.

23 Q. And do you know, is Ms. Gaul still alive?

24 A. No, she is not.

25 Q. Did you know her before her death?

1 A. I did.

2 Q. Okay. Do you know if there's any other condition, any
3 other writing than what is in this exhibit that limits or
4 restricts her gift to the parish, letter, agreement of any
5 sort?

6 A. I have no knowledge of any other thing that would
7 restrict that property.

8 Q. Is Ms. Gaul's daughter, whose last name I can't
9 pronounce but it begins with an S, do you know who I'm
10 talking about by any chance?

11 A. I know her by face. I don't know her last name either.

12 Q. Is she a communicant of the parish?

13 A. I see her in services. I don't know that she is a
14 regular communicant, but I've seen her in services.

15 Q. But she does come?

16 A. Occasionally.

17 Q. Okay. We have been told, but we don't have a copy of
18 the exhibit, that at some point the trustees of the
19 Protestant Episcopal Church in South Carolina gave a deed to
20 the Church of the Resurrection. Do you have any knowledge
21 about that?

22 A. I believe in 1992 the property that we were on at 623 or
23 627 Pine Drive was deeded to us by the diocese. My, sort of,
24 anecdotal knowledge of that is that the land was given, when
25 we initially formed as a mission, to us and it was held by

1 the diocese until after we incorporated.

2 Q. And then the parish received a deed from the trustees?

3 A. Yes.

4 Q. And that was for the first church?

5 A. That was for the first church.

6 Q. And does the parish still own that property?

7 A. No, sir, we do not.

8 Q. Did you sell it?

9 A. We sold it when we -- in -- as we moved into the new
10 building.

11 Q. Built the new church?

12 A. Yes.

13 Q. Was there any consideration paid or was it a gift from
14 the trustees?

15 A. When we sold the property?

16 Q. Well, when the trustees gave it to -- when it was
17 conveyed by the trustees to the parish in the beginning for
18 the first church, did the church pay for it or was it a gift?

19 A. I don't have that deed in front of me, but I'm fairly
20 sure it was a \$5 transfer or something like that of the
21 property that had already been gifted to us and they were
22 holding for us.

23 MR. TISDALE: I see. Your Honor, I don't think I have
24 any other questions right now.

25 THE COURT: Very well.

1 MR. TISDALE: Excuse me just one second.

2 THE COURT: Oh, maybe you do.

3 Q. Just one more question, Ms. McMeekin. Why did the
4 parish change its name as you testified?

5 A. We were making changes and we are generally known in our
6 community as the Church of the Resurrection, we changed it to
7 clarify how we commonly call ourselves.

8 Q. And before the name change, did it contain the word
9 Episcopal?

10 A. It certainly did.

11 Q. Why did you remove that name?

12 A. We removed the name, as I said, to clarify how we were
13 perceived in the community, which is the Church of the
14 Resurrection.

15 MR. TISDALE: All right. Thank you.

16 Thank you, Your Honor.

17 THE COURT: All right. Redirect?

18 MS. KOSTEL: Your Honor, I'm sorry, Mr. Tisdale has
19 asked me to finish up.

20 THE COURT: Oh, okay, I'm sorry. I thought you already
21 had asked questions.

22 MS. KOSTEL: I did, and I was trying to pass some to
23 Mr. Tisdale. It's up to you, Your Honor.

24 THE COURT: Okay.

25 MS. KOSTEL: It might be faster.

1 FURTHER CROSS-EXAMINATION BY MS. KOSTEL:

2 Q. Ms. McMeekin, just to follow up on your statement that
3 Church of the Resurrection did not have -- ever have a direct
4 relationship with the Episcopal Church, right, you said that?

5 A. I believe that our relationship has been with the
6 diocese and indirectly, therefore, with the national church.

7 Q. Let's take a look at Exhibit 11 quickly. These were the
8 bylaws you'd referred to earlier, correct?

9 A. Yes.

10 Q. And they were adopted in 1983?

11 A. Yes, ma'am.

12 Q. Okay. What does Article 1, Section 1 say?

13 A. Article 1, Section 1 says, the parish is organized for
14 the purpose of operating an Episcopal Church pursuant to the
15 constitution and canons of the Protestant Episcopal Church in
16 the Diocese of South Carolina and of the Protestant Episcopal
17 Church in the United States of America now and in force as
18 thereafter may be amended.

19 Q. Okay. And how about at the bottom of the page, Article
20 3, Section 6?

21 A. For the purpose of these amendments, all persons
22 entitled to vote shall be communicants in good standing as
23 defined by the constitution and canons of the Diocese of
24 South Carolina and the Protestant Episcopal Church in the
25 United States of America.

1 Q. Okay. And on the last page, Ms. McMeekin, Article 9,
2 Section 1?

3 A. Any article or part of any article or these bylaws which
4 may be in conflict with the constitution and canons of the
5 Diocese of South Carolina or with the Protestant Episcopal
6 Church in the United States are void.

7 MS. KOSTEL: Thank you.

8 THE COURT: All right. Any redirect?

9 MR BRYAN: No, Your Honor, amen.

10 THE COURT: All right. You may come down.

11 (Recess held.)

12 (Plaintiff's Exhibits R-1 through R-26 premarked for
13 identification.)

14 MR. HORGER: Your Honor, for the record, I'm Bob Horger.
15 I represent the Redeemer. We'd call our first witness,
16 Julius P. Thompson.

17 JULIUS PINCKNEY THOMPSON, III,
18 being first duly sworn, testified as follows:

19 MR. HORGER: I understand from the defendants -- we have
20 26 exhibits, Your Honor, and there are no objection to any of
21 the exhibits.

22 MR. TISDALE: No objection.

23 MS. KOSTEL: No objection.

24 THE COURT: Thank you. And how have you designated
25 them?

1 MR. HORGER: They're all R-1 through 26.

2 THE COURT: Okay. Thank you. In evidence without
3 objection, 1 through 26.

4 MR. HORGER: Thank you, ma'am.

5 (Plaintiff's Exhibits R-1 through R-26 admitted into
6 evidence.)

7 DIRECT EXAMINATION BY MR. HORGER:

8 Q. Mr. Thompson, where do you live?

9 A. Holly Hill, South Carolina.

10 Q. And what do you do for a living?

11 A. I'm a farmer.

12 Q. What is your educational background?

13 A. I have a bachelor of science in agronomy from
14 Clemson University.

15 Q. Are you a member of the Church of the Redeemer?

16 A. I am.

17 Q. How long have you been a member?

18 A. 35 years.

19 Q. Were you baptized in the church?

20 A. I was.

21 Q. Did you get married in the church?

22 A. I was.

23 Q. Do you hold a position in the church currently?

24 A. I am the senior warden.

25 Q. What is the role of the senior warden?

1 A. Senior warden is the highest lay officer in the church.
2 In the absence of the rector, conducts all meetings of the
3 vestry and parish meetings.

4 Q. Do you have a current -- do you currently have a rector
5 in the church?

6 A. We do not.

7 Q. And do you have a vestry at the church?

8 A. We do.

9 Q. What is the role of the vestry?

10 A. It serves as the board of directors of the corporation
11 and the church.

12 Q. Can you give us just a brief history of the church? Do
13 you have some knowledge of the history of the church?

14 A. I do. The church was reorganized after the
15 Revolutionary War at the site of an old Anglican church that
16 had dissolved after the Revolutionary War in the 1840s,
17 1850s. And then in the late 1800s, the church decided to
18 move to a more central part of town and so it moved to our
19 current Russel Street location and we've been operating there
20 ever since.

21 Q. And since that time have you continuously carried on
22 religious activities?

23 A. We have.

24 Q. Do you have offices of the church?

25 A. We do.

1 Q. And just generally what offices do you have, without the
2 names?

3 A. The wardens and the secretary and treasurer.

4 Q. Is the church incorporated?

5 A. It is.

6 Q. And how long has it been incorporated?

7 A. At least since 1922.

8 Q. If you could please refer to Exhibit R-1.

9 A. Okay.

10 Q. Could you identify that exhibit, please?

11 A. That is our certificate of incorporation that was filed
12 in 1922.

13 Q. And moving from the incorporation, I want to ask you
14 about the property that the church owns. First, generally
15 tell me what property the church owns.

16 A. The church -- the main plant of the church is on Russel
17 Street in Orangeburg and we have a sanctuary, office
18 buildings, a parish hall, Sunday school rooms, a youth
19 building. And then we also own what we call Camp Anderson
20 which is a 40-or-so-acre piece of property out in the
21 country, have a pond and an outdoor chapel and we sometimes
22 use it for church functions.

23 Q. That's a recreational area basically?

24 A. That's correct.

25 Q. I'm going to ask you to look at R-2 and identify that

1 document for me, please.

2 A. It's one of the deeds of the Russel Street property.

3 Q. And then if you'll look at R-3 and identify that
4 document for me also.

5 A. It's where we transferred the deeds into the
6 corporation.

7 Q. That deed would have been transferred after you
8 incorporated?

9 A. After we incorporated, yes, sir.

10 Q. Okay. And if you could refer to Exhibit R-4 and
11 identify that for me, please.

12 A. It's another deed to the Russel Street property we refer
13 to as the Lowman property.

14 Q. And that's part, as you said, the Russel Street --

15 A. Part of Russel Street.

16 Q. And R-5, could you identify that also?

17 A. Again, that's part of the Russel Street property and
18 that's known as the Smith property.

19 Q. All those properties so far we've named have been
20 purchased by the church; is that correct?

21 A. Yes, sir.

22 Q. And if you'd turn to R-7.

23 A. Okay.

24 Q. Can you identify that for me, please, sir?

25 A. R-7 are 18 deeds that were put together as -- it was

1 heirs' property that went together to make up Camp Anderson.

2 Q. So those deeds generally are several deeds that you have
3 that make up the Camp Anderson property?

4 A. That is correct.

5 Q. Now, could you look at R-6, Exhibit R-6?

6 A. Okay.

7 Q. Could you identify that for me, please, sir?

8 A. That is the quitclaim deed issued to the Church of the
9 Redeemer relinquishing any rights that the diocese or the
10 bishop may have on our property.

11 Q. Did the church -- do you know the circumstances of
12 receiving that deed?

13 A. We just received it.

14 Q. Did you ask for it?

15 A. No, sir.

16 Q. What's your understanding of what the purpose of the
17 deed is or what the deed has -- the effect of the deed?

18 A. Again, it just relinquished any rights that the diocese,
19 the bishop, may would have had on our property.

20 Q. Now, the church has bylaws?

21 A. Yes, sir.

22 Q. Do they call them bylaws or constitution?

23 A. Constitution and bylaws, yes, sir.

24 Q. As part of the constitution, how do you amend the -- how
25 are they amended?

1 A. They're amended by having two annual -- two parish
2 meetings; one where the amendments would be read and a second
3 one where it would be voted on.

4 Q. Let me ask you to look at R-8 and identify that document
5 for me, please, sir.

6 A. R-8 is the January 2011 church monthly newsletter that
7 is sent out at the beginning of every month and this one is
8 giving notice to our 2011 parish, annual parish meeting.

9 Q. These documents -- tell me what the time frame of
10 sending these documents is.

11 A. You know, we had all kind of things go in here, acolyte
12 schedules, different things. And the parish administrator
13 gets them to the printer and they are -- the congregants
14 receive these on or before the 5th of every month.

15 Q. I want you to look at Exhibit 9 and I'd ask you if you
16 can identify Exhibit 9 for me.

17 A. Exhibit 9 are the minutes for the 2011 annual parish
18 meeting.

19 Q. Do those minutes accurately reflect what took place at
20 that meeting?

21 A. They do.

22 Q. And was there some discussion at that meeting concerning
23 the amendment of the Church of the Redeemer's bylaws?

24 A. There were. There was a discussion to strike references
25 to the national church from our bylaws during that meeting.

1 Q. Was any vote taken at that time?

2 A. No, sir.

3 Q. Those were read only at that point in time?

4 A. That is correct.

5 Q. I'd ask you to look at Exhibit R-10.

6 A. Those are the minutes from our -- for our December 2011
7 vestry meeting.

8 Q. And with respect to the articles of incorporation of the
9 church, was any action taken?

10 A. Yes, in 1993 we had added an exhibit, this Exhibit C to
11 our articles, and the vestry voted that day to remove it.

12 Q. And is that shown as Exhibit C?

13 A. Yes, sir, it is.

14 Q. And that's what was deleted?

15 A. Yes, sir.

16 Q. Would you have a quorum there at that meeting?

17 A. Yes, sir, we did.

18 Q. And what was the vote at that meeting?

19 A. It was unanimous.

20 Q. In terms of deleting that provision from your articles,
21 what was the next step?

22 A. Ask me the question again.

23 Q. After you -- after the vestry voted to delete that from
24 your articles, did you need to have a parish meeting to deal
25 with that issue?

1 A. Yes, we did.

2 Q. And I show you Exhibit 11 and ask you to identify
3 Exhibit 11.

4 A. Again, it's our monthly newsletter. This one is January
5 of '12 and it gave notice to the vote that was going to take
6 place; first the vote to change the bylaws that we had read
7 the year before and then also to amend our articles, which
8 the vestry had done in their last meeting.

9 Q. Could you tell me -- look at page 4 and tell me if
10 that's the notice.

11 A. Those are the notices, yes, sir, and they were also
12 posted in the church.

13 Q. Do you also -- with respect to your annual parish
14 meetings, do you have other notices that go out?

15 A. Yes, e-mail notices, as well as in the church bulletin
16 several weeks prior leading up to.

17 Q. This notice would have -- I think you testified earlier,
18 this notice would have gone out --

19 A. On or before the 5th of January.

20 Q. Okay.

21 A. Yes, sir.

22 Q. Let me ask you to look at page 6.

23 A. Okay.

24 Q. There's a notation there, it looks like in pencil, can
25 you explain that to me?

1 A. Yes. The meeting took place on January the 22nd just
2 like the -- it's printed. And during the discovery, the
3 parish administrator had to pull all these things back out,
4 and she must have gotten confused and scratched off and wrote
5 in pencil January the 20th, 2013, but it was January the
6 22nd, 2012.

7 Q. The meeting in '13 was January 20th; is that right?

8 A. That is correct, yes, sir. She just got confused.

9 Q. All right. I ask you to look at Exhibit R-12. Tell me
10 what that exhibit is.

11 A. These are the minutes from the 2012 annual parish
12 meeting held at the church.

13 Q. And do they accurately represent what took place at that
14 meeting?

15 A. Yes, sir.

16 Q. Were you at the meeting?

17 A. I was.

18 Q. Was there a quorum at the meeting?

19 A. Yes, sir, it was.

20 Q. Was there a vote to change these bylaws as indicated
21 here in the minutes?

22 A. It was.

23 Q. And was there a vote to approve the articles --
24 amendment to the articles of incorporation?

25 A. There was.

1 Q. And were there -- do you remember the vote?

2 A. Yes, both measures passed unanimously by the
3 congregation.

4 Q. All right. Sir, I'm going to ask you to look at
5 Exhibit 13 for me, please. Can you identify that document?

6 A. That's our restated articles of incorporation with the
7 Secretary of State.

8 Q. Let me ask you to flip over to Exhibit C of that
9 document.

10 A. Okay.

11 Q. Is that where the change was made?

12 A. That's right. That's the same revision that we had
13 voted on both by the vestry and by the congregation.

14 Q. Do you know why the articles of incorporation were
15 restated at that date -- on that date?

16 A. Because the Secretary of State said that the laws had
17 changed since the last time our articles were amended and
18 that we were required to restate them by law.

19 Q. And those -- were those -- was that amendment as
20 submitted to the Secretary of State, or were those restated
21 articles as submitted to the Secretary of State, were they
22 signed by all members of the vestry?

23 A. Yes, they were.

24 Q. I want you to turn to R-14, Exhibit R-14.

25 A. Okay.

1 Q. And also in connection with that I want you to look at
2 R-15.

3 A. Okay.

4 Q. Now, could you tell me what R-14 is?

5 A. 14 are the minutes from our special called vestry
6 meeting held December 23rd, 2012.

7 Q. And what did the -- what took place at that meeting?

8 A. We discussed R-15, which was our commitment to the
9 continued diocesan relationship with the Diocese of South
10 Carolina.

11 Q. And was that -- was that resolution passed at that
12 meeting?

13 A. It was, unanimously.

14 Q. What is your understanding of what the resolution --

15 A. The resolution, you know, took place -- time frame was
16 the national church had put restrictions on our bishop who
17 was duly elected by our diocese. We did not agree with it.
18 The diocese at this time had already separated from the
19 national church and we were aligning our allegiance to the
20 diocese.

21 Q. And what about the bishop?

22 A. And to the bishop.

23 Q. All right, sir, and could you turn over to Exhibit R-16?

24 A. R-16 is a letter sent to the congregation from our
25 rector at the time, Frank Larisey, which was going to let the

1 congregation know that we were going to have a reading at our
2 annual parish meeting of proposed changes to the bylaws and
3 to the certificate of incorporation, and it also announced
4 that we were going to have a second special called parish
5 meeting in February.

6 Q. And what were the changes?

7 A. We were going to remove references to the diocese from
8 both the bylaws and the articles.

9 Q. Also as a part of that exhibit is another document
10 behind it, it appears to be a newsletter; is that --

11 A. Yeah, that newsletter, again, January 13 newsletter,
12 which gave notice, again, to the annual parish meeting.

13 Q. All right. If you could look at Exhibit R-17 with me,
14 please.

15 A. Okay. This is our vestry minutes from our January the
16 13th vestry meeting, and in that meeting the vestry voted and
17 approved to strike Exhibit A which is found on the second
18 page from our articles of incorporation.

19 Q. Okay. That's shown as Exhibit A, I think you mentioned;
20 is that right?

21 A. Yes, sir, that's correct.

22 Q. And what was the vote on that?

23 A. It was unanimous.

24 Q. And did you then have another meeting, another parish
25 meeting on January 20th, your annual parish meeting?

1 A. We did.

2 Q. And R-18, tell me what that is.

3 A. We read and discussed, debated, the proposed changes to
4 our articles and to our bylaws that struck reference to the
5 diocese.

6 Q. And, again, were you present at that meeting?

7 A. I was.

8 Q. Do these minutes accurately reflect what took place at
9 that meeting?

10 A. They do.

11 Q. Did you have a quorum at that meeting?

12 A. We did.

13 Q. And the last document -- well, let me -- after page 2
14 there, it says, proposed changes to articles of
15 incorporation. Is that what was discussed there?

16 A. All right. My page 2 is still on the bylaws. I might
17 not be looking at the same thing you're looking at.

18 Q. Okay. Let me ask you this, did you discuss -- the
19 minutes reflect that you discussed both the articles and the
20 bylaws --

21 A. That's correct.

22 Q. -- change?

23 A. Both of them.

24 Q. -- is that correct?

25 A. Yes, sir, that was correct. We discussed them both.

1 Q. And then attached further to that is a document entitled
2 Proposed Amendments 1/3/2013.

3 A. Right, okay, that's where I was earlier, I'm sorry.

4 Q. Okay.

5 A. I skipped ahead. I apologize.

6 Q. That's okay.

7 A. And so here, this is where we're showing the proposed
8 changes that we were going to vote on that coming February.

9 Q. Let me back up a page and ask you if that page dealt
10 with the articles of incorporation changes?

11 A. Okay. And that's -- we were going to remove the
12 references to the diocese out of our articles.

13 Q. Pursuant to your notice, did you have a meeting on
14 February the 19th -- 17th, excuse me?

15 A. February 17th, we did.

16 Q. And what took place at that meeting?

17 A. We voted to amend our bylaws and our articles of
18 incorporation as we had discussed the month prior.

19 Q. What was the vote at that meeting?

20 A. Again, unanimous.

21 Q. Did you have a quorum at that meeting?

22 A. We did.

23 Q. If you'd look at R-20 --

24 A. Okay.

25 Q. -- and identify that document for me.

1 A. That's the amendment to our articles filed with the
2 Secretary of State.

3 Q. And what does Exhibit 8 show?

4 A. It shows that the vote that we -- the vestry had voted
5 on as well as the congregation to strike references to the
6 diocese in our articles.

7 Q. Let's move to September 30th, 2013, and I ask you to
8 look at Exhibit R-21.

9 A. Okay. This is a letter sent to the congregation
10 notifying them of an upcoming parish meeting, special called
11 parish meeting, signed by the former rector and myself as
12 senior warden, and we were asked to vote on the
13 restatement -- reaffirm our restatement of our articles that
14 we had done back in May of 2012.

15 Q. And did that document describe what you had done
16 previously with the restatement of articles?

17 A. It did.

18 Q. And that would have been sent --

19 A. This was a mailed letter to everybody on the -- in the
20 congregation.

21 Q. All right. And would have been mailed approximately
22 what date?

23 A. Well, it's dated September 30th, so as soon as she would
24 have gotten it out.

25 Q. Okay.

1 A. I mean, probably that day or the day after.

2 Q. And if you could move to R-22.

3 A. Okay.

4 Q. Explain to me what that document is.

5 A. It's our October vestry meeting of that year. And the
6 vestry passed a resolution where we reconfirmed and
7 reaffirmed the previously restated amendments to our church
8 articles of incorporation.

9 Q. That's a two-page document?

10 A. These vestry minutes?

11 Q. Yes.

12 A. Yes, sir, it is. I'm on page 2.

13 Q. And the resolution is on page 2?

14 A. Yes, the resolution is on page 2. That's what we voted
15 on.

16 Q. Okay. Ask you to look at R-23 and explain to me what
17 that is.

18 A. That was the special called -- this is the minutes of
19 the special called parish meeting that the letter that was
20 written the end of September alluded to. And that's where
21 the church reconfirmed and reaffirmed the approval that the
22 vestry and the congregation -- where they restated the
23 amendments of the church's articles of incorporation.

24 Q. And what was the vote on that?

25 A. Again, as all the votes, both of the vestry and the

1 congregation, it was unanimous.

2 Q. And you had a quorum at that meeting?

3 A. Yes, sir.

4 Q. You had where I counted, I think, at least three
5 congregational meetings, parish meetings. Did you ever have
6 anyone voting against any of these --

7 A. Never did. I mean, we -- we -- you know, this was an
8 issue that we're -- we talked about and we explained to
9 people what was going on, what we were doing, and we had, you
10 know, people who had had concerns. And then once we
11 explained the concerns, then we brought it to a vote; the
12 vote was unanimous.

13 Q. Look at R-24 for me, please.

14 A. Okay.

15 Q. Can you identify that document?

16 A. These are a copy of the constitution, commonly known as
17 bylaws, of the Church of the Redeemer as of the year 2000.

18 Q. Is this how they appeared before the amendments that we
19 talked about?

20 A. That is correct.

21 Q. And if you could turn to R-25 for me, please --

22 A. Okay.

23 Q. -- and just identify it.

24 A. These are the amendments when we struck references to
25 the national church.

1 Q. The first two pages show some strikeouts, and the second
2 pages of the second group of pages show no strikeouts.

3 What's the difference?

4 A. Well, everything else we kept the same.

5 Q. Well, is --

6 A. We didn't change anything else.

7 Q. Is the second group of pages a clean copy of --

8 A. Oh, I'm sorry, I'm sorry. I thought you were talking
9 about the rest of the bylaws.

10 Yes, the second whole group of bylaws is a clean copy of
11 our bylaws, how they are today.

12 Q. All right. And could you take a look at R-26 for me.

13 A. Okay.

14 Q. Could you tell me what that document --

15 A. These are the final or revised bylaws that contain all
16 the votes that we've done since 2012, how our bylaws are
17 today.

18 Q. Do you have any knowledge of any funds that the Church
19 of the Redeemer has received from the Episcopal Church?

20 A. I do not.

21 Q. Has the Church of the Redeemer, to your knowledge, made
22 any contributions to the Episcopal Church or to any of its
23 missions?

24 A. Not to my knowledge.

25 Q. Has the church at times made contributions to the

1 Diocese of South Carolina?

2 A. We have. Some years we do, some years we haven't.

3 Q. Some years you've made contributions and some years you
4 have not?

5 A. Yes.

6 Q. Do you have any relationship whatsoever with the
7 Episcopal Church in South Carolina?

8 A. We do not.

9 Q. And are you required to obtain the permission of either
10 the defendants to make any of these changes?

11 A. We are not.

12 Q. And are you required by the diocese, the South Carolina
13 diocese to make any of the -- permission to make any of these
14 changes?

15 A. We are not.

16 MR. HORGER: Okay. Answer any questions the defendants
17 have.

18 THE COURT: All right. Who's going first? Ms. Kostel?

19 CROSS-EXAMINATION BY MS. KOSTEL:

20 Q. Mr. Thompson?

21 A. Yes, ma'am.

22 Q. Mary Kostel. You testified, I think, that Redeemer was
23 in existence for quite some time. You were talking about a
24 reorganization after the Revolution?

25 A. That's correct.

1 Q. So there was some organization that existed before it
2 incorporated in 1922; is that right?

3 A. That's correct.

4 Q. Let's see.

5 A. I gave the short version of the history.

6 Q. And I think everyone in the courtroom appreciated that.

7 I'm going to show you a document that was produced by
8 counsel for Redeemer. It's handwritten.

9 A. Okay. I may need you to read it to me.

10 Q. It's challenging. Well -- and we will put it into
11 evidence. I'm going to scroll down and show you, if I can,
12 the second to last page which indicates a date of 1859.

13 A. 1859, I see that.

14 Q. Orangeburg, do you see that?

15 A. I see that. I think that's the year they -- that they
16 actually built the church or consecrated the church, from
17 what I remember from the history.

18 Q. Do you know who consecrated it?

19 A. I do not.

20 Q. So let's look -- well, at the top it looks like it's cut
21 off, but my understanding from the production is that these
22 were bylaws adopted in 1859 --

23 A. Okay.

24 Q. -- for Redeemer. And if you're brave enough, I'd ask
25 you to try to read the second article.

1 A. Church shall conform to the constitution and canons of
2 the general convention of the Protestant Episcopal Church in
3 the United States of America, and the, I'm assuming that's
4 constitution and canons of the convention of the Diocese of
5 South Carolina which are now and hereafter (as read) -- is
6 that what it says?

7 Q. Your guess is as good as mine.

8 A. Okay. Now or hereafter may be enacted by the authority
9 of the same (as read), I think.

10 Q. Okay. Thank you.

11 And then turning to Exhibit 2 that you just discussed
12 with counsel for Redeemer, that's a deed, is it not?

13 A. Yes.

14 Q. Okay. And is that a deed for property that is still in
15 the parish?

16 A. It is. That's the part of the property where the church
17 building is.

18 Q. Okay. And that deed conveyed property in what year, can
19 you tell? I think it's on the last page.

20 A. Okay.

21 Q. It's a little easier to read than the last document.

22 A. Is it 1891? Is that recorded August 11th, 1891?

23 Q. That's what it looks like.

24 A. Okay.

25 Q. So as you testified earlier, the parish incorporated in

1 1922, right?

2 A. That's correct.

3 Q. As evidenced by Exhibit 1?

4 A. That is correct.

5 Q. Now, did that property move into the corporation?

6 A. It did. I want to say I think that's Exhibit 3.

7 Q. Okay. And so this was a -- what's happening in
8 Exhibit 3?

9 A. Well, here again, I'm a farmer not a lawyer, but the way
10 I interpret it is that it moves the deed into the corporation
11 from the unincorporated entity or whatever it was.

12 Q. And to your knowledge was there a change in the bylaws
13 in between the time of 1859 and 1922?

14 A. No, it was before my time.

15 Q. All right. Now, let me show you another document that
16 was produced by lawyers for Redeemer.

17 A. This is the '84 bylaw change?

18 Q. Yes, this looks like it's minutes of the annual parish
19 meeting.

20 A. Yes.

21 Q. And forgive me if it was in the exhibits too, but...

22 A. Yes, I've actually read this document this week.

23 Q. Okay. And so you see the first page is minutes of the
24 meeting?

25 A. Right.

1 Q. And at the end of that first document it says a
2 constitutional change was moved for adoption?

3 A. Yes, by Bill Pritchard; Jimmy Jervey seconded; and the
4 motion carried.

5 Q. Right.

6 A. Okay.

7 Q. And so the next page appears to contain the constitution
8 changes, correct?

9 A. Yes.

10 Q. Okay. What does the second proposed change say?

11 A. The vestry is authorized and empowered to acquire and
12 purchase such personal properties as it deems necessary for
13 the operation of the church. It is likewise empowered to
14 acquire and purchase such real properties as it may deem
15 necessary for the purpose of the corporation and to sell,
16 mortgage, or otherwise dispose of such corporate real
17 property in compliance with the national and diocesan canons
18 of the Episcopal Church. The execution of all transactions
19 will require the signatures of the junior warden and the
20 treasurer (as read).

21 Q. Okay. Thank you.

22 And that was adopted, wasn't it?

23 A. It was.

24 Q. Okay. And we -- I think we looked at -- did we look at
25 these already? I'm putting on another document that was

1 produced by counsel for Redeemer. Let's see, 2002, yes, I
2 think that was an exhibit. This is before they were amended,
3 I think it's your Exhibit 24?

4 A. Okay.

5 Q. So this was at this point called the Constitution of the
6 Church of the Redeemer, right?

7 A. Okay, yes, constitution referred to as bylaws.

8 Q. Right.

9 A. Yes, sir -- yes, ma'am.

10 Q. The bylaws, they were sometimes called bylaws, sometimes
11 called constitution, but essentially a governing document.

12 A. Same thing.

13 Q. Okay.

14 A. That's how I interpreted it.

15 Q. Okay. So turning then to that article we were just
16 looking at from 1984.

17 A. Sure.

18 Q. That --

19 A. Tell me where that is, please, ma'am.

20 Q. Well, I'm looking for it. Let's see...

21 A. Oh, I see it. I think it's -- well, go ahead, you tell
22 me.

23 Q. Here we go. It's the bottom of 4.

24 A. Okay.

25 Q. Let me flash it up for Your Honor. Shoot, it's not the

1 same thing. This is the same document with different Bates
2 numbers.

3 A. Leave it to the Church of the Redeemer.

4 Q. Well, then, why don't we just go with the -- let's see,
5 let's go with the document that was already an exhibit and
6 I'll turn this off so we're not confused, how about that?

7 A. Okay. So what page are we on?

8 Q. The bottom of page 4.

9 A. Okay.

10 Q. So that's the same -- take a look at that, Section 4 of
11 Article 7.

12 A. The vestry is authorized -- okay, it's the same
13 document -- it's the same --

14 Q. It's the same provision?

15 A. It's the same provision.

16 Q. Okay. So that's in effect in 2002?

17 A. Right, but it wasn't in effect in 1983. So we changed
18 it in '84 and then we voted to change it back.

19 Q. But you adopted this language in 1984?

20 A. We did.

21 Q. And you left it in effect until 2002?

22 A. We did.

23 MS. KOSTEL: That's all I need. Thank you very much.

24 THE COURT: All right. Mr. Tisdale?

25 MR. TISDALE: Just a very few questions, I believe,

1 Mr. Thompson.

2 CROSS-EXAMINATION BY MR. TISDALE:

3 Q. Does the Church of the Redeemer still use the Book of
4 Common Prayer?

5 A. It does.

6 Q. Does it still?

7 A. Yes, sir.

8 Q. For worship services and other matters provided for?

9 A. We use two different versions of the Book of Common
10 Prayer.

11 Q. 28 and 79?

12 A. Yes, sir.

13 Q. So you've used it for a long time?

14 A. Yes, sir.

15 Q. And still use it.

16 Do you use both now?

17 A. Yes, we use both.

18 Q. Okay. Has the parish in its -- the history that you
19 know about always sent delegates to the convention of the
20 Diocese of South Carolina?

21 A. As far as I can -- in my recent memory and all the
22 vestry minutes I've been reading, yes, we do.

23 Q. And have you served in such capacity?

24 A. I have. Since I've been senior warden, I go to
25 convention.

1 Q. All right. Do you know if any members of the parish,
2 communicants of the parish have served as delegates or
3 deputies to the general convention of the Episcopal Church?

4 A. You know, if they have, it was before my time. I'm just
5 not -- don't know.

6 Q. How many communicants in good standing are there at the
7 Church of the Redeemer now?

8 A. You know, the priest has to determine, I think, a
9 communicant in good standing. But we have an average Sunday
10 attendance around 80.

11 Q. 80?

12 A. Yes, sir.

13 Q. And how many services do you have?

14 A. We have two Sunday services and a Wednesday service.

15 Q. 8 o'clock and?

16 A. And a 10:30.

17 Q. 10:30.

18 And when is the Wednesday service?

19 A. It's at 11:45.

20 Q. In the morning?

21 A. Yes, sir.

22 Q. Okay. Of course in the morning.

23 Now, there used to be a sign out in front of the church
24 that had the -- said Church of the Redeemer, Episcopal,
25 right?

1 A. Well, there's a sign that currently -- are you talking
2 about the little blue sign or are you talking about the brick
3 sign?

4 Q. Yes. I thought it was a sign that, like, announced the
5 times of services and so forth?

6 A. Yes, it's a brick -- yes.

7 Q. Does it have the word Episcopal on it?

8 A. It does.

9 Q. Now?

10 A. It sure does.

11 Q. And why are you still using that name in view of your
12 testimony that you've disaffiliated?

13 A. Because it doesn't say The Episcopal Church. We feel
14 like The Episcopal Church is the -- are the defendants. And
15 the word Episcopal is a word that's used by the African
16 Methodist Episcopal or reformed Episcopal, on and on.

17 Q. Exactly. So you're Church of the Redeemer, Episcopal?

18 A. We're Church of the Redeemer.

19 Q. Okay. And was there a time since -- in the last few
20 years that that part of the sign was removed or covered up?

21 A. Not to my knowledge.

22 Q. With regard to your property, does the church have
23 any -- owe any money or have any mortgages on the property?

24 A. No, sir, we're blessed. We don't have any mortgages.

25 Q. No mortgages.

1 Now, does the parish and has the parish in your time in
2 your knowledge made contributions to the Diocese of South
3 Carolina?

4 A. Sometimes we do, sometimes we don't.

5 Q. Okay. What are you doing right now?

6 A. We are.

7 Q. We are?

8 A. Yes, sir.

9 Q. And do you know whether any of the money contributed in
10 the past -- not now but in the past -- was used by the
11 diocese to contribute to the Episcopal Church?

12 A. I don't know what the diocese did with it. I know in
13 recent times the diocese has adopted what they call the
14 10/10/10; parishioners give 10 percent of the income to the
15 church, church gives 10 percent to the diocese, and the
16 diocese gives 10 percent to missions.

17 Q. But some of that mission -- not now but before the split
18 we'll call it -- went to the Episcopal Church?

19 A. No, I wouldn't say that. I think that's something
20 that's been going on -- I can't say for how long, but for
21 some time.

22 MR. TISDALE: Excuse me just one minute, Your Honor.

23 THE COURT: Okay.

24 Q. Did the Church of the Redeemer decide to end any
25 affiliation with the Episcopal Church, connection with the

1 Episcopal Church, for doctrinal reasons?

2 A. No, sir.

3 Q. What were the reasons?

4 A. The major reasons were after the All Saints, Waccamaw
5 case it was apparent that we needed to protect our property,
6 and so we started doing that. And then when they, we felt,
7 unduly attacked our bishop, we left with the diocese.

8 Q. Was there any other reason?

9 A. No, sir.

10 MR. TISDALE: Your Honor, thank you very much. I don't
11 have any further questions.

12 THE COURT: All right. Redirect?

13 MR. HORGER: One question, Your Honor.

14 REDIRECT EXAMINATION BY MR. HORGER:

15 Q. Mr. Thompson, has the Church of the Redeemer ever made
16 contributions to the diocese with direction that none of that
17 go to the national church?

18 A. Yes. I was looking through vestry minutes over the last
19 several months and found occasion where the church instructed
20 their -- instructed their diocesan pledge especially not to
21 go to the national church.

22 MR. HORGER: Thank you, sir.

23 THE COURT: All right. Recross?

24 MR. TISDALE: No, thank you, Your Honor.

25 MS. KOSTEL: None.

1 THE COURT: Next witness, please.

2 (Plaintiff's Exhibits SJF-1 through SJF-22 premarked for
3 identification.)

4 ALLIE PATTERSON WALKER,
5 being first duly sworn, testified as follows:

6 MR. ORR: Judge, I have an additional set of the
7 exhibits if you'd like those just to refer to.

8 THE COURT: I would. That would be great.

9 MR. ORR: Can I hand them up?

10 THE COURT: Thank you kindly, yes, sir. Thank you so
11 much.

12 Have you consulted with counsel?

13 MR. ORR: They have no objection.

14 THE COURT: They have no objection. And do you know
15 what the exhibit numbers are?

16 MR. TISDALE: Your Honor, there might be one caveat on
17 that. We've just got one that we can't read, so we'd like to
18 ask Mr. Orr to provide us with a copy of that as we did on
19 the one yesterday.

20 THE COURT: I understand. And can you direct him to the
21 one?

22 MR. TISDALE: If you'll allow us, we'll just tell him
23 which one it is.

24 THE COURT: Sure that's fine. Very well. So Exhibits
25 SJF-1 through 22 would be in evidence conditionally with that

1 one exception.

2 MR. TISDALE: And provided to us and to the Court.

3 THE COURT: Indeed. Very well.

4 (Plaintiff's Exhibits SJF-1 through SJF-22 admitted into
5 evidence.)

6 THE COURT: Mr. Orr.

7 MR. ORR: Your Honor, I'm Lawrence Orr here for
8 St. John's, Florence.

9 THE COURT: Yes, sir.

10 DIRECT EXAMINATION BY MR. ORR:

11 Q. Would you state your name, please, ma'am.

12 A. Allie Patterson Walker.

13 Q. Where do you live, Ms. Walker?

14 A. In Florence, South Carolina.

15 Q. Okay. How long have you lived there?

16 A. All of my life except for about two years.

17 Q. Are you married?

18 A. I am.

19 Q. Have children?

20 A. I do have three.

21 Q. Where are you a member of a church?

22 A. I am a member of St. John's Church in Florence.

23 Q. How long have you been a member there?

24 A. I've been a member for 23 years.

25 Q. Have you been a member of any other church in Florence?

1 A. I have.

2 Q. What?

3 A. All Saints Church in Florence.

4 Q. I believe there was testimony yesterday from Ms. Hodge
5 from All Saints that that was a seed church started by
6 St. John's?

7 A. That's correct.

8 Q. Was your family involved in that?

9 A. Yes, my parents.

10 Q. Okay. Your parents were members of All Saints and went
11 to St. John's when it started?

12 A. They were members of St. John's, and then when they
13 seeded the church at All Saints, they left to start that
14 congregation.

15 Q. Okay. At some point you left All Saints and went to
16 St. John's?

17 A. That's correct.

18 Q. Okay. Where's St. John's located?

19 A. 252 South Dargan Street in Florence.

20 Q. Dargan Street runs generally north/south?

21 A. That's correct.

22 Q. Okay. And so St. John's is on the east side of -- a
23 challenge for you.

24 A. Yes.

25 Q. Okay. The campus of St. John's runs from Dargan Street

1 back to Railroad Avenue?

2 A. Yes, it does.

3 Q. Okay. And then on the south side towards Palmetto
4 Street is what used to be the 301 Drive-In and a couple
5 things there?

6 A. Yes.

7 Q. And then your campus also runs to the north to some
8 property owned, I guess, by McLeod?

9 A. That is correct.

10 Q. Do you know how long St. John's has been located on that
11 property?

12 A. We have a cornerstone that's marked 1866.

13 Q. Okay. How many members do you currently have?

14 A. We would have probably about 500 baptized members;
15 probably about 250 communicants, adults.

16 Q. About how many attend services on Sunday?

17 A. We have -- during the winter we have three services,
18 during the summer we have two. And we will average anywhere
19 between 180 to 200 with all three services.

20 Q. What is your -- do you have a position in the church?

21 A. Yes, I am currently the senior warden.

22 Q. Okay. Have you held that position for how many years?

23 A. This will be my second year.

24 Q. Okay. Have you had that position before --

25 A. No.

1 Q. -- in the past?

2 Have you served on the vestry before?

3 A. Yes, I have.

4 Q. How many times or how many years, roughly?

5 A. I served a time before for three years. This is my
6 seventh consecutive year. I was three years on the vestry,
7 two years as a junior warden, and now two years as a senior
8 warden.

9 Q. Is your husband also a member of the church?

10 A. Yes, he is.

11 Q. Has he served on the vestry and as warden?

12 A. Yes, he has.

13 Q. Okay. What about either of your parents?

14 A. My father has served on the vestry and has been senior
15 warden.

16 Q. Is St. John's a corporation?

17 A. Yes, it is.

18 Q. Nonprofit corporation?

19 A. Yes.

20 Q. Exhibit No. 1, if you would, is that the articles of
21 incorporation issued by the Clerk of Court for Darlington
22 County? I believe the second page indicates the office.
23 And, again, I think this is one of the documents Mr. Tisdale
24 had some question about. That's the cleanest copy we have,
25 but I'll try to get another copy.

1 MR. TISDALE: That is correct.

2 Q. But if you look down at the bottom, does that say Clerk
3 of Court, Clerk, Darlington County?

4 A. Court, Darlington, yes, in December.

5 Q. December 5 in the 100th year of the United States, that
6 was in December of 1875?

7 A. Yes.

8 Q. At that time Florence County was not in existence, was
9 it?

10 A. That's correct.

11 Q. When did Florence County get formed?

12 A. I believe it was 1980 -- was it --

13 Q. 1888?

14 A. -- 1888.

15 Q. From parts of Darlington, parts of Marion?

16 A. That's correct.

17 Q. Was another certificate of incorporation issued?

18 A. Yes, in Florence County.

19 Q. Okay. And that is Exhibit No. 2?

20 A. Yes.

21 Q. And that was issued by the South Carolina Secretary of
22 State?

23 A. That is correct.

24 Q. And the official name of the church?

25 A. St. John's Episcopal Church, Florence, South Carolina.

1 Q. And that was dated November the 26th, 19 --

2 A. 15.

3 Q. 1915. And the stated purpose in the fourth paragraph of
4 that is to establish and maintain an Episcopal Church or
5 churches in Florence County, South Carolina; is that correct?

6 A. Yes.

7 Q. Since 1915 to today have there been any amendments or
8 changes to that certificate of incorporation?

9 A. Not to the certificate of incorporation.

10 Q. So the name of the corporation of St. John's is still
11 the St. John's Episcopal Church of Florence, SC?

12 A. Yes.

13 Q. Church has bylaws?

14 A. Yes, we do.

15 Q. The first bylaws were enacted in 1919?

16 A. 19.

17 Q. Okay. Have those bylaws been amended?

18 A. Yes, they have.

19 Q. And when were they amended?

20 A. Well, it was -- in 2011 there was a first reading, and
21 then in 2012 they were passed.

22 Q. Okay. Do you know why there was an amendment to the
23 bylaws?

24 A. I do.

25 Q. How about tell us about it, please.

1 A. We did not have -- we had language in our bylaws that
2 did not allow women to be on the vestry or to be wardens, so
3 we removed it since we had already had women on the vestry
4 and as wardens.

5 Q. If you look at Exhibits 18 and 20, are those the minutes
6 of the annual meeting of the congregation at which those
7 amendments to the bylaws were first proposed and voted on and
8 then the second year adopted or ratified?

9 A. Yes.

10 Q. And there was also passed a resolution ratifying all the
11 acts of the vestry and the wardens while women were serving
12 on them before?

13 A. That is correct.

14 Q. Now, at any time -- Exhibit No. 19 is a copy of the
15 amended bylaws?

16 A. Yes, it is.

17 Q. Is there anything in those amended bylaws that makes
18 reference to the national church?

19 A. No, there is not.

20 Q. Was there anything in the 1919 bylaws that made
21 reference to the national church?

22 A. Not that I'm aware of.

23 Q. Okay. There have been no amendments to the bylaws since
24 the 2011-2012?

25 A. That is correct.

1 Q. Now, you briefly described the property that you have.

2 That wasn't acquired in one fell swoop, was it?

3 A. No, over many years and many deeds.

4 Q. Okay. Exhibits 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,

5 and 15, are those all deeds for property that is now owned by

6 St. John's?

7 A. Yes.

8 Q. All of them speak for themselves. I don't think I need

9 to go through each one of them, but gradually you were

10 acquiring property to make up the rectangular part that you

11 have now?

12 A. That is correct.

13 Q. Okay. I do want to ask you about three of those.

14 Exhibit No. 3 is a deed dated October 23, 1884, by the Ladies

15 Aid Society of St. John's to the vestry --

16 A. Yes.

17 Q. -- of lot --

18 A. 238.

19 Q. -- 238?

20 A. Yes.

21 Q. Okay. And then Exhibit No. 4 is a deed dated November

22 16, 1889, by the vestry -- a deed of that same lot, by the

23 vestry to St. John's?

24 A. That is correct.

25 Q. Okay. Now, Exhibit No. 22 -- which is almost totally

1 illegible but it's the best copy I was able to get with an
2 iPhone because it was in a book we couldn't take apart to
3 copy -- is a deed from St. John's of that Lot 238 to the
4 trustees of the Diocese of South Carolina?

5 A. That is correct.

6 Q. Are you aware of that?

7 A. Yes.

8 Q. How did you become aware of that?

9 A. I was told by my attorneys and the historians of the
10 church.

11 Q. Haigh Porter is a member of your church?

12 A. Yes, he is.

13 Q. And he has served as chancellor of St. John's over the
14 past?

15 A. Chancellor, senior warden.

16 Q. Okay. When he was senior warden -- he also does a lot
17 of real estate work as an attorney?

18 A. That is correct.

19 Q. He attempted to compile all the deeds and records so
20 there would be a continuous record available --

21 A. Correct.

22 Q. -- for the property of the corporate status. And in
23 that process he found that this property had been deeded to
24 the trustees but no deed had ever been received back?

25 A. That is correct.

1 Q. Okay. As a result of that what happened?

2 A. He contacted the diocese and they had no record. They
3 could not find the deed. Mr. Porter requested a quitclaim
4 deed for that property.

5 Q. Okay. Exhibit No. 16, please, ma'am. That is a
6 quitclaim deed by the trustees of the Protestant Episcopal
7 Church in South Carolina of whatever interest the trustee
8 corporation may have in Lot No. 238?

9 A. Yes.

10 Q. Okay. And that was dated November the 11th, 2010 --

11 A. Yes.

12 Q. -- and recorded?

13 All right. And that is a deed that was requested by
14 St. John's?

15 A. Yes, it was.

16 Q. Exhibit No. 17 is a quitclaim deed from the diocese?

17 A. Yes.

18 Q. Did St. John's request that?

19 A. No.

20 Q. Do you know anything about why it was received?

21 A. It was just received.

22 Q. The deed is actually dated October the 21st of 2010.

23 And this is the diocese corporation as opposed to the trustee
24 corporation. And this quitclaim deed is renouncing any
25 interest in any of the various parcels listed here, correct?

1 A. That is correct.

2 Q. It was dated October 21st of 2010. Do you know when
3 St. John's actually received it?

4 A. It was received in 2010, I believe.

5 Q. Okay. It was not recorded until November the 16th of
6 2011?

7 A. That's correct.

8 Q. Do you know why?

9 A. They asked us not to.

10 Q. Do you know why?

11 A. Have no idea.

12 Q. Okay. These deeds, is that all the property that
13 St. John's owns?

14 A. All the deeds that you did, yes.

15 Q. Yes, ma'am, okay.

16 Now, let's talk for a minute about the resolution. The
17 governing body of the church is the vestry?

18 A. That is correct.

19 Q. Did the vestry take any action with respect to its
20 affiliation with the Diocese of South Carolina? Just tell me
21 about that.

22 A. When we had received information that the national
23 church had taken action against our Bishop Lawrence, the
24 standing committee had already in place if that happened that
25 they would start and they would no longer be part of the

1 national church. There was a specially held convention, and
2 at that time the delegates decided to stay with the -- ratify
3 the standing committee's decision to pull away from the
4 national church, then we came back and as a vestry we came up
5 with our resolution that we wanted to remain with Bishop
6 Lawrence and the Diocese of South Carolina. We asked the
7 congregation in a nonbinding vote for them to give us, you
8 know, their reaction and what they wanted, and we asked the
9 question, would you -- do you want to remain in the Diocese
10 of South Carolina with Bishop Lawrence, and the congregation
11 voted to remain with the diocese.

12 Q. Do you know by what percentage they voted?

13 A. It was 88 percent.

14 Q. And then as a result -- or after that congregational
15 meeting when that vote was taken, what did the vestry do?

16 A. The vestry signed the resolution.

17 Q. Exhibit No. 21, are those the minutes of the vestry
18 meeting at which that resolution was passed?

19 A. Yes, they are.

20 Q. You have listed the vestry members who were present?

21 A. Yes.

22 Q. And of those, looks like you had at least five lawyers?

23 A. Yes, we do.

24 Q. How did y'all get anything done?

25 A. It took a while.

1 THE COURT: Why?

2 THE WITNESS: I can't imagine, after being here today.

3 Q. The third page of that exhibit, is that the resolution
4 that was agreed upon?

5 A. Yes, the last page.

6 Q. And it was -- was it unanimously adopted by those
7 present?

8 A. It was.

9 Q. And you had a quorum at that vestry meeting?

10 A. Yes, we did.

11 Q. Does that resolution set forth the feelings and thoughts
12 of the vestry as to why they were taking the action and the
13 action that they were taking?

14 A. Yes, it does.

15 Q. In the resolution you're going -- remaining with the
16 Diocese of South Carolina and you're, in effect, saying, this
17 is -- we're confirming that we have no affiliation with the
18 Protestant (sic) church of the U.S., the national church,
19 correct?

20 A. That is correct.

21 Q. But the name of the church -- the name of the
22 corporation is still St. John's Episcopal Church of Florence,
23 SC, why was that not changed?

24 A. Well, you could imagine with five or six lawyers on the
25 vestry it was the consensus that we are an Episcopal Church.

1 We no longer belong to the national Episcopal Church, but we
2 are an Episcopal Church.

3 Q. Okay. At the current time does St. John's have any
4 relationship with the national church?

5 A. No, we do not.

6 Q. Do you have any relationship with the unincorporated
7 diocese?

8 A. No.

9 Q. Have you ever had any relationship with the
10 unincorporated diocese?

11 A. No.

12 Q. Has St. John's sent delegates to the annual convention
13 or any special conventions of the corporate diocese, the
14 Diocese of South Carolina?

15 A. Of South Carolina, yes, we have.

16 Q. And you've done that historically?

17 A. Yes.

18 Q. And you continue to do that now?

19 A. Yes.

20 Q. Have you ever served as a delegate?

21 A. Yes, I have.

22 Q. Many times?

23 A. I think four.

24 Q. Okay. Enough?

25 A. Enough.

1 Q. Okay. Has St. John's ever sent any delegates to any
2 meetings of the unincorporated diocese?

3 A. No, we have not.

4 Q. Do you know whether some members of St. John's attended
5 any conventions of the unincorporated diocese?

6 A. I believe there have been.

7 Q. But they did not go as official delegates from
8 St. John's?

9 A. No.

10 Q. St. John's has renovated its parish, the sanctuary?

11 A. Yes.

12 Q. That was a rather extensive renovation and termites were
13 found and all sorts of work had to be done?

14 A. Yes.

15 Q. And you have built a parish hall, wonderful parish hall,
16 in the back?

17 A. That is correct.

18 Q. Okay. Were any moneys received from the national church
19 for any of those projects?

20 A. No.

21 Q. Was any money received from the diocese for any of those
22 projects?

23 A. No.

24 Q. Do you know of any moneys that St. John's has received
25 from the national church or any of its affiliated entities?

1 A. Not that I'm aware of.

2 Q. There have been a lot of documents produced during all
3 this, and I found in some of the national church's documents,
4 there was an 1890 report from the American Building Fund
5 Commission. And Item No. 127 was a loan to St. John's,
6 Florence on January 17th of 1890 for \$700. It showed a
7 balance as of September the 1st of 1890 of \$350.

8 A. Well, as our financials ending June the 30th, we no
9 longer show any balance of that loan.

10 Q. Was that ever shown on your balance sheets since you've
11 been involved?

12 A. No, not that I've been involved in.

13 Q. And they have not filed a counterclaim for the balance
14 owed?

15 A. Not that I'm aware of.

16 Q. Would you conclude it was paid off or otherwise taken
17 care of?

18 A. I believe it must have.

19 Q. If Ms. Kostel and Mr. Beers have records that indicate
20 St. John's received other funds over the past, do you have
21 any knowledge about those?

22 A. I do not.

23 Q. You can't dispute it or affirm it one way or another?

24 A. No.

25 Q. Okay. Does St. John's elect or select delegates to go

1 to the general convention?

2 A. Talking about from the national -- to the national
3 church?

4 Q. Yes, the one that's held every three years.

5 A. No.

6 Q. That's done by the diocese?

7 A. That is correct.

8 Q. Do you know if any parishioner of St. John's has been
9 selected by the diocese to go to the general convention?

10 A. Again, not that I'm aware of.

11 Q. But they could have?

12 A. They could have, I just...

13 Q. That's not something that St. John's would have any
14 voice in?

15 A. No.

16 Q. The church has signs out?

17 A. We do.

18 Q. Have you ever had signs that would represent that you
19 were a part of some organization that was associated with the
20 Episcopal Church of the U.S.?

21 A. There were signs out on the highway pointing towards
22 St. John's with the Episcopal shield on them.

23 Q. Are those signs there now?

24 A. No.

25 Q. Were they taken down after the resolution was passed?

1 A. Yes.

2 Q. Did you have the national church's flag in the
3 sanctuary?

4 A. We did.

5 Q. Is it there any longer?

6 A. No.

7 MR. ORR: Your Honor, I move to admit those documents,
8 the exhibits.

9 THE COURT: I thought they were in by stipulation
10 conditionally.

11 MR. TISDALE: We have no objection.

12 THE COURT: As soon as the pages were corrected. Very
13 well. All right.

14 Any further examination by anyone else on behalf of the
15 plaintiffs? All right. Very well.

16 Ms. Kostel, Mr. Beers?

17 MR. BEERS: I'll be very brief.

18 CROSS-EXAMINATION BY MR. BEERS:

19 Q. Hello. As you know, David Beers.

20 A. Yes, sir.

21 Q. Let's talk about the signs out on the highway. Were
22 they what I would call the common Episcopal Church welcomes
23 you signs?

24 A. That is correct.

25 Q. And you had one out there?

1 A. Yes, on Highway 52.

2 Q. And did you have any anyplace else?

3 A. Not that I'm aware of.

4 Q. Okay. Did you all -- did your church have public
5 notices in the weekend newspaper announcing the time and
6 place of worship services?

7 A. There is a section in our paper that does have that for
8 all the churches in Florence.

9 Q. When did -- as far as you recall, when did you start --
10 when did St. John's begin placing a notice in the paper?

11 A. I could not tell you when it began.

12 Q. Long time ago?

13 A. Yes.

14 Q. And is there a section in the page where St. John's,
15 Florence would put its notice or have its notice?

16 A. Yes.

17 Q. And what was that called?

18 A. Prior to 2012 it was Episcopalian.

19 Q. Okay. Have you seen the Episcopal Church welcome signs
20 as you've traveled outside of South Carolina?

21 A. I'm sure I have, I just don't recall noticing them in
22 particular.

23 Q. But you have seen them?

24 A. I'm sure I have.

25 Q. And what did you -- to what did you associate -- what

1 did you associate with those signs? Let me stop. Let me
2 just back up.

3 It would say the Episcopal Church welcomes you and then
4 a name of a parish, and what came into your mind when you saw
5 such a sign?

6 A. That there would be a church and it would be a
7 liturgical church and it would be an Episcopalian church,
8 Episcopal Church.

9 Q. It would be a church that had something to do with the
10 national Episcopal Church?

11 A. With the national seal, yes.

12 Q. Yeah. Did you -- what's the name of your current
13 rector?

14 A. Ken Weldon.

15 Q. And how long has he been there?

16 A. This is his sixth year.

17 Q. Did he have service in the -- in that parish prior to
18 becoming rector?

19 A. He did. He was a youth minister.

20 Q. Was he ordained at St. John's?

21 A. I don't know, I'm sorry.

22 Q. Would you have any idea who the rector was in 19 -- I'm
23 sorry -- in 1908 that would be Father Weldon, right?

24 A. Yes.

25 Q. In 2008, I'm sorry, sorry, sorry. 2008.

1 Did you have anything to do with the calling of
2 Father Weldon in 2008?

3 A. No.

4 Q. Did you have anything to do with the arrangements made
5 after he was called for arrangements made for his letter of
6 agreement or anything like that?

7 A. No.

8 Q. Have you ever seen the letter of agreement?

9 A. No.

10 Q. Now, do you remember an ordination of a deacon that took
11 place in the congregation in 2011?

12 A. I didn't attend.

13 Q. You didn't attend the service?

14 A. That's correct.

15 Q. In 2000 -- was there a capital campaign effort started
16 in about 2000?

17 A. I know we had a fellowship hall built, and I imagine we
18 would have had to have had to have some type of capital
19 campaign.

20 Q. Do you know whether or not the congregation asked the
21 permission of anyone in the diocese to take out a loan and
22 mortgage the property in 2000?

23 A. No.

24 MR. BEERS: All right. That's all I have. Thank you.

25 THE COURT: All right. Mr. Tisdale?

1 CROSS-EXAMINATION BY MR. TISDALE:

2 Q. Ms. Walker?

3 A. Yes, sir.

4 Q. Take a look -- a real quick question about the charter,
5 which I believe is Exhibit -- the third page, Exhibit 2.

6 Has this -- do you know if this charter's been amended
7 in any way?

8 A. I do not.

9 Q. You do not.

10 Do you have any knowledge that it's not still the
11 charter of the parish at this time?

12 A. Could you restate that?

13 Q. Is it still the charter of the parish at this time?

14 A. As far as I know, yes.

15 Q. And help me read, please, under the word -- the fourth
16 paragraph, says fourth.

17 A. The purpose?

18 Q. Yes, if you would read that to me, please.

19 A. To establish and maintain an Episcopal Church or
20 churches in the City of Florence, South Carolina (as read).

21 Q. All right. And as far as you know, if this has not been
22 amended, that's still the purpose?

23 A. That is correct.

24 Q. Okay. Now, what is the Douglas Trust?

25 A. William Douglas was a parish member of St. John's, and

1 when he died he left 40 percent of his estate in a trust for
2 St. John's.

3 Q. Is that trust still in existence?

4 A. Yes, it is.

5 Q. And what is the value of the trust?

6 A. As of February it was about \$2,700,000.

7 Q. Does that trust contain a provision that it remains in
8 the hands of St. John as long as it's an Episcopal Church?

9 A. An Episcopal Church and in communion with The Church of
10 England.

11 Q. All right. And are you saying now, your testimony is,
12 although you have no connection with the Episcopal Church
13 that it's still an Episcopal Church?

14 A. Yes.

15 Q. And qualifies under this trust to be a continuing
16 beneficiary?

17 A. Yes.

18 Q. Okay. And is it in communion with The Church of
19 England?

20 A. Yes.

21 Q. How is that, if you would explain it to me?

22 A. I have been told by my rector and my bishop, and I have
23 faith in both of those.

24 Q. Told what?

25 A. That we are in communion with The Church of England and

1 the wider Anglican Communion.

2 Q. Other than being told that, let's leave it at The Church
3 of England since you said that was the trust provision, not
4 the wider Anglican Communion, other than what they've told
5 you, do you have any basis that that is true?

6 A. I would not have that expertise.

7 Q. So you have no knowledge of that?

8 A. I have faith.

9 Q. Okay. And how would we get a copy of the Douglas Trust?

10 A. You could request it from our attorney.

11 Q. Would that be Mr. Porter?

12 A. No, that would be Mr. Orr.

13 Q. Larry Orr who was asking questions?

14 A. That is correct.

15 Q. All right. Do you all still use the Book of Common
16 Prayer at St. John's?

17 A. We do.

18 Q. Okay. Of the Episcopal Church?

19 A. Yes.

20 Q. All right. But you've taken any signs down that relate
21 to the Episcopal Church; is that correct?

22 A. That is correct.

23 Q. Okay. Have you sent through the years delegates to the
24 convention of the diocese?

25 A. Yes.

1 Q. And why did you all disaffiliate, or whatever word we
2 want to use? Why are you no longer having any connection
3 with the Episcopal Church?

4 A. Do you want me to go over the same information I gave
5 Mr. Orr?

6 Q. Okay.

7 A. We had heard the national church had taken action
8 against our bishop. The standing committee had in place that
9 if they took action, wrongful action against our bishop, that
10 we would disassociate -- that the diocese would disassociate
11 with the national church. And so our feeling was that we
12 wanted to remain with the Diocese of South Carolina.

13 Q. Not the Episcopal Church?

14 A. That is correct.

15 Q. All right. Who is trustee of the Douglas Trust? Who --
16 what persons or bank?

17 A. It's Wells Fargo.

18 Q. Wells Fargo is the trustee?

19 A. Yes.

20 Q. Okay. In Florence?

21 A. Well, they come out of Charleston.

22 MR. TISDALE: Your Honor, thank you very much.

23 THE COURT: All right. Redirect?

24 MR. ORR: I have nothing further.

25 THE COURT: Very well, or anyone else for the

1 plaintiffs?

2 Very well. You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: All right. That will conclude the work that
5 we will do for this evening. We will reconvene in the
6 morning at 9:30. The additional parishes who will be making
7 presentations tomorrow, presenting evidence tomorrow, if you
8 can get your documents that you would intend to use as
9 exhibits to the defense before we reconvene in the morning.

10 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF DORCHESTER

4

5 I, the undersigned Ruth L. Mott, Official Court Reporter
6 for the State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete transcript of
8 record of all the proceedings had and evidence introduced in
9 the matter of the above-captioned case, relative to appeal,
10 in the First Judicial Circuit Court for Dorchester County,
11 South Carolina, on the 10th of July, 2014.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 August 10, 2014

16
17 Ruth L. Mott

18 Official Court Reporter
19
20
21
22
23
24
25

VOLUME IV

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

CASE NO. 2013-CP-18-00013

THE PROTESTANT EPISCOPAL)
 CHURCH IN THE DIOCESE OF)
 SOUTH CAROLINA, THE TRUSTEES)
 OF THE PROTESTANT EPISCOPAL)
 CHURCH IN SOUTH CAROLINA,)
 A SOUTH CAROLINA CORPORATE)
 BODY, ET AL.,)

PLAINTIFFS,)

vs.)

TRANSCRIPT OF RECORD

THE EPISCOPAL CHURCH, (A/K/A)
 THE PROTESTANT EPISCOPAL)
 CHURCH IN THE UNITED STATES)
 OF AMERICA); THE EPISCOPAL)
 CHURCH IN SOUTH CAROLINA,)

DEFENDANTS.)

JULY 11, 2014
 ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
 Official Court Reporter

I N D E X

	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
4	LAVERNE FENTERS, JR.				
	MR. WILLIAMS	691			
5	MR. TISDALE		699		
	MR. WILLIAMS			708	
6	MR. BEERS				709
7	RICHARD LANE BROWN, III				
	MR. EASTERLING	710			
8	MR. BEERS		723		
	MR. TISDALE		735		
9	SUZANNE WARREN SCHWANK				
10	MR. RUNYAN	737			
	MR. BEERS		758		
11	STEVEN JOSEPH RUMPF				
12	MR. CAMPBELL	761			
	MR. BEERS		774		
13	MR. TISDALE		791		
14	FRANK KEENAN SLOAN, JR.				
	MS. MACDONALD	800			
15	MR. BEERS		819		
	MR. TISDALE		832		
16	WILLIAM COWAN ERVIN, JR.				
17	MR. MACK	846			
	MR. BEERS		862		
18	ARTHUR MACK JENKINS				
19	MR. EVANS	864			
	MR. BEERS		873		
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TP-4	DEED FILED IN DEED BOOK 581 AT PAGE 346, IN THE AFORESAID OFFICE	691	693
TP-5	DEED FILED IN DEED BOOK 1629 AT PAGE 305, IN THE AFORESAID OFFICE	691	693
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23		INCORPORATION, JANUARY 30, 2014		
24	PCSH-30	JANUARY 2012 THE WEEKLY HERALDS	737	748
25	PCSH-31	BULLETIN	737	748
26	PCSH-32	RESOLUTION	737	748
27	PCSH-33	RESOLUTION	737	748
28	SB-1	CERTIFICATE OF INCORPORATION	759	761
29	SB-2	DEED FROM THE TRUSTEES OF THE	759	761
30		PROTESTANT EPISCOPAL CHURCH IN		
31		SOUTH CAROLINA, DATED MAY 22,		
32		1922		
33	SB-3	DEED FROM RICHARD G. COKER,	759	761
34		DATED APRIL 25, 1977		
35	SB-4	DEED FROM COKER COLLEGE, DATED	759	761
36		JULY 17, 1987		
37	SB-5	DEED FROM WADE HICKS, DATED JUN	759	761
38		15, 2001		
39	SB-6	QUITCLAIM DEED, DATED OCTOBER	759	761
40		4, 2011		
41	SB-7	VESTRY MINUTES, JANUARY 12,	759	761
42		2013 (INCLUDING COMMITMENT		
43		RESOLUTION)		
44	SB-8	BYLAWS OF ST. BARTHOLOMEW'S	759	761
45		EPISCOPAL CHURCH AS AMENDED		
46		01/23/2011		
47	SB-9	JANUARY 13, 2013 CHURCH	759	761
48		BULLETIN		

	NO.	DESCRIPTION	ID	EVD
1	SB-10	EMAIL ANNOUNCING ACTIVITIES FOR	759	761
2		WEEK OF 1/20/13		
3	SB-11	ANNUAL PARISH MEETING MINUTES,	759	761
4	SB-12	JANUARY 20, 2013		
5	SB-13	JANUARY 20, 2013 CHURCH	759	761
6		BULLETIN		
7	SB-14	JANUARY 27, 2013 CHURCH	759	761
8		BULLETIN		
9	SB-15	EMAIL ANNOUNCING ACTIVITIES FOR	759	761
10		WEEK OF 1/27/13		
11	SB-16	VESTRY MINUTES, JANUARY 27,	759	761
12		2013		
13		BYLAWS OF ST. BARTHOLOMEW'S	759	761
14		EPISCOPAL CHURCH ADOPTED		
15		JANUARY 2013		
16	TMB-1	CERTIFICATE OF INCORPORATION OF	800	802
17		TRUSTEES OF THE CHURCH OF		
18		MESSIAH OF MYRTLE BEACH FILED		
19		WITH SC SECRETARY OF STATE ON		
20		JUNE 21, 1939		
21	TMB-2	CERTIFICATE OF INCORPORATION OF	800	802
22		THE TRUSTEES OF THE CHURCH OF		
23		THE MESSIAH OF MYRTLE BEACH		
24		FILED WITH SC SECRETARY OF		
25		STATE ON MAY 27, 1949		
26	TMB-3	AMENDMENT TO THE CHARTER OF	800	802
27		TRUSTEES OF THE CHURCH OF THE		
28		MESSIAH OF MYRTLE BEACH		
29		CHANGING THE NAME TO "TRINITY		
30		EPISCOPAL CHURCH OF MYRTLE		
31		BEACH" FILED WITH THE SC		
32		SECRETARY OF STATE ON MAY 26,		
33		1951		
34	TMB-4	NONPROFIT CORPORATION ARTICLES	800	802
35		OF AMENDMENT		
36	TMB-5	DEED DATED JUNE 9, 2000	800	802
37	TMB-6	DEED DATED AND RECORDED OCTOBER	800	802
38		31, 1984		
39	TMB-7	DEED DATED FEBRUARY 26, 1951	800	802
40	TMB-8	CORRECTIVE DEED DATED DECEMBER	800	802
41		16, 1939		
42	TMB-9	DEED DATED MAY 25, 1993	800	802
43	TMB-10	DEED DATED JULY 15, 1994	800	802
44	TMB-11	DEED DATED DECEMBER 11, 1980	800	802
45	TMB-12	DEED DATED JUNE 24, 1981	800	802
46	TMB-13	DEED DATED DECEMBER 15, 1998	800	802
47	TMB-14	MINUTES OF ANNUAL PARISH	800	802
48		MEETING DATED NOVEMBER 16, 2009		

	NO.	DESCRIPTION	ID	EVD
1	TMB-15	WRITTEN NOTICE OF NOVEMBER 16,	800	802
2		2009 ANNUAL PARISH MEETING IN		
3	TMB-16	BULLETINS AND NEWSLETTERS	800	802
4	TMB-17	AMENDMENTS TO ARTICLES OF	800	802
5	TMB-18	INCORPORATION	800	802
6	TMB-19	MINUTES OF SPECIAL PARISH	800	802
7	TMB-20	MEETING DATED NOVEMBER 22, 2009	800	802
8	TMB-21	AMENDED BYLAWS OF TRINITY	800	802
9	TMB-22	CHURCH OF MYRTLE BEACH AS	800	802
10	TMB-23	ADOPTED ON NOVEMBER 22, 2009	800	802
11	TMB-24	MINUTES OF ANNUAL PARISH	800	802
12	TMB-25	MEETING DATED DECEMBER 3, 2012	800	802
13	TMB-26	WRITTEN NOTICE OF DECEMBER 3,	800	802
14	SM-1	2012 ANNUAL PARISH MEETING IN	800	802
15	SM-2	BULLETINS AND NEWSLETTERS	800	802
16	SM-3	MINUTES OF DECEMBER 10, 2012	800	802
17	SM-4	VESTRY MEETING	800	802
18	SM-5	QUITCLAIM DEED DATED NOVEMBER	800	802
19	SM-6	11, 2011, RECORDED NOVEMBER 16,	800	802
20	SM-7	2011 IN DEED BOOK 3552 AT PAGE	800	802
21	SM-8	505	800	802
22	SM-9	QUITCLAIM DEED RECORDED	800	802
23	SM-10	NOVEMBER 16, 2011	800	802
24	SM-11	DEED DATED DECEMBER 29, 1943	800	802
25	SM-12	DEED DATED SEPTEMBER 16, 1949	800	802
	SM-13	QUITCLAIM DEED DATED NOVEMBER	800	802
	SM-14	CERTIFICATE OF INCORPORATION	845	846
	SM-15	6/2/1897 DEED	845	846
	SM-16	3/9/1904 DEED	845	846
	SM-17	6/22/1905 DEED	845	846
	SM-18	10/18/1988 DEED	845	846
	SM-19	10/9/2011 QUIT-CLAIM DEED	845	846
	SM-20	11/5/2013 DEED	845	846
	SM-21	1/13/1975 MINUTES	845	846
	SM-22	AMENDED BYLAWS PASSED AT	845	846
	SM-23	1/13/1975 ANNUAL CONGREGATIONAL	845	846
	SM-24	MEETING	845	846
	SM-25	ANNUAL PARISH REPORT FOR ST.	845	846
	SM-26	MATTHEW'S PROVIDING A SUMMARY	845	846
	SM-27	OF PROPOSED CHANGES TO AMENDED	845	846
	SM-28	BY-LAWS	845	846
	SM-29	ANNUAL PARISH MEETING MINUTES	845	846
	SM-30	IN WHICH CHANGES TO THE BY-LAWS	845	846
	SM-31	PASSED AT THE 1994 MEETING WERE	845	846
	SM-32	ADOPTED	845	846
	SM-33	AMENDED BY-LAWS PASSED AT THE	845	846
	SM-34	12/10/1995 ANNUAL	845	846
	SM-35	CONGREGATIONAL MEETING	845	846

NO.	DESCRIPTION	ID	EVD
SM-13	1/14/2013 MINUTES	845	846
SM-14	RESOLUTION VOTED UPON AT THE 1/14/2013 VESTRY MEETING	845	846
SJJI-1	1886 QUITCLAIM DEED FROM ST. ANDREWS PARISH TO ST. JAMES	863	864
SJJI-2	1903 SOUTH CAROLINA CERTIFICATE OF INCORPORATION	863	864
SJJI-3	2005 DEED FROM PARROT POINT, LLC TO ST. JAMES	863	864
SJJI-4	2004 DEED FROM PRESTIGE BUILDERS, INC. TO ST. JAMES	863	864
SJJI-5	ST. JAMES' VESTRY MINUTES OF VOTE FOR DISAFFILIATION (DECEMBER 6, 2012)	863	864
SJJI-6	ST. JAMES' VESTRY MINUTES OF VOTE TO AMEND BYLAWS, CONSTITUTION (1/15/13)	863	864
SJJI-7	ST. JAMES' AMENDED BY--?LAWS ADOPTED BY CONGREGATION (1/20/13)	863	864
SJJI-8	ST. JAMES' AMENDED CONSTITUTION ADOPTED BY CONGREGATION (1/20/13)	863	864
SJJI-9	MINUTES OF ST. JAMES CONGREGATIONAL MEETING ON JANUARY 21, 2013	863	864
SJJI-10	QUITCLAIM DEED FROM DIOCESE TO ST. JAMES RECORDED 11/16/11	863	864
SJJI-11	QUITCLAIM DEED FROM BISHOP LAWRENCE TO ST. JAMES RECORDED 11/16/11	863	864
SJJI-12	DEED FROM ST. JAMES TO TRUSTEES OF ST. JAMES CHURCH LAND TRUST (11/18/11)	863	864

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1 THE COURT: Plaintiffs ready to proceed?

2 MR. RUNYAN: Plaintiffs are ready, Your Honor.

3 THE COURT: Great. And are defendants ready to proceed?

4 MR. BEERS: Yes, ma'am.

5 THE COURT: Very well. All right. Call your next
6 witness. Who's next?

7 (Plaintiff's Exhibits TP-1 through TP-14 premarked for
8 identification.)

9 LAVERNE HAROLD FENTERS, JR.,
10 being first duly sworn, testified as follows:

11 THE COURT: All right, sir, would you state your full
12 name for the record again for us.

13 THE WITNESS: LaVerne Harold Fenters, F-E-N-T-E-R-S, Jr.

14 THE COURT: Thank you very much.
15 Your witness.

16 MR. WILLIAMS: Thank you, Your Honor.

17 THE COURT: Yes.

18 DIRECT EXAMINATION BY MR. WILLIAMS:

19 Q. Reverend Fenters, tell us a little bit about yourself.
20 Are you married?

21 A. Yes, I am. Been married for 32 years. We have two
22 children, two grandchildren.

23 Q. Okay, sir. And what is your present job? What do you
24 do?

25 A. I'm the rector of Trinity Episcopal Church in Pinopolis,

1 South Carolina.

2 Q. And how long have you been the rector there?

3 A. Ten years this past July 4th.

4 Q. Okay, sir. Little bit about your education, please,
5 sir.

6 A. I received a Bachelor of Science in business
7 administration from the Citadel in 1973 and a master's of
8 divinity from the School of Theology, University of the South
9 known as Sewanee, in 1999.

10 Q. Okay, sir. You are ordained, is that correct?

11 A. That's correct.

12 Q. Could you tell us when and by whom?

13 A. I was ordained as a deacon in All Saints Church in
14 Florence by Bishop Edward Salmon in 1999 and then in that
15 same year ordained a priest by Bishop Salmon again at Old St.
16 Andrew's Parish in Charleston.

17 Q. Now, you've testified that you've been at Trinity for
18 ten years?

19 A. Yes, sir.

20 Q. Tell us a little bit about the history of the church,
21 please.

22 A. Trinity has a long history, but the specifics of Trinity
23 Episcopal Church in Pinopolis date back to 1846 when the
24 church was founded as a chapel of ease for what was then
25 known as Trinity Church, Black Oak. When Trinity Church,

1 Black Oak, became what is part of now Lake Moultrie; in other
2 words, the church grounds were flooded, the primary place of
3 worship became Trinity Church in Pinopolis.

4 The church in Black Oak, the church that was razed, to
5 be razed so that the lake could be built, parts of that
6 church were used to construct what we call Black Oak Hall at
7 Trinity now, which was our first parish hall. Materials from
8 that church were used. Also, bricks from that church were
9 moved to a new cemetery. That cemetery is called St. John's
10 Cemetery and it's over in Bonneau, South Carolina.

11 MR. WILLIAMS: Your Honor, for the record, we have a
12 list of 14 exhibits, TP-1 through 14, that we will move to
13 admit without objection, Your Honor.

14 THE COURT: And is that correct?

15 MR. TISDALE: No objection.

16 MR. BEERS: That's correct, Your Honor.

17 THE COURT: Very well, thank you.

18 (Plaintiff's Exhibits TP-1 through TP-14 admitted into
19 evidence.)

20 Q. Reverend Fenters, you have a copy of those exhibits, is
21 that correct?

22 A. I do.

23 Q. Will you look at Exhibit No. 1, please, and tell me what
24 that is.

25 A. Exhibit 1 are the articles of incorporation that were

1 issued to Trinity Episcopal Church Pinopolis in February of
2 1971.

3 Q. To your knowledge, have they ever been amended?

4 A. No.

5 Q. So those are the present bylaws -- I mean present
6 articles of incorporation?

7 A. They are.

8 Q. I want you to look at Exhibit No. -- I'm going to skip
9 over for right now to Exhibit No. 14. And tell me, please,
10 is that a map of the Trinity property as it presently exists?

11 A. Yes.

12 Q. And getting back to Exhibits TP-2, TP-3 -- and I'm going
13 through just a group of them right now -- TP-4 and TP-5 and
14 TP-6, what do those deeds represent?

15 A. These represent deeds issued to Trinity which are
16 represented by the plat that we looked at a minute ago.

17 Q. So those deeds then constitute the property presently
18 owned by Trinity Church?

19 A. Yes.

20 Q. Okay. Sir, I'm going to ask you to look at Exhibit
21 TP-7, please, sir. And if you'll tell me what that is?

22 A. This is a quitclaim deed issued to Trinity Episcopal
23 Church. The date on it is the 9th of October, 2011.

24 Q. Okay, sir. Some questions have been asked before. Did
25 the church ask for that deed?

1 A. No.

2 Q. Was it expecting the deed?

3 A. We had heard that we might be receiving it, yes.

4 Q. Has the deed been recorded?

5 A. Yes, it has.

6 Q. I want you to look at Exhibit TP-8, please, sir, and
7 tell us what that is.

8 A. This is a document -- we had property from those various
9 deeds that were issued to Trinity in a variety of names, and
10 they're listed here on this document, Trinity Episcopal
11 Church Pinopolis, Trinity Episcopal Church Pinopolis South
12 Carolina, the vestry and wardens and various names, and this
13 was an effort to consolidate all of the property that we
14 owned under one name, which would be Trinity Episcopal
15 Church.

16 Q. Pinopolis?

17 A. Yes, Trinity Episcopal Church Pinopolis, yes.

18 Q. Okay, sir. Thank you, sir.

19 Reverend Fenters, in the ten years that you have been at
20 Trinity, to the best of your knowledge, has Trinity Church
21 ever received any support from what I'll call the national
22 church?

23 A. Not to my knowledge.

24 Q. Okay, sir.

25 And from the Diocese of South Carolina?

1 A. Not to my knowledge.

2 Q. Okay, sir. Has Trinity Church to your knowledge ever
3 donated to either one of those?

4 A. We pledge money yearly to the Diocese of South Carolina.

5 Q. Yes, sir.

6 A. As to the national church, we make no direct
7 contributions. I know that in the past in my tenure there
8 have been -- on occasions of natural disaster we've been
9 invited, our congregation, to make donations to the -- I
10 think it's called Episcopal relief and development as well as
11 other institutions like the Red Cross. I don't know -- I
12 have no knowledge of how much money was collected, if any,
13 for that organization.

14 Q. Okay, sir. The makeup of Trinity Church's governing
15 body, what is that? Would you explain that, please?

16 A. We would refer to it as a vestry board of directors
17 which consists of senior warden, junior warden, treasurer,
18 secretary, a nine-member vestry, and the rector.

19 Q. Okay, sir. Now, the Exhibit TP-13 -- which are the
20 bylaws of Trinity Church?

21 A. Yes.

22 Q. -- (continuing) have those bylaws to your knowledge been
23 amended?

24 A. Yes, they have.

25 Q. Tell me what you know about it.

1 A. I know prior to my coming to Trinity, which would have
2 been before 2005, the amendments were -- the bylaws were
3 amended as to the selection of the senior warden. Previously
4 the senior warden had been elected by the vestry. With that
5 amendment the senior warden was selected by the rector and
6 approved by the vestry.

7 Another amendment during my time at Trinity was to -- we
8 had two annual meetings. We had an amendment to go from two
9 annual meetings to one, and we also had a 12-member vestry.
10 We made an amendment to go from 12 members to nine.

11 The most recent amendment, which was in 2013, was to
12 amend our -- any references to the Protestant Episcopal
13 Church in the United States of America from our bylaws.
14 There was one reference to a canon, which had to do, I
15 believe, with the qualifications for vestry and wardens.

16 Q. Okay, sir.

17 Reverend Fenters, did the vestry review or act on that
18 proposed bylaw changes? The resolution I'm specifically
19 talking about.

20 A. I'm not sure I understand the question.

21 Q. Okay. I'm sorry. Was there a meeting of the vestry
22 held to authorize the church to stay with the Diocese of
23 South Carolina, a vestry meeting?

24 A. There was a meeting of the vestry to make a resolution
25 to affirm the action in support of the Diocese.

1 Q. Okay, sir. And the bylaws require a notice to the
2 parish members; is that correct?

3 A. That's correct.

4 Q. But it doesn't specify that it has to be in writing?

5 A. It does not.

6 Q. And were the meetings, the proper meetings of the
7 congregation, held in order to consider and pass the
8 resolution?

9 A. Yes. There was a meeting to read and debate the bylaws
10 and then a second meeting, which is required by our bylaws,
11 to vote on the proposed changes.

12 Q. So if you will look, TP-11 is the minutes of the parish
13 meeting dated January 27, 2013?

14 A. That's correct.

15 Q. And that's where the resolution was presented and
16 discussed?

17 A. Yes.

18 Q. And then the next week on February 3, 2013, what
19 happened on that one?

20 A. At that meeting the changes to the bylaws were --
21 proposed changes to the bylaws were voted on, and this is a
22 reflection, a recording, of that action.

23 Q. And were the proposed changes to the bylaws approved?

24 A. They were.

25 Q. Reverend Fenters, to the best of your knowledge, all

1 notice, proper notices, were given to notice the
2 congregational meetings?

3 A. To the best of my knowledge they were, yes.

4 Q. Okay, sir. About how many -- what is the average
5 attendance at Trinity Church?

6 A. Every Sunday attendance is around 100 souls.

7 Q. Okay, sir. And so, Reverend Fenters, Trinity Church
8 then is, if I can phrase this correctly, a member of the
9 Diocese of South Carolina; is that correct?

10 A. That's correct.

11 Q. And has no affiliation with the national church?

12 A. That's correct.

13 MR. WILLIAMS: Okay, sir. Thank you, sir. If anybody
14 else has any questions, please answer.

15 THE COURT: Any by the plaintiffs? All right. Mr.
16 Beers, Mr. Tisdale?

17 MR. BEERS: No, Your Honor.

18 MR. TISDALE: I have a few, Your Honor.

19 THE COURT: All right.

20 CROSS-EXAMINATION BY MR. TISDALE:

21 Q. Good morning, Father Fenters.

22 A. Good morning.

23 Q. You said that the parish received a quitclaim deed,
24 which is one of the exhibits?

25 A. Yes, sir.

1 Q. And you said, I believe, that you had heard that you
2 might be receiving one?

3 A. Yes.

4 Q. What did you understand was the purpose of the quitclaim
5 deed?

6 A. The purpose of the quitclaim deed was that the Diocese
7 of South Carolina had no interest in our property.

8 Q. Did you know of any interest that it did have?

9 A. No.

10 Q. And who signed the deed? What organization and by whom?

11 A. This deed was signed by the Right Reverend Mark J.
12 Lawrence, bishop of the Episcopal Diocese of South Carolina,
13 and was signed also by Paul C. Fuener, authorized committee
14 member of the standing committee of the Diocese of South
15 Carolina, and also signed by Paul C. Fuener again as its
16 president and by several witnesses.

17 Q. That's fine. Did the parish -- Trinity Pinopolis is a
18 parish, is it not?

19 A. It is.

20 Q. And did the parish receive anything it didn't already
21 have when that deed arrived?

22 A. Not to my knowledge.

23 Q. Have you, since you've been in the Diocese as a priest,
24 attended annual conventions and special conventions of the
25 Diocese?

1 A. Yes.

2 Q. And has Trinity Pinopolis during the time you've been
3 there sent delegates to the diocesan convention?

4 A. Yes, we have.

5 Q. As far as you know, has the parish always participated
6 in the diocesan convention?

7 A. As far as I know we always have.

8 Q. And at least up until 2012 certainly, the parish has
9 been in union with the convention, has it not?

10 A. The convention, yes, it has.

11 Q. It has. When did Trinity cease being an Episcopal
12 church?

13 A. I would say that would be when the Diocese disassociated
14 from the national church.

15 Q. Would that have been in the fall of 2012?

16 A. That's correct.

17 Q. And is it no longer an Episcopal church?

18 A. It is. We call ourselves Trinity Episcopal Church, but
19 we are not affiliated with the national church.

20 Q. You still call yourselves Trinity Episcopal Church?

21 A. Yes, we do.

22 Q. Do the signs on the church indicate that?

23 A. They do.

24 Q. What signs do you have that say that you are an
25 Episcopal church?

1 A. We have one on our street and we also have one that's on
2 the -- on the office side of our parish hall.

3 Q. What do those signs say, Father?

4 A. The one on the street says "Trinity Episcopal Church,"
5 date of our establishment, lists some information about our
6 Sunday morning services. It also has a place below that to
7 insert removable letters. The one on the parish hall says
8 "Trinity Episcopal Church Office."

9 Q. And you say that you're an Episcopal Church, but you
10 acknowledge, I gather, that you have no association in any
11 way with the Episcopal Church?

12 A. That's correct.

13 Q. Is it your understanding that when a parish makes annual
14 contribution to the diocese, whatever diocese it's in in the
15 Episcopal Church, that usually part of the money from the
16 diocese that you give goes to the Episcopal Church, the
17 national church?

18 A. I know that has been common practice in the past.

19 Q. And do you know of any reason it doesn't still go on
20 today?

21 A. I don't know. I don't know.

22 Q. Don't know today. Did it? Was that the practice before
23 you all departed from the Episcopal Church?

24 A. As far as I know -- I don't know the answer to that.

25 Q. Has Trinity Church Pinopolis ever informed the Diocese

1 of South Carolina not to send any money to the national
2 church?

3 A. I believe we have. I can't cite dates on that, but I
4 believe we have done that, yes, sir.

5 Q. Do you know when or what years?

6 A. I know that was done in some of the early years of my
7 tenure at Trinity. I don't recall us doing that recently.

8 Q. Have you studied the history of Trinity Church
9 Pinopolis?

10 A. Have I studied?

11 Q. Yes.

12 A. As much history as available, yes, sir.

13 Q. And based upon that study of the history of the parish,
14 are you able to say whether or not the Episcopal Church or
15 any part of it has made grants, loans, or any other financial
16 contributions to the parish?

17 A. To the best of my knowledge, no.

18 Q. Okay. Why did Trinity Pinopolis decide to depart from
19 unity with the Episcopal Church?

20 A. Our decision was -- we didn't make that decision
21 unilaterally. Our decision was because we were part of
22 the -- we supported the decision made by the Diocese.

23 Q. Did you have any independent reason yourself for wanting
24 to depart?

25 A. Independent reason?

1 Q. From the Diocese. You said you wanted to stay with the
2 local Diocese, right?

3 A. Yes, sir.

4 Q. My question is whether or not the parish itself had any
5 reasons that caused it to depart from its connection with the
6 Episcopal Church?

7 A. I wouldn't be able to speak for the parish as to exact
8 reasons for that.

9 Q. Were there reasons?

10 A. I don't know.

11 Q. Don't know?

12 A. I don't know.

13 Q. Does the parish continue to use the Book of Common
14 Prayer --

15 A. Yes, we do.

16 Q. -- for whatever it offers?

17 A. Yes, we do.

18 Q. And you have them in your pews?

19 A. We do.

20 Q. That's the Book of Common Prayer of the national church?

21 A. It's the Book of Common Prayer 1979, yes.

22 Q. Of the Episcopal Church? It says on the title page,
23 doesn't it, "Book of Common Prayer of the Episcopal Church"?

24 A. I don't remember exactly what the title page says, but
25 if that's what it says, that's what it is.

1 Q. Does Trinity Pinopolis have any loans, debts, mortgages
2 on its property?

3 A. No.

4 Q. Does Trinity Church possess any trusts that lend to
5 support that have been contributed by people in the past?

6 A. We have a small trust of \$7500 that was contributed, I
7 believe, back in the 1920s, if I'm getting my dates right.

8 Q. What?

9 A. I said if I'm getting my dates right, it was in the
10 1920s.

11 Q. What's the name of that trust, if it has one?

12 A. The Roosevelt Fund I believe is what it's called.

13 Q. And you say it has a corpus or body or value now of
14 about \$7500?

15 A. Yes, sir.

16 Q. And who manages that money?

17 A. The vestry.

18 Q. And does the vestry also possess a copy of the trust
19 instrument?

20 A. I don't know if we do or not. I would think we do, but
21 I can't say for 100 percent certainty that we do.

22 Q. And if we want to see a copy of it, would we get in
23 touch with the vestry about that?

24 A. Yes, sir.

25 Q. Or Mr. Williams?

1 A. Yes.

2 Q. Do you know, based upon your review of the information
3 you've testified about here today, when and under what
4 circumstances Trinity acquired its present property upon
5 which the church rests?

6 A. It was received over a number of years through a variety
7 of gifts or through the exchange of money for the property,
8 the exchange of money I think every time, in small amounts,
9 nominal amounts, for most of the deeds. The one that has --
10 was the -- had the most money involved was I think \$55,000
11 for one piece of property.

12 Q. For one of the pieces of property?

13 A. One of the pieces of property that composed the land we
14 rest on, yes, sir.

15 Q. Well, now, how large is the tract of land that the
16 church is on right now?

17 A. I don't know the acreage. It's not a big piece of land.

18 Q. Do you know where it came from?

19 A. It's listed in the deeds I believe, but it came from
20 Fishburn's family and also from the Morgan family, John
21 Morgan.

22 Q. Okay. And was there a time that the parish was in
23 another building, another church building?

24 A. A building had to be torn down and a new building built,
25 not in another location, no.

1 Q. It was the same location?

2 A. Yes.

3 Q. And it was at a smaller white wooden building?

4 A. Yes, it was.

5 Q. Do you presently draw any pension from the Episcopal
6 Church?

7 A. Yes, I do.

8 Q. And tell us, sir, since when did you become eligible to
9 begin drawing that pension?

10 A. When we were no longer associated with the Episcopal
11 Church.

12 Q. And is that pension one that is sponsored by the
13 national church?

14 A. It is the church pension fund.

15 Q. Church pension fund?

16 A. Yes, sir.

17 Q. And that is a division of the Episcopal Church United
18 States of America, isn't it?

19 A. I don't know the exact connection between the two, but I
20 know there is one. I don't know exactly what it is.

21 Q. There is one. You agree that there is one?

22 A. I don't know if there is or not.

23 Q. All right. And are you an Episcopal priest now?

24 A. No.

25 Q. All right. When did you cease? You were an Episcopal

1 priest, weren't you?

2 A. I was, yes.

3 Q. And when did you become not an Episcopal priest?

4 A. When we disassociated from the -- when the diocese
5 disassociated from the national church.

6 Q. Would that be in early 2013?

7 A. I'm sorry, sir?

8 Q. Would that be in early 2013, late 2012?

9 A. Well, that would have been in late 2012.

10 Q. Father, have you been relieved of any duties or
11 responsibilities that you owe to the Episcopal Church, the
12 national church?

13 A. Yes, I have.

14 MR. TISDALE: Thank you.

15 Thank you, Your Honor.

16 THE WITNESS: Thank you.

17 THE COURT: All right. Redirect?

18 REDIRECT EXAMINATION BY MR. WILLIAMS:

19 Q. Just one question, Reverend Fenters. Your pension from
20 the national church is something that you earned during your
21 tenure as a priest; is that correct?

22 A. Yes, that's correct.

23 Q. Okay, sir. Fine. And at this present time you no
24 longer contribute to that fund?

25 A. That's correct.

1 Q. Thank you, sir.

2 A. Yes.

3 THE COURT: Mr. Beers, yes.

4 RECROSS-EXAMINATION BY MR. BEERS:

5 Q. Father, my name is David Beers.

6 A. Good morning.

7 Q. You didn't contribute to the pension fund yourself, did
8 you?

9 A. No. Contributions were made on my behalf by Trinity,
10 Trinity Episcopal Church, yes.

11 Q. And other churches before you went to Trinity?

12 A. Yes. There would have been old St. Andrew's Parish
13 Church in Charleston.

14 Q. So ever since you were ordained in the Episcopal Church,
15 some Episcopal Church contributed moneys on your behalf for
16 your pension?

17 A. That's correct.

18 Q. And do you recall what they contributed was about 18
19 percent of whatever you were paid?

20 A. I think that's a fair number.

21 Q. It's a generous pension fund, isn't it?

22 A. It is.

23 Q. And you're now receiving those benefits?

24 A. Yes.

25 Q. Thank you.

1 A. Thank you.

2 MR. BEERS: Nothing further, Your Honor.

3 THE COURT: All right. Mr. Tisdale?

4 MR. TISDALE: Nothing further, Your Honor.

5 THE COURT: Anything from anyone else? Thank you, sir.

6 You may come down.

7 Call your next witness, please.

8 (Plaintiff's Exhibits SD-1 through SD-17 premarked for
9 identification.)

10 RICHARD LANE BROWN, III,
11 being first duly sworn, testified as follows:

12 THE COURT: If you'd state your full name for the
13 record, please, and spell your last name.

14 THE WITNESS: Richard Lane Brown, III, B-R-O-W-N.

15 THE COURT: All right. Your witness, sir.

16 MR. EASTERLING: May it please the Court, thank you,
17 Your Honor. My name is Harry Easterling, Jr. I represent
18 the plaintiff, St. David's Church. We're from Cheraw.

19 THE COURT: All right.

20 DIRECT EXAMINATION BY MR. EASTERLING:

21 Q. Mr. Brown, what town do you live in?

22 A. Cheraw, South Carolina.

23 Q. And what church do you attend there?

24 A. St. David's Church.

25 Q. How many members do you have, roughly?

1 A. We have approximately 115.

2 Q. Okay. Are you a member?

3 A. Yes, I am.

4 Q. When did you start attending the church?

5 A. I started attending the church in early or mid-2008 and
6 was received, I believe, at the end of that year.

7 Q. And after you were received, did you hold any leadership
8 roles in the church?

9 A. Yes, I did.

10 Q. What leadership positions have you held?

11 A. I was elected to the vestry and served as a member of
12 the vestry in the calendar years 2009 and 2010 and '11, and
13 then I was elected as senior warden and served as senior
14 warden in the years 2012 and '13.

15 Q. Do you currently hold any other positions in the church?

16 A. No, I do not.

17 Q. Have you had a chance to learn a little bit about the
18 history of St. David's, like, for instance, when was the name
19 St. David's Parish -- where did that originate from?

20 A. St. David's Church traces its early history to an act of
21 the colonial assembly in 1768. The original church was
22 completed in approximately 1773. Thereafter the church
23 endured or went through two conflicts, served as a military
24 hospital for Cornwallis' soldiers during part of the
25 Revolutionary War, and thereafter served as Union Federal

1 Hospital No. 1 for Sherman's soldiers during its march
2 through the South in March of 1865. The church recovered
3 following the Civil War, began to grow. A decision was made
4 to relocate on West Market Street. The cornerstone of the
5 present church was laid just before the First World War in
6 1914, construction completed in 1919, and the parish has
7 occupied that sanctuary continuously since its completion.

8 MR. EASTERLING: Your Honor, please. I understand that
9 all of our trial exhibits have been --

10 THE COURT: Consented to.

11 MR. EASTERLING: -- consented to.

12 THE COURT: All right. And what are the numbers?

13 MR. EASTERLING: The numbers are 1 through 17 inclusive.

14 THE COURT: Very well. Is that correct?

15 MR. TISDALE: With one just minor thing we've had
16 before. We find Exhibits 2 and 11 we can't read, and if
17 he'll let us agree to correct that, after his testimony we'll
18 have no objection except for that.

19 THE COURT: Is that acceptable?

20 MR. EASTERLING: Your Honor, please, these are both very
21 old documents. That's the best copy. One is actually
22 something that we took off the wall and xeroxed a copy of.
23 The other is a copy of a deed that is handwritten and came
24 out of the Courthouse. It is what it is, Judge. I mean I
25 don't have the original deed.

1 THE COURT: Let me see them and see if they're --
2 because, obviously, I can't admit documents if they're not
3 legible. That doesn't help anybody. So let me see.

4 MR. EASTERLING: Your Honor, I do believe that they can
5 be read.

6 THE COURT: I'll let you know in a minute.

7 MR. TISDALE: He may be able to somehow get better
8 copies, Your Honor, blow them up or something.

9 MR. EASTERLING: Well, I have no objection to taking the
10 copies that I have and blowing them up on 11 x 17 paper, if
11 that would be acceptable. Is that acceptable?

12 MR. TISDALE: To try to get a better copy?

13 MR. EASTERLING: Yes, sir.

14 MR. TISDALE: We would agree that they're admissible if
15 you can give us better copies. If you can't, we would have
16 to object to them. As the Judge said, no point having
17 something in the record nobody can read.

18 MR. EASTERLING: Your Honor, I don't have a problem
19 trying to blow up these documents.

20 THE COURT: Let me say this about Exhibit No. SD-2: I
21 would appreciate that you blow it up and do the best that you
22 can, but I'm not going to not admit it. I think -- and you
23 do that as a courtesy, but the language that is important to
24 this document is legible. I can read it. I can discern it.
25 What is difficult to read are the names of the incorporators.

1 I don't care who the incorporators are. It's clear that
2 there are names here, and this document is sufficiently old
3 that these people aren't going to be around anyway. So I'm
4 not concerned about it. You do that as a courtesy.

5 MR. EASTERLING: Yes, ma'am.

6 THE COURT: But I will not not admit it for that reason.

7 Now, what was the other one?

8 MR. TISDALE: 11, Your Honor.

9 THE COURT: Let me look at 11.

10 Let me tell you about 11.

11 MR. EASTERLING: Yes, ma'am.

12 THE COURT: 11 is obviously titled "Real Estate." St.
13 David's Church can be discerned. This document I think can
14 be improved, and the blowing up and darkening it may be
15 sufficient.

16 MR. EASTERLING: Yes, ma'am.

17 THE COURT: This one I'm more concerned about it. I can
18 tell its title, but I can't read a description, and that
19 concerns me, but I'm confident if you work on this that it
20 can be improved.

21 MR. EASTERLING: Your Honor, would the defendants --

22 THE COURT: I'm going to conditionally admit it. If
23 after you've done that there's a concern, I expect you to
24 bring that to my attention.

25 MR. EASTERLING: What if I transcribe it, have it typed?

1 THE COURT: Well, that's fine, but they're still
2 entitled to be able to make the determination whether or not
3 what you have transcribed is appropriate.

4 Now, if you have a court reporter that attests to it,
5 that might be something else, and you may simply -- I share
6 this with you for what it's worth. I saw a document from
7 1785 that the way that it was duplicated -- and I don't know
8 -- I don't know which of these three folks -- I am suspicious
9 it might have been Mr. Platte, but I'm not positive about
10 that, only because if I happened to be either Mr. Runyan or
11 Ms. Golding, I'd have made him do it, but however they
12 reproduced that document, they took a document that I
13 couldn't read very well and somehow turned it into a document
14 that was very easy to read.

15 I'm not sure what they did. I'm confident, though, that
16 Mr. Platte didn't sit down there and go over the -- take this
17 ancient document and write over it, but you might want to
18 just check with them because I don't know what they did to
19 it, but it was remarkable, and maybe it's just Xerox does
20 something special.

21 That would be my concern about No. 11. I'm going to
22 conditionally admit it. I expect to hear from you all if
23 it's illegible. It's obviously titled "Real Estate," and
24 certainly this is the best evidence, but if somebody was able
25 to read it and can testify, I'm going to hear that too.

1 MR. EASTERLING: Thank you, Your Honor. I understand.

2 THE COURT: Everything else is in without a conditional
3 admission. Thank you.

4 MR. EASTERLING: Thank you, Your Honor.

5 THE COURT: All right.

6 (Plaintiff's Exhibits SD-1 through SD-17 admitted into
7 evidence.)

8 Q. Mr. Brown, is St. David's, Incorporated?

9 A. Yes, it is, and it was incorporated by the State of
10 South Carolina as of October 1st, 1915.

11 Q. Has it been in continuing operation since that date?

12 A. Yes, it has.

13 Q. Does it have written bylaws?

14 A. Yes, it does.

15 Q. Do these bylaws describe a board of directors?

16 A. Describes them in the sense that the board of directors
17 is the vestry of the parish.

18 Q. And officers?

19 A. Yes. The bylaws provide for officers including the
20 rector, the senior warden, the junior warden, secretary and
21 treasurer of the parish.

22 Q. What exactly are the governing documents of this
23 particular incorporation?

24 A. There are actually three documents. First would be the
25 certificate of incorporation from 1915 and any amendments,

1 then the constitution of the parish followed by the bylaws of
2 the parish.

3 Q. Does St. David's own any real estate?

4 A. Yes, it does.

5 Q. Are the deeds that are held by the parish found in
6 Exhibits 4, 5, 6, 7, 8, 9, 10 and 11?

7 A. Collectively those exhibits, or deeds, represent the
8 real property owned by the parish.

9 Q. Okay. Generally describe what kind of property this is.

10 A. Well, of course we have the sanctuary and the church
11 offices, there is an education wing to the sanctuary as well
12 as a parish hall and then attendant grounds for the property,
13 plus a rather large vacant lot that adjoins the sanctuary.

14 Q. The cemetery, is this the cemetery in Cheraw, or is this
15 the cemetery in Chesterfield?

16 A. It's actually an old cemetery located between
17 Chesterfield and Cheraw that was originally, I think,
18 acquired in two parcels of land, and we probably have a net
19 of about two acres now in the cemetery proper.

20 Q. Did St. David's receive a quitclaim deed from the
21 Diocese?

22 A. Yes, it did.

23 Q. Did it record it?

24 A. It received the deed in November of 2011, but the deed
25 was not recorded until late February of 2012.

1 Q. Okay. Is that deed Exhibit 3, for the Court?

2 A. That is Exhibit 3, the so-called quitclaim deed.

3 Q. All right. Let's move on to Exhibit 12. Mr. Brown,
4 what is that?

5 A. Those are the minutes of a regular meeting of the vestry
6 held on December 13th, 2012.

7 Q. Was a quorum present?

8 A. Yes, it was.

9 Q. What action did the vestry take at that meeting?

10 A. The vestry adopted a resolution that contained a group
11 of three amendments. That resolution with amendments would
12 be submitted to a called meeting of the parish members after
13 giving notice, and the resolution would permit the members of
14 the parish to have a straight up or down vote on whether they
15 wanted to remain in alignment with the Diocese and Bishop
16 Lawrence or whether the parish wanted to be affiliated with
17 the national church.

18 Q. Was a parish meeting scheduled?

19 A. A parish meeting was scheduled and noticed for January
20 13, 2013. Prior to that parish meeting there were a series
21 of communications and other meetings with members of the
22 parish in order that there might be an informed discussion of
23 the issues relating to the contemplated vote.

24 Q. Let's skip over Exhibit 13 for a minute and turn to
25 Exhibit 14.

1 A. Yes.

2 Q. What are these documents, Mr. Brown?

3 A. These were the proposed amendments to the constitution
4 of the parish, to the bylaws of the parish, and a necessary
5 amendment to the corporate charter of the parish.

6 Q. And are there also notice provisions and rules in 14?

7 A. Yes. In Exhibit 14 we have the formal notice that was
8 given to the members of the parish together with the voting
9 rules and procedures that were prepared in a manner
10 consistent with the bylaws of the parish.

11 Q. All right, sir. Now let's turn back to Exhibit 13.

12 A. Yes, I have Exhibit 13.

13 Q. What are these?

14 A. Exhibit 13 is the minutes of the parish meeting held on
15 January 13, 2013, at which time a quorum of the parish
16 members voted on the issues of alignment and affiliation.

17 Q. Okay.

18 A. The document immediately behind the two-page minutes is
19 a copy of the ballot that was provided to the members of the
20 parish.

21 Q. All right, sir. And following that?

22 A. Following that we have a certificate of adoption of the
23 amendments, a quorum of 90 confirmed members having been
24 present and voting by a vote of 62 in favor and a vote of 22
25 against the parish, voting to approve the proposed amendments

1 which permitted the parish to align itself with and accede to
2 the Protestant Episcopal Diocese of South Carolina.

3 Q. All right, sir. And Exhibit 15, please explain to the
4 Court what that is.

5 A. Following the approval of the amendments at the January
6 13 meeting, it was necessary with respect to the articles of
7 incorporation to formally file that amendment with the South
8 Carolina Secretary of State, and that was done several weeks
9 after the called meeting of the members.

10 Q. And is that your signature on the document, sir?

11 A. That is my signature, that is correct.

12 Q. Did the vestry take any other action following the vote
13 and the filing of those amendments?

14 A. Yes. The vestry did take several actions at its regular
15 monthly meeting on January 17, 2013.

16 Q. Is that Exhibit SD-16?

17 A. That is Exhibit 16, that's correct.

18 Q. Did the vestry pass any resolutions during that meeting?

19 A. There were several actions taken. While the minutes
20 speak for themselves, the first two approving actions were
21 with respect to legal representation. The vestry also
22 adopted a resolution requesting that the new Episcopal Church
23 and its interim bishop cease and desist from using the name
24 St. David's Church in any of its website or other postings.

25 There was also action taken to approve the delegates

1 serving at the Charleston Convention scheduled for later in
2 January, and the final action taken was for the St. David's
3 Parish to join the present litigation which is the subject of
4 these proceedings today.

5 Q. If you know, how many churches in the Cheraw area use
6 the word "Episcopal" in their name?

7 A. Well, St. David's Church is the only parish of the
8 Diocese in Chesterfield County; however, in Chesterfield and
9 Marlborough Counties, to my knowledge there are approximately
10 ten churches that use the name "Episcopal" and, more
11 specifically, that is the AME Zion Church or the
12 African-American Episcopal Church, which was chartered, if I
13 remember, as early as 1795, and has been using the name
14 "Episcopal" in its title for its churches continuously.

15 Q. Has the use of that similar name posed a problem for St.
16 David's?

17 A. It has not posed a problem for us, nor for them, as I
18 would believe.

19 Q. Insofar as the incorporated name of the church, what is
20 that?

21 A. St. David's Church, Cheraw, South Carolina.

22 Q. Thank you. Exhibit 17?

23 A. I have it.

24 Q. Mr. Brown, what is that?

25 A. This is a letter notification from the Internal Revenue

1 Service to the parish dated May 1st, 2008.

2 Q. And does St. David's have a separate tax ID number?

3 A. St. David's made inquiry regarding its tax exempt
4 status, and for a number of years prior to 2008 it has had
5 its own stand-alone TIN or EIN.

6 Q. All right, sir. During your tenure with St. David's,
7 has it received any funds from the national church?

8 A. None to my knowledge.

9 Q. Or from the defendant Diocese?

10 A. None to my knowledge.

11 Q. Does St. David's have any continuing relationship with
12 the national church or the continuing Diocese?

13 A. None.

14 Q. Does St. David's pay on any loans or grants from either
15 organization?

16 A. No, we do not.

17 Q. All right, sir.

18 MR. EASTERLING: I ask the Court's indulgence.

19 THE COURT: All right.

20 MR. EASTERLING: Thank you, Your Honor.

21 One more question, please, Your Honor.

22 THE COURT: Certainly.

23 Q. Mr. Brown, looking at Exhibit 17 --

24 A. Yes.

25 Q. -- would you direct your attention to the second

1 paragraph which begins "Churches". Would you read those
2 first two sentences which end at the words "refer to."

3 A. Yes. "Churches, their integrated auxiliaries and
4 conventions or associations of churches that meet the
5 qualifications for exemption are automatically considered tax
6 exempt under Section 501(c)(3) of the Internal Revenue Code
7 without applying for formal recognition of such status. No
8 determination letters are issued to these organizations."

9 MR. EASTERLING: Thank you, Mr. Brown. Please answer
10 any questions that Mr. Beers or Mr. Tisdale may have.

11 THE COURT: All right. Nobody else from plaintiff side?
12 All right. Very well. Mr. Beers?

13 CROSS-EXAMINATION BY MR. BEERS:

14 Q. Let's start with that last question. When you said that
15 the parish has its own EIN, do you know what those letters
16 stand for?

17 A. Employer identification number or used synonymously with
18 tax identification number. TIN, EIN are used
19 interchangeably.

20 Q. That has nothing to do with whether your entity is
21 exempt from federal income tax?

22 A. We are automatically exempt by virtue of being a church
23 under the regulations under Section 501(c)(3).

24 Q. Right, but the fact that you had an EIN has nothing to
25 do with your tax exemption?

1 A. We have to have an EIN because we have payroll and we
2 have payroll tax requirements we must satisfy.

3 Q. Now, do you know whether or not the Diocese of South
4 Carolina for a number of years was asked to be and was
5 covered by the Episcopal Church national church's group
6 exemption?

7 A. I was advised that there was a group exemption, but our
8 independent inquiry has indicated that St. David's Church is
9 not under the group exemption.

10 Q. And did that letter tell you that St. David's was not
11 listed under the group exemption, or did that letter say that
12 there is no record at the IRS that St. David's was included
13 in that exemption?

14 A. The letter states in the first paragraph, "We have no
15 record that your organization has been recognized as exempt
16 under 501(a), but it is still exempt by virtue of other
17 provisions of the code."

18 Q. But you would not be able to dispute me, contradict me,
19 if I told you St. David's was in fact included within the
20 Diocese of South Carolina's group exemption under the
21 national church's group exemption?

22 A. I have no information, independent information, that
23 indicates that's the case one way or the other.

24 Q. Thank you. And one other thing -- well, not one other
25 thing. In your study of the history of the church, of your

1 parish, have you come across any evidence that the parish was
2 given loans by an agency of the Episcopal Church back in the
3 early part of the 20th century?

4 A. I have no information regarding any loans.

5 Q. Now, you've changed the name of the church from St.
6 David's Episcopal Church to St. David's Church, have you not?

7 A. The corporate charter, as reflected in Exhibit 2, states
8 that the name is St. David's Church Cheraw, Cheraw, South
9 Carolina, and that name has not been changed or amended.

10 Q. Would you agree with me that for many years St. David's
11 was also known as St. David's Episcopal Church or St. David's
12 Protestant Episcopal Church?

13 A. Yes, because we were under a bishop. That's what
14 Episcopal meant.

15 Q. But you were also known as St. David's Protestant
16 Episcopal Church?

17 A. I'm not aware since I have been a member of the use of
18 the term as the name for the parish "St. David's Protestant
19 Episcopal Church." It's just St. David's Church.

20 Q. But if you were to look at Exhibits 4, 5 and 6, which
21 are deeds directed to your parish, would you agree -- if you
22 did that, would you see, do you think -- well, would you
23 agree with me that the grantee in each of those deeds is St.
24 David's Protestant Episcopal Church?

25 A. Yes. There are various grantee designations, and that's

1 one of them.

2 Q. Okay. Thank you. Now, do you remember that the
3 constitution of the parish was changed in 1982?

4 A. I'm not aware of a 1982 amendment. What I have been
5 working with is the 1992 revised constitution and bylaws of
6 the parish.

7 Q. And tell me, what does that version of the constitution
8 say? Do you have a copy of it with you? You don't, do you?

9 A. No, I do not.

10 Q. Let me ask you this: Do you remember that in Section 1
11 of the constitution that was in effect at that time that
12 Section 1 provided something like this, the organized parish
13 of St. David's Church accedes to and adopts the constitution
14 and canons of the Protestant Episcopal Church in the United
15 States of America?

16 A. Mr. Beers, I have not seen that document. I am not
17 familiar with it. If you are going to examine me regarding
18 that document, I would appreciate your furnishing me a copy.

19 Q. I'm talking about the document that you said you were
20 working with.

21 A. The 1992 revision?

22 Q. Yes.

23 A. Yes, I'm aware of that accession language in the
24 constitution and similar to in the bylaws.

25 Q. Thank you. That's what I meant. That's all I wanted to

1 know about that.

2 Now, would you turn to your Exhibit 2? Do you have it
3 in front of you?

4 A. Yes, I do.

5 Q. Would you look at Clause Fourth?

6 A. Yes.

7 Q. Would you agree that what it says is "The purpose of the
8 said proposed corporation is" and then there's some
9 handwriting?

10 A. I see that language.

11 Q. All right. Now, would you follow along with me and tell
12 me whether you think that I have read the handwritten
13 language correctly? All right. "The purpose of the said
14 proposed corporation is for the continuance and renewal of
15 religious worship according to the forms, rules, canons,"
16 misspelled, "and practices of the Protestant Episcopal Church
17 in the United States of America and for the conduct and
18 promotion of educational, social, fraternal, charitable and
19 general eleemosynary purposes as recognized and authorized by
20 the laws of said church under the conduct, control and
21 direction of said church."

22 Would you agree that's what that says?

23 A. Yes, and that is also the language in the corporate
24 charter which we modified by the approving vote on January
25 13, 2013.

1 Q. But between 1915 and 1913 that document was in effect,
2 in force?

3 A. To the best of my knowledge it was.

4 MR. TISDALE: 2013.

5 MR. BEERS: 2013.

6 THE WITNESS: 2013.

7 Q. Back to the bylaws, what you told us were the 1992
8 bylaws -- by the way, in the 1992 bylaws, Article Section 1
9 that we talked about, the accession paragraph, that was not
10 new in 1982, was it? 1992. I'm sorry. Apologize. 1992 was
11 not new then?

12 A. I have nothing older to make the comparison with, Mr.
13 Beers.

14 Q. That's fine. But if I said that there was a revision in
15 1982 --

16 MS. GOLDING: Your Honor, he's already testified he's
17 not aware of that 1982 document.

18 MR. BEERS: If I were to represent to you that we will
19 introduce evidence that earlier versions of the bylaws
20 included the same language, would you be in a position to say
21 that is wrong?

22 MS. GOLDING: Your Honor, he's already testified.

23 THE COURT: I sustain the objection.

24 MR. BEERS: All right. Now I have a question, Your
25 Honor, for counsel.

1 THE COURT: Which one?

2 MR. BEERS: I've got one for each one in the room, Your
3 Honor. I would like -- I wanted to question him about a
4 memorandum of the senior warden to the vestry of November 23,
5 2012, and I would like to know whether you produced that.

6 MS. GOLDING: He's doing cross-examination of a witness.

7 THE COURT: I think that's what you're doing, this guy.

8 MR. BEERS: Your Honor, this is an unusual situation.

9 THE COURT: You can say that again. I've never quite
10 had that happen before. Are you finished with this witness?

11 MR. BEERS: No.

12 THE COURT: Do you have any other questions for him?

13 MR. BEERS: I can ask for a recess. I can ask for a
14 recess, but the reason I asked the question is since we've
15 gotten here, several of the parishes have supplemented their
16 production of documents and we've not had a chance to go
17 through them, and I will ask -- just as a matter of courtesy,
18 I was trying to find out whether the supplemental production
19 included a document. I wasn't going to ask him questions
20 about it, but I'll talk to counsel at the break. Excuse me.

21 THE COURT: Would it be of assistance -- because we're
22 ready for a break now, would it be of assistance to you to
23 take a break now, you can ask the question during the break,
24 and then finish your examination?

25 MR. BEERS: Sure.

1 THE COURT: We will do that now. It's a good time for
2 our break, so we'll do that. We'll take 15 minutes.

3 Do not discuss your testimony during our break of 15
4 minutes.

5 (Recess held.)

6 THE COURT: Mr. Beers, were you able to get your
7 question answered?

8 MR. BEERS: I think so, maybe even favorably answered.

9 Q. Mr. Brown, in November of 2012 you wrote at least two
10 memoranda to the vestry about what I would describe as
11 interesting historical matters of the parish that you had
12 discovered and thought, evidently thought, should be
13 memorialized. Do you remember that?

14 A. I recall those memoranda.

15 Q. The memoranda that you wrote in November that's dated
16 November 23, 2012, memorandum to the vestry, described the
17 1923 sentence of consecration of the church building by the
18 bishop. Do you remember that?

19 A. Would you refresh my recollection by providing me a copy
20 of the memorandum, since you are referring to it?

21 Q. I can't do that. I don't have it here, but I've had
22 discussions with counsel, and perhaps I could work that out
23 with counsel.

24 A. I recall a reference.

25 THE COURT: Let me stop everyone. If you've asked for a

1 copy of it, he has to be provided a copy of it in order to
2 inquire of him. If we have it, we'll certainly try to
3 provide it, but you can't ask him about a document when he
4 has asked to see the document. It wouldn't be appropriate
5 under our rules.

6 MR. BEERS: As I said, I think I'll try to work this out
7 with counsel.

8 THE COURT: Super.

9 Q. I think you testified in your deposition that the parish
10 had insurance from the Church Insurance Company of Vermont.
11 Do you remember that?

12 A. I recall that testimony.

13 Q. And do you recall that the parish did have a policy with
14 Church Insurance of Vermont?

15 A. For many years it had several coverages with CIC
16 Vermont, but a decision was made to shop those coverages for
17 more favorable premiums, and changes were made effective
18 February a year ago.

19 Q. Church Insurance of Vermont is an affiliate of the
20 church pension fund, isn't it, Church Pension Group?

21 A. I'm not sure what that affiliation is. I'm not
22 personally -- I'm not aware of the affiliation.

23 Q. Okay. Has your parish, as long as you've been active in
24 it, paid insurance, paid pension premiums on behalf of your
25 clergy into the church pension fund?

1 A. You mean make pension contributions?

2 Q. Yes.

3 A. Not premiums, pension contributions?

4 Q. I meant that.

5 A. Yes, it has made pension contributions.

6 Q. And do you know whether the parish was required by the
7 canons of the national church to make those contributions?

8 A. I'm not aware of what the canons require in that regard,
9 but it was a practice that was ongoing and a part of the
10 contractual relationship between the parish and the rector.

11 Q. And did you have any understanding that your
12 contributions were mandatory regardless of where the
13 authority came from? Did you understand that you had to do
14 it?

15 A. I did not understand that they were mandatory. I
16 understood they were a part of the employment or the
17 contractual relationship between the rector, or priest, and
18 the parish.

19 Q. All right. Thank you. Did the parish ever have
20 traditional Episcopal Church signs near its building? What I
21 mean by traditional Episcopal Church signs, the ones that
22 said, "The Episcopal Church Welcomes You."

23 A. Yes, it did.

24 Q. Where did it have those?

25 A. Had two of those, one in the front of the church and one

1 on the side as you go into the parish office.

2 Q. And it has "The Episcopal Church Welcomes You" and then
3 the name of the parish?

4 A. That is correct.

5 Q. And presumably the address? Or maybe it didn't need the
6 address. Did it have the address?

7 A. I don't believe it had the address except maybe the West
8 Market Street address. I'm not sure.

9 Q. Refresh my recollection. When did you start going to
10 that church?

11 A. In the spring of 2008.

12 Q. So were those signs up during -- how long did those
13 signs stay up? Are they up there now?

14 A. Those signs are there now. The only change is that in
15 consequence of the pending litigation the Episcopal shield
16 was removed from each of those signs; otherwise, the signs
17 remain the same.

18 Q. Do they say, "The Episcopal Church Welcomes You"?

19 A. Well, Episcopal is indicative of having a bishop, and
20 that name is in common use, as I've previously testified, for
21 us as well as the AME Zion and other churches.

22 Q. So the signs are still there and they say, "The
23 Episcopal Church Welcomes You," but you have put something
24 over the Episcopal Church shield?

25 A. It was actually removed from the signs.

1 Q. I see. And when was that?

2 A. At some point in time after the commencement of the
3 present litigation, to the best of my knowledge.

4 Q. Now, throughout your lifetime as you've traveled outside
5 of South Carolina, have you seen similar signs that say "The
6 Episcopal Church Welcomes You"?

7 A. Yes, I have.

8 Q. Frequently?

9 A. From some travels, yes.

10 Q. And outside of South Carolina, outside of the Diocese of
11 South Carolina?

12 A. Outside of this Diocese.

13 Q. What did you think you would be going to if you followed
14 that sign to a building at the address that was shown on the
15 sign?

16 A. I would be going to a church where I could worship in a
17 liturgical setting.

18 Q. Didn't you assume that you were going to an Episcopal
19 Church?

20 A. The signs spoke for themselves. Episcopal, though, had
21 a much, much broader term to me. It meant a Christian place
22 of worship.

23 Q. But when you saw the signs as you traveled, didn't you
24 assume that if you went to that church, it would be a church
25 that had some relationship to the national church and that it

1 used the Book of Common Prayer and probably the hymnal
2 authorized by the national church?

3 A. I made no such assumption as to the national church, but
4 certainly after 1979 I reasonably assumed it would have the
5 Book of Common Prayer.

6 Q. These signs that say, "The Episcopal Church Welcomes
7 You," there's nothing on those signs that talks about a
8 Diocese, does it?

9 A. At the speed I was driving, I wouldn't pick up the word
10 "Diocese" even if it were on there.

11 Q. Well, you weren't driving quickly across the lawn of
12 your parish in front of your sign. Your sign doesn't talk
13 about the Diocese of South Carolina, does it?

14 A. No, it does not mention or contain the word "Diocese,"
15 Mr. Beers.

16 MR. BEERS: Your Honor, that's all I have.

17 THE COURT: All right. Yes, sir, Mr. Tisdale.

18 MR. TISDALE: Very briefly.

19 THE COURT: All right.

20 CROSS-EXAMINATION BY MR. TISDALE:

21 Q. Mr. Brown, does the St. David's Church owe money on any
22 of the property by way of a loan and mortgage?

23 A. Yes, it does, Mr. Tisdale.

24 Q. Could you explain that to me and tell me generally what
25 they are in amounts?

1 A. There is only one mortgage outstanding, secured by
2 parish property. That was a mortgage that my vestry booked
3 with First Citizens Bank to facilitate the funding for the
4 restoration of our very valued stained glass windows, and
5 that originally was around 160,000. I think it's been paid
6 down to somewhere around 40,000, and one of the members of
7 our parish very generously bought the position of the bank
8 and relieved us of having to pay interest on that mortgage.

9 The collateral that is hypothecated or that secures the
10 mortgage is only the rectory on Virginia Avenue.

11 Q. So you're saying that the rectory is burdened by this
12 mortgage but nothing else is?

13 A. That is correct.

14 Q. Does the parish have the benefit of endowment income
15 from trusts that it has?

16 A. It is not the beneficiary of any trusts.

17 MR. TISDALE: Thank you very much, Mr. Brown.
18 Appreciate your answers.

19 THE COURT: Redirect?

20 MR. EASTERLING: I don't have any other questions, Your
21 Honor.

22 THE COURT: Very well. You may come down. Thank you.
23 Call your next witness, please.

24 MR. RUNYAN: Your Honor, the vestry and church wardens
25 of the Episcopal Church of the Parish of St. Helena call

1 Suzanne Schwank.

2 (Plaintiff's Exhibits PCSH-1 through PCSH-33 premarked
3 for identification.)

4 SUZANNE WARREN SCHWANK,
5 being first duly sworn, testified as follows:

6 THE COURT: I'm going to ask you to state your full name
7 again and spell your last name.

8 THE WITNESS: My name is Suzanne Warren Schwank,
9 S-C-H-W-A-N-K.

10 DIRECT EXAMINATION BY MR. RUNYAN:

11 Q. Ms. Schwank, where do you live?

12 A. I live in Beaufort, South Carolina.

13 Q. How long have you lived there?

14 A. 26 years.

15 Q. Are you a member of a church?

16 A. I am.

17 Q. What's the name of that church?

18 A. I'm a member of the Parish Church of St. Helena.

19 Q. Is that church a plaintiff in this lawsuit?

20 A. Yes, it is.

21 Q. How many members does Parish Church of St. Helena have?

22 A. We have approximately 1900.

23 Q. Have you held any leadership positions in the parish?

24 A. Yes, I have.

25 Q. Could you briefly explain those for us?

1 A. I've been a member of the vestry. I've been junior
2 warden, senior warden. I have served as diocesan delegate,
3 and I currently have a position. The title is adviser for
4 vestry affairs.

5 Q. Could you explain what that is?

6 A. It's an advisory role. I meet with the wardens and the
7 rector monthly for a discussion of issues, vestry issues,
8 issues related to the parish. I attend all vestry meetings
9 and advise vestry if issues come up of procedure or process.

10 Q. How long have you had that position?

11 A. Nine years.

12 Q. First picture, please. Could you tell us what this is a
13 picture of?

14 A. Yes. That is the front of the parish church of St.
15 Helena. That picture is taken from Church Street.

16 Q. Are you generally familiar with the history of this
17 parish?

18 A. Yes, I am.

19 Q. How old is St. Helena?

20 A. St. Helena was created in 1712.

21 Q. And within that location does it occupy a city block?

22 A. Yes, it does.

23 Q. Map, please. Have you seen this document before?

24 A. Yes, I have.

25 Q. A little bit fine print. I'm going to ask if you would

1 please zoom in on that place I asked you to.

2 Could you just read this, tell us what this is?

3 A. That is identified on this map as Church Square. It
4 indicates four parcels, all four together identified as the
5 Church Square.

6 Q. Is that the location of where the parish church and
7 surrounding churchyard is?

8 A. Yes, it is.

9 Q. Do you know the approximate age of this map?

10 A. This map was created in 1717.

11 Q. Next picture, please.

12 Do you recognize this photograph?

13 A. Yes, I do.

14 Q. What is that a picture of?

15 A. This is a marker on the enclosure to the graveyard of
16 Colonel John Barnwell, also known as Tuscarora Jack.

17 Q. Do you know the date of his death?

18 A. 1724 I believe.

19 Q. Do you know the date when the church was completed?

20 A. Church was completed in the year 1724.

21 Q. Next picture, please.

22 Is this another photograph of the burial site?

23 A. Yes. The actual site, that's correct.

24 Q. Next picture, please.

25 Are there other individuals buried there that have been

1 buried there for quite a long time?

2 A. Yes. This is a picture of the grave marker for
3 Tuscarora Jack, one of his descendants, John Barnwell, who
4 died in the year 1800.

5 Q. Next picture. What is that a picture of?

6 A. That's a picture of the interior of the Parish Church of
7 St. Helena looking toward the altar.

8 Q. Next picture, please.

9 Do you recall that event?

10 A. Yes. That is the diocesan convention of 2012 which took
11 place in the Parish Church of St. Helena.

12 Q. Next picture, please.

13 What is that a picture of?

14 A. That is a picture of Old Sheldon Ruins, which is a
15 property owned by the Parish Church of St. Helena.

16 Q. That's a little odd. Could you tell us what that is?

17 A. That is the town crier, who at the moment, I believe, is
18 saying here ye, here ye. This was the opening ceremony of
19 our beginning of our tricentennial celebration which began in
20 January 2012, and what he was preparing to do was to read
21 letters of congratulations from various dignitaries, and that
22 included the governor of South Carolina, the mayor of
23 Beaufort, and Queen Elizabeth II.

24 Q. Next picture. Is that part of that opening ceremony?

25 A. Yes, it is. They're processing up the brick walkway

1 inside the historic churchyard to the front door of the
2 church.

3 Q. Next picture. Could you zoom in on the second
4 paragraph, please, sir.

5 Would you just read that for us, Ms. Schwank?

6 A. "Her majesty was interested to learn that the bishop of
7 London will be attending the ceremony and that the Parish
8 Church of St. Helena was founded in 1712 as a colonial parish
9 of the Church of England during the reign of Queen Ann."

10 Q. And at the top of that letter could you tell us on what
11 institution's stationery that is?

12 A. Buckingham Palace.

13 THE COURT: They didn't put their address.

14 MR. RUNYAN: Your Honor, I don't believe it's needed.

15 Q. Ms. Schwank, could you briefly describe the historical
16 development of the parish between its foundation in 1712 and
17 when it was incorporated?

18 A. Yes. It was created in 1712 by act of the South
19 Carolina Commons House of Assembly, and that was pursuant to
20 the Church Act of 1706. Five years later, 1717, the
21 commissioners of the Church Act granted a 50-acre glebe to
22 the Parish Church of St. Helena. In 1722 the church building
23 was begun and completed in 1724, and that was up until the
24 beginning of the Revolutionary War the church operated
25 continuously as a parish of the Church of England under the

1 Lord Bishop of London.

2 Q. You mentioned the word "glebe." Can you say what that
3 is?

4 A. A glebe -- my understanding of that word is that is both
5 a property and ecclesiastical phrase that describes land
6 grants to churches or parishes.

7 Q. Tell the Court, if you would, during that same period of
8 time, 1712-1786, who the leadership of the Parish Church of
9 St. Helena was?

10 A. The leadership would have been the vestry and church
11 wardens.

12 Q. And what sorts of powers did they have?

13 A. During the period of time leading up to the
14 incorporation?

15 Q. Yes.

16 A. The Church Act gave them full powers, all authority.
17 They acted not only as the governing authority for the parish
18 church during the colonial era in South Carolina. They also
19 acted as the local governmental political entity. So they
20 had both those powers as well as the ecclesiastical powers.

21 Q. Ms. Schwank, have you brought with you or had brought
22 with you today several older items?

23 A. Yes, we have several older items.

24 Q. I'm going to hand you the first of these, if I could.
25 And, first of all, I just ask you to please tell the Court

1 what that is.

2 A. This is a 1728 prayer book that is the property of the
3 Parish Church of St. Helena. It's referred to as the King
4 George, the Second Prayer Book. It was in continuous use in
5 our parish until the year 1790.

6 Q. Has it been modified in any way?

7 A. Yes, it has.

8 Q. How has it been modified?

9 A. There are two cards that are marking places. In one
10 particular place handwritten is a list of the royal
11 succession, names of the royal successors to King George II,
12 and, more interesting, in a second place there is a
13 handwritten very large X crossing out the portions of the
14 prayer book that are prayers for the royal family and the
15 king.

16 Q. Can you tell the Court what institution published this
17 book?

18 A. Yes. It was published by the Royal Bindery as a
19 commemorative, commemoration of the reign of King George II.

20 Q. Your Honor, these are available if the Court would like
21 to look at them. I do have a pair of gloves. I'm not
22 suggesting you do. I just want to make it available.

23 THE COURT: I would love to do that, but I'll wait and
24 do that at lunch. Oh, my gosh. What a treasure.

25 Q. I'm going to hand you one more and ask you if you can

1 tell the Court what this is.

2 A. This is the parish register for the Parish Church of St.
3 Helena. The earliest entry dates to 1706. The parish
4 register would be the record of all major life events of all
5 inhabitants in the parish, not simply members of St. Helena
6 but any Christians who were residents in the parish
7 geographic area. So it records all births, deaths,
8 marriages, confirmations, baptisms.

9 Q. Has this also been in the possession of St. Helena since
10 its creation?

11 A. With the exception of disappearing briefly during the
12 Civil War and then being returned to our parish.

13 Q. One final book.

14 A. This book is the vestry minutes of the Parish Church of
15 St. Helena. The earliest entry is 1724. That was the year
16 the building was completed. Likewise, it is not simply a
17 record of vestry minutes continuous up until -- the last
18 entry I believe is in 1812. It also records financial
19 matters of the government entity that was the Parish of St.
20 Helena.

21 Q. Ms. Schwank, at some time in the last -- in the recent
22 times has the parish adopted its original name?

23 A. Yes.

24 Q. What is that name?

25 A. The Parish Church of St. Helena.

1 Q. I want you to turn, if you would, in one of those pages
2 -- I think it's the first page -- and locate an entry where
3 that name appears, please. And if you would put that on the
4 screen, please, would you just read and give us the date of
5 that entry?

6 A. I don't believe what I'm looking at is the same as
7 what's on my screen.

8 Q. Then read what's on the screen.

9 A. What is on my screen is at a vestry held at the Parish
10 Church of St. Helena December 4th -- I'm sorry -- December
11 the 28th, 1726.

12 Q. And is that the name but for an E instead of the I that
13 the Parish Church of St. Helena has adopted as the name it is
14 doing business under?

15 A. Yes, it is.

16 Q. When was that done?

17 A. I'm sorry. This document that I'm reading?

18 Q. No, no, no, no. When did the parish church adopt that
19 name?

20 A. The first recorded use of that name was 1712.

21 Q. Okay. I'd ask you to turn over to another page that I
22 hope I have right that has a piece of paper between it.
23 Would you tell the Court if the word "Episcopalian" appears
24 on that sheet of paper?

25 A. Appears twice on this page.

1 Q. Could you tell us the date?

2 A. The date is the 7th of July, 1784.

3 Q. Would you just please read, if you're able to, the
4 paragraph that those two references are in?

5 A. There appears to be a heading of the paragraph wrote to
6 Mr. John King requesting him to procure a clergyman of the
7 Episcopalian Church, Beaufort, July 1794, and then you are
8 hereby requested and empowered to procure a clergyman of the
9 Episcopalian Church for the Town of Beaufort, South Carolina,
10 on the following terms.

11 Q. Thank you.

12 THE COURT: Wait a minute. Hold on. I want to see what
13 he was getting paid.

14 Q. What does it say?

15 A. 150 pounds sterling.

16 Q. The book that you just read from, could you tell us what
17 that is?

18 A. Yes. That is the vestry minute book.

19 Q. Vestry of what?

20 A. The Parish Church of St. Helena.

21 Q. Has that book been published?

22 A. Has that book been published in its entirety?

23 Q. Yes, if you know.

24 A. I'm sorry. I don't know.

25 Q. Is the Parish Church of St. Helena incorporated?

1 A. Yes, it is.

2 Q. How did it become incorporated?

3 A. We were legislatively incorporated in the year 1786.

4 Q. Did the members of the parish have to do something in
5 order for that to happen?

6 A. The first South Carolina constitution in 1778 after the
7 start of the Revolutionary War established -- disestablished
8 the Church of England as the state church, established the
9 Protestant religion as the state religion, and empowered
10 parishes then existing to petition the assembly for
11 incorporation.

12 MR. RUNYAN: Your Honor, at this time I'd move in
13 evidence Exhibit 1 through 33. I understand there are
14 legibility issues with Exhibits 4, 10 and 11, which I have
15 indicated that I will do my best to solve.

16 MR. BEERS: We have no objection.

17 MR. TISDALE: Except for the legibility issues on those
18 that he mentioned, we have no objection.

19 THE COURT: All right. Very well. Then let me say
20 this: They will be conditionally admitted. I just want to
21 be sure that if I don't hear further from you at the
22 conclusion of the taking of testimony, then they will be
23 admitted because I know you all are dealing with so much
24 paper and I know if there's an issue, I am confident that you
25 all will bring that to my attention. If there are issues of

1 the legibility, I'll look at it to make the final
2 determination, but I'm going to leave it with you all to work
3 it out.

4 MR. TISDALE: He said he'll give them to us later.
5 That's fine.

6 THE COURT: And you've been able to get them.

7 MR. TISDALE: Yes ma'am.

8 THE COURT: I'm really not concerned about it. Yes.

9 (Plaintiff's Exhibits PCSH-1 through PCSH-33 admitted
10 into evidence.)

11 Q. Ms. Schwank, did the parishioners of Parish Church St.
12 Helena make a petition to the legislature in 1786?

13 A. It would not have been the parishioners. It would have
14 been the vestry and church wardens.

15 Q. And did they do that?

16 A. Yes, they did.

17 Q. As a result of that petition, what happened?

18 A. The assembly legislatively passed an act establishing
19 the church as a corporation along with, I believe, several
20 other parishes simultaneously, and they incorporated our
21 parish with the corporate name of the vestry and church
22 wardens of the Episcopal Church of the Parish of St. Helena.

23 Q. Would you put Exhibit 5 on the screen, please.

24 And, Ms. Schwank, if you would turn to that, please.

25 Second page, please. And if you would zoom in on the first

1 Roman numeral paragraph where that name appears.

2 A. It's roughly one-third of the way down after semicolon,
3 The Vestry and Church Wardens of St. Helena's Parish by the
4 name of "The Vestry and Church Wardens of the Episcopal
5 Church of the Parish of St. Helena".

6 Q. Did the statute give the vestry and church wardens
7 certain powers?

8 A. The statute gave the vestry and church wardens sole and
9 complete powers and authorities over the corporation.

10 Q. Was the parish also established as a denomination?

11 A. Well, apparently it was.

12 Q. Would you locate that spot at the top of that page and
13 read it to us, please?

14 A. It's a little below one half of the way through that
15 first paragraph, and it states, "And whereas sundry members
16 of the Episcopal Church of St. Helena's parish have by their
17 petition to the general assembly humbly prayed to be
18 incorporated under the denomination of the, quote, Episcopal
19 Church in St. Helena's Parish, end quote, and to be vested
20 with all the privileges and immunities which any of their
21 sister churches enjoy."

22 Q. Has the Parish Church of St. Helena continuously carried
23 out its religious purposes since 1712 in Beaufort?

24 A. Yes.

25 Q. Has the Parish Church of St. Helena ever been a member

1 of an unincorporated association known as the Protestant
2 Episcopal Church in the United States of America?

3 A. No.

4 Q. Did the Parish Church of St. Helena play a role in the
5 formation of another unincorporated association known at that
6 time as the Protestant Episcopal Church in the State of South
7 Carolina?

8 A. Yes, it did.

9 Q. Did the Parish Church of St. Helena sign a constitution?

10 A. Yes.

11 Q. Was that the first constitution of the Diocese?

12 A. Yes, it was.

13 Q. Who is the present leadership of the parish?

14 A. Their names or their positions?

15 Q. Their positions.

16 A. The vestry and church wardens.

17 Q. And do they sit also in a civil capacity?

18 A. Yes. They are the board of directors.

19 Q. How are they elected or appointed?

20 A. The rector is a member of the vestry. He is a member of
21 the vestry by virtue of being the rector. The other members
22 of the vestry are laypersons. They are elected by the
23 congregation at the annual meeting.

24 Q. How long do they serve?

25 A. They serve a three-year term.

1 Q. Does this corporation have officers?

2 A. Yes, it does.

3 Q. Who are they by title?

4 A. The rector is the presiding officer; the wardens in our
5 case, because of our specification in our bylaws, a senior
6 warden and a junior warden; a treasurer; and a clerk of
7 vestry, who is also the secretary of the corporation.

8 Q. There are a series of deeds that have been admitted in
9 evidence as Exhibit 6 through 22. Could you give the Court a
10 general description of that property?

11 A. Those properties include the historic church square,
12 which contains the historic church building and graveyard,
13 includes a parcel on which currently the parish hall and
14 education building complex is located. It includes a
15 historic rectory. It includes four different parking lot
16 parcels, and that comprises what I would call the downtown
17 campus of the Parish Church of St. Helena.

18 Q. Is there any other property owned in Beaufort?

19 A. Yes, we do have other property. We own an additional
20 residence that we refer to as the vicarage for the associate
21 rector. We own the Old Sheldon Ruin historic property, which
22 was one of the photographs. We own another historic property
23 called the Chapel of Ease, which is on St. Helena Island. We
24 were gifted with a subdivision lot called the Deerfield
25 subdivision, and we own that property.

1 Q. Who is the present owner of the real property that at
2 one time was owned by the 1786 Corporation?

3 A. The present owner is the Parish Church of St. Helena
4 Trust, Declaration of Trust.

5 Q. And when was that property transferred to the trust?

6 A. The transfer took place in January of 2010.

7 Q. Has the parish church at St. Helena registered any marks
8 with the Secretary of State?

9 A. Yes.

10 Q. If you would turn to Exhibit 33, please, I'd ask if
11 you'd put up a mark, please. What is the first mark in your
12 Exhibit 23?

13 A. This is a copy of the service mark registration for the
14 Parish Church of St. Helena.

15 Q. Does it indicate a date of first use?

16 A. First used in 1712.

17 Q. Okay. What's the second mark?

18 A. The second mark is St. Helena's Church.

19 Q. Does that indicate a date of first use?

20 A. July 1st, 1842.

21 Q. What's the third mark?

22 A. St. Helena's Episcopal Church.

23 Q. And does that indicate a date of use?

24 A. July 1st, 1946.

25 Q. All right. Next?

1 A. The Parish Church of St. Helena (Episcopal).

2 Q. And what does that -- what is that date of first use?

3 A. July 1st, 2005.

4 Q. And the last mark?

5 A. The last mark is for our parish seal.

6 Q. When were these marks obtained?

7 A. They were first used -- I'm sorry. They were obtained
8 in July of 2011.

9 Q. Ms. Schwank, does the corporation have bylaws?

10 A. Yes, it does.

11 Q. Have they been amended since 2011?

12 A. Yes, they have.

13 Q. On how many occasions?

14 A. Since 2011 they have been amended twice.

15 Q. Can you broadly describe the nature of those amendments?

16 A. In February of 2012 there were a number of amendments.

17 The first was to change the paragraph, opening paragraph,

18 which was titled "The Mission." There was the addition of a

19 preamble, which described the history of the Parish Church of

20 St. Helena. There was an amendment to Article 8, which was

21 our amendments article of our bylaws, and the change at that

22 point was to delete Paragraph 1, which stated that if there

23 were any changes to the canons of the Diocese that they would

24 automatically prevail over our bylaws. That paragraph was

25 deleted in its entirety, and Paragraph 2 stated that if there

1 was such a difference between the bylaws and the canons, that
2 the vestry had the authority to automatically amend the
3 bylaws, and that was deleted in its entirety.

4 Q. Were there any amendments in 2011?

5 A. In 2011, yes, there were. There were two in 2011.

6 Q. What were they?

7 A. In January of 2011 we made nine miscellaneous amendments
8 to our bylaws.

9 Q. You don't have to go into those. How about in March?

10 A. On March 27, 2011 we amended again Article 8, the
11 amendments section, and we deleted the word "national canons"
12 from those canons, which would automatically prevail if there
13 was a discrepancy between those and our bylaws.

14 Q. Tell the Court how amendments to the Parish Church of
15 St. Helena's bylaws are accomplished?

16 A. The vestry deliberates and is the author of amendment
17 language, and those go as a motion from the vestry to the
18 annual meeting of the congregation, and the congregation
19 votes, and it requires a majority vote of the members present
20 at an annual meeting or a special meeting to amend the
21 constitution -- I'm sorry -- to amend the bylaws.

22 Q. What's a quorum of the annual meeting?

23 A. 50 members.

24 Q. And were these amendments voted on at annual meetings?

25 A. Yes, they were, with the exception of March 27th. That

1 was a special meeting.

2 Q. And at all of those meetings was there a quorum?

3 A. Yes.

4 Q. And did these amendments pass at all of those meetings?

5 A. They passed unanimously.

6 Q. And have they previously been considered and passed by
7 the vestry sitting as a board of directors?

8 A. Yes, they had.

9 Q. And had they passed?

10 A. Yes, they had, unanimously.

11 Q. Did the vestry consider a resolution relating to its
12 relationship with the Diocese of South Carolina?

13 A. Yes.

14 Q. Would you turn to Exhibit 27, please? Is that that
15 resolution?

16 A. Yes, it is.

17 Q. Would you tell the Court what the gist of that
18 resolution was and if it was passed?

19 A. The gist of this resolution is to essentially lay out
20 the context in which the resolution was brought about, the
21 resolves that we are no longer in any relationship with the
22 Episcopal Church nor in union with it, but that we remain
23 affiliated with the Protestant Episcopal Church in the
24 Diocese of South Carolina as well as our lawfully elected
25 bishop, Reverend Mark Lawrence.

1 Q. Was that resolution passed by the vestry sitting as a
2 board of directors?

3 A. Yes. It was passed unanimously.

4 Q. Was it considered by the congregation?

5 A. No, it was not.

6 Q. And why not?

7 A. Our 1786 charter vests full authority for corporate
8 decisions in the vestry and church wardens.

9 Q. Ms. Schwank, have you ever been to a website operated by
10 the Episcopal Church in South Carolina?

11 A. Yes, I have.

12 Q. Have you ever seen the name of the Parish Church of St.
13 Helena on that website?

14 A. Yes, I have.

15 Q. Did the Episcopal Church in South Carolina have
16 permission to put that name there?

17 A. No, it did not.

18 Q. Did you see that on their site after these names had
19 been registered?

20 A. Yes, I did.

21 Q. Would you take a look at Exhibit 32, please?

22 What is Exhibit 32?

23 A. It is a resolution of the board of directors of the
24 Parish Church of St. Helena.

25 Q. And what is the purpose of that resolution?

1 A. That resolution is to stipulate that the Parish Church
2 of St. Helena, by and through its board of directors, does
3 not recognize a convention that was being called by that
4 group. The Episcopal Church, as they are now known, the
5 Episcopal Church in South Carolina, were calling a convention
6 that is not a convention of our Diocese, nor does the Parish
7 Church of St. Helena -- have they elected delegates nor do
8 they authorize anyone to appear at that convention
9 representing themselves to be delegates from the Parish
10 Church of St. Helena.

11 Q. What's the date of this resolution?

12 A. This resolution is dated 15th day of January, 2013.

13 Q. Did it pass?

14 A. Yes, it did.

15 Q. Would you look at Exhibit 33? What is Exhibit 33?

16 A. With the exception of citing the convention date being
17 called by that group, it is an identical resolution to the
18 prior one.

19 Q. What is the date of that resolution?

20 A. This is the 7th day of March, 2013.

21 Q. Did it pass the vestry?

22 A. Yes, it did, unanimously.

23 Q. Why were these resolutions passed?

24 A. In this period of time, early 2013, the group that calls
25 itself the Episcopal Church in South Carolina was

1 communicating -- issuing communications to newspapers and the
2 general public with -- we believe with the intent of
3 confusing, and in fact the result was it did confuse, the
4 clergy, laity and the general community about the identity of
5 the Protestant Episcopal Church in the Diocese of South
6 Carolina.

7 MR. RUNYAN: Just a moment.

8 Thank you, Ms. Schwank.

9 THE COURT: All right. Any other questions on behalf of
10 any of the plaintiffs? All right.

11 Who will go first on behalf of the defendants, Mr. Beers
12 or Mr. Tisdale?

13 MR. BEERS: The church has no questions.

14 THE COURT: Very well, Mr. Beers.

15 Mr. Tisdale, do you have any questions?

16 MR. BEERS: Excuse me, Your Honor. I made a mistake. I
17 do have a question.

18 THE COURT: All right. Very well.

19 CROSS-EXAMINATION BY MR. BEERS:

20 Q. I have exactly one. Does your review of the history of
21 your parish educate you as to whether the parish ever
22 received in the form of loans or grants financial help from
23 the national church?

24 A. I'm aware that in the mid-1950s a loan was applied for
25 from the Episcopal Foundation.

1 Q. And not from the National Council of the Episcopal
2 Church?

3 A. My recollection is from vestry minutes it was the
4 Episcopal Foundation, although our parish records indicate
5 that that loan was fully repaid and that all payments were
6 made to the order of the Diocese of South Carolina.

7 Q. And do you remember how much the loan was?

8 A. I do not.

9 MR. BEERS: Thank you, Your Honor.

10 MR. TISDALE: Your Honor, I have no questions.

11 THE COURT: All right. Very well.

12 MR. RUNYAN: No redirect.

13 THE COURT: Thank you very much. You may come down.

14 All right. Call your next witness, please.

15 MR. CAMPBELL: Pierce Campbell, again, just for the
16 record, on behalf of St. Bartholomew's Episcopal Church in
17 Hartsville, calls Mr. Rumpf to the stand.

18 (Plaintiff's Exhibits SB-1 through SB-16 premarked for
19 identification.)

20 STEVEN JOSEPH RUMPF,
21 being first duly sworn, testified as follows:

22 THE COURT: If you would state your name again -- this
23 is a sound check -- and spell your last name for us, please.

24 THE WITNESS: Steven Joseph Rumpf, R-U-M-P-F.

25 THE COURT: Your witness, Mr. Campbell.

1 MR. CAMPBELL: Thank you, Your Honor. If I may have a
2 moment, I had asked them if they were going to agree to admit
3 the documents into evidence.

4 THE COURT: Okay.

5 MR. TISDALE: We probably will, Your Honor, but we need
6 to look at them quickly. This is not in the order we were
7 given, so we need to look at them real quick.

8 THE COURT: Not a problem.

9 MR. CAMPBELL: We provided them last night, just for the
10 record, Your Honor, as requested by this Court.

11 THE COURT: Yes, they're indicating that you did. They
12 just need a moment to take a look.

13 MR. BEERS: I've reviewed them, counsel, and I do not
14 have any objection.

15 THE COURT: Thank you.

16 MR. TISDALE: Your Honor, to save time, we don't believe
17 we'll have any objections. If something comes up that's
18 unexpected, we'd like to raise it at that time, but I doubt
19 that it will.

20 THE COURT: Very well. You may proceed.

21 MR. CAMPBELL: Just for record purposes, Your Honor, I
22 don't want to have us fall into a problem later on, I would
23 move to admit 1 through 16, marked SB 1 through 16 inclusive,
24 into evidence.

25 THE COURT: And they are admitted conditionally. If I

1 hear anything from Mr. Tisdale that something is of a
2 concern, I will address it; otherwise, the condition will be
3 automatically removed.

4 MR. TISDALE: That's agreeable, Your Honor.

5 (Plaintiff's Exhibits SB-1 through SB-16 admitted into
6 evidence.)

7 MR. CAMPBELL: Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Tisdale.

9 DIRECT EXAMINATION BY MR. CAMPBELL:

10 Q. Could you state your name again? I'm sorry for all the
11 distractions.

12 A. Yes. Steven Joseph Rumpf.

13 Q. Where do you live?

14 A. Hartsville, South Carolina.

15 Q. And how long have you lived there?

16 A. 35 years.

17 Q. And do you attend a church there?

18 A. Yes, I do.

19 Q. What church is that?

20 A. St. Bartholomew's Episcopal Church.

21 Q. And how long have you been a member of that church?

22 A. Since 1979.

23 Q. And during those years have you held any positions of
24 leadership or authority in the parish?

25 A. Yes.

1 Q. What positions?

2 A. Vestry member and senior warden.

3 Q. What does the vestry do at St. Bartholomew's?

4 A. The vestry is responsible for the temporal actions of
5 the church, and they are the governing board, board of
6 directors.

7 Q. Okay. And how about the senior warden?

8 A. The senior warden acts as the president of that body.

9 Q. Are there any other officers?

10 A. Yes. We have the junior warden, treasurer and
11 secretary.

12 Q. And, Mr. Rumpf, in your roles on the vestry and as a
13 senior warden, have you come to learn about the history of
14 St. Bartholomew's?

15 A. Yes. By no means a historian, but I'm familiar with the
16 overall history.

17 Q. When was the church first organized?

18 A. Church was organized in 1902 when Reverend Thomas began
19 services in Hartsville, and he was from Darlington.

20 Q. And was it subsequently incorporated?

21 A. It was in 1922.

22 Q. I'd like to have you look at a document that's been
23 marked as SB-1.

24 A. Certificate of incorporation from the Secretary of
25 State.

1 Q. Is that the incorporation from 1922?

2 A. That is correct.

3 Q. What name was given to the corporation?

4 A. St. Bartholomew's Episcopal Church.

5 Q. And did the articles of -- the certificate of
6 incorporation, rather, give a purpose for that corporation?

7 A. It did.

8 Q. What was that purpose?

9 A. Religious.

10 Q. Just religious?

11 A. Just religious.

12 Q. Okay.

13 A. And in perpetuity.

14 Q. Since 1922 has St. Bartholomew's been in existence?

15 A. Yes.

16 Q. And has it been carrying out that religious purpose?

17 A. It has.

18 Q. Has it been at the same site?

19 A. Yes.

20 Q. And generally where is that church located?

21 A. Church is located physically at 103 Campus Drive in
22 downtown Hartsville, and it's surrounded on three sides by
23 Coker College.

24 Q. Right there at the campus of the college?

25 A. That's correct.

1 Q. Could I get the first picture, please.

2 Have you always been at that location?

3 A. That is correct.

4 Q. Can you identify that picture?

5 A. Yes. That's our church in Hartsville.

6 Q. Okay. Second picture. How about that?

7 A. Yes. That's the inside of our sanctuary.

8 Q. Mr. Rumpf, I'm not an architect, but that does not look
9 to be a 1902 church building. Is there a reason for that?

10 A. It is not. We had a fire in February of 1987, and the
11 church and the parish hall were lost to a fire which was
12 started as a diversion during a robbery.

13 Q. And was this church built on the same site?

14 A. Yes, it was.

15 Q. Was the original church completely destroyed?

16 A. It was.

17 Q. Approximately how many members do you all have at the
18 parish?

19 A. Approximately 110.

20 Q. A number of documents have been admitted into evidence
21 as Exhibits 2, 3, 4 and 5. Are you familiar generally with
22 what those documents show?

23 A. Yes, I am.

24 Q. What are those?

25 A. They are copies of warranty deeds showing the church's

1 property ownership for the campus at that location.

2 Q. And do those deeds encompass the entire campus property?

3 A. They do.

4 Q. Does the church own any other property?

5 A. Yes, it does. We have a rectory, which sales on that
6 were to conclude yesterday, but most likely will continue
7 until next week.

8 Q. There was an issue with the closing?

9 A. Just an issue of closing, yes, sir.

10 Q. And will the church expect to receive any funds from
11 that closing?

12 A. We do.

13 Q. And what will the parish use those funds for?

14 A. Those funds will be held in a restricted fund for
15 housing allowance for our rector, and right now we have an
16 interim rector, so we made the decision to upgrade the
17 property, upgrade housing possibilities.

18 Q. Those funds would be used for the same purpose they're
19 currently being used for?

20 A. That's correct.

21 Q. Mr. Rumpf, do you see a document before you marked as
22 Exhibit 6, St. Bartholomew's 6?

23 A. I do.

24 Q. Do you know what that document is?

25 A. Yes. That is a quitclaim deed.

1 Q. And who did the parish receive that from?

2 A. The Right Reverend Mark J. Lawrence and the Episcopal
3 Diocese of South Carolina, standing committee, etc.

4 Q. And did the parish request that deed?

5 A. It did not.

6 Q. What happened when the parish received the deed?

7 A. We took the deed and recorded it in Darlington County.

8 Q. In the fall of 2012 did the parish learn that the
9 Diocese of South Carolina had disassociated from the national
10 church?

11 A. We did.

12 Q. And did the vestry take any action at that time?

13 A. It did. On January 12th of 2013 we had a vestry meeting
14 and we passed a continuance resolution to stay with the
15 Diocese.

16 Q. Is that the document that's been admitted as Exhibit 7?

17 A. That is correct.

18 Q. I'm sorry. Could you look at No. 7 there and tell me
19 exactly what that is?

20 A. Number 7 is the St. Bartholomew Episcopal Church vestry
21 minutes dated January 12, 2013 with the commitment to
22 continue diocesan relationship attached.

23 Q. It's on the second page?

24 A. The second page, yes.

25 Q. And was it passed at that vestry meeting?

1 A. Unanimously.

2 Q. Was there a reason why the vestry reconsidered that
3 resolution a week or two later?

4 A. Yes. In January on the third Sunday we hold our annual
5 parish meeting, and via our bylaws we elect three vestry
6 members for terms that rotate every three years, and we had
7 three new members coming on at that time and one additional
8 member from an unfulfilled position -- I'm sorry. Not
9 unfulfilled, but from a vacant position on the vestry, and to
10 reaffirm that everyone was on board we voted on that again.
11 It passed, the resolution.

12 Q. How did it pass?

13 A. I beg your pardon?

14 Q. What was the vote on that second time?

15 A. It was unanimous.

16 Q. Did you have to pass it a second time?

17 A. We didn't. It had been completed, but we just wanted to
18 make sure that our vestry members were all on the same page,
19 so to speak.

20 Q. Did any vestry member, current or past, ever raise any
21 objection?

22 A. Did not.

23 Q. Did the congregation take any further action regarding
24 this issue?

25 A. At our annual parish meeting we changed our bylaws, and

1 that was the first reading on January the 20th, and,
2 according to our bylaws, notices for change of bylaws
3 procedures were followed. On January the 13th the rector
4 announced during announcement session in the service that
5 there would be a first and second reading of bylaws for the
6 change purpose.

7 Q. And were you present at the announcement of that annual
8 meeting?

9 A. Yes, I was.

10 Q. And you heard the rector's announcement?

11 A. Yes.

12 Q. Were announcements of the meeting made in other written
13 forms?

14 A. Yes. We have church bulletins showing announcement for
15 the change of bylaws and the annual parish meeting. We also
16 used email, which was sent out to parish members stating that
17 these meetings were to occur and there would be changes.

18 Q. Mr. Rumpf, do exhibits marked and admitted into evidence
19 as Exhibits 9, 10, 12, 13 and 14 represent those written
20 notices?

21 A. Yes, they do.

22 Q. And did the first reading of the bylaws occur on January
23 20th?

24 A. That is correct; during the annual parish meeting.

25 Q. And you were present at that meeting?

1 A. I was.

2 Q. And how was the vote on the changes?

3 A. It was unanimous.

4 Q. Were there any objections made at the meeting?

5 A. There were not.

6 Q. And I believe you said there was a second meeting on
7 January 27th; is that correct?

8 A. That is correct.

9 Q. And were you present?

10 MR. BEERS: Excuse me. Tell me what year you're talking
11 about.

12 MR. CAMPBELL: 2013.

13 MR. BEERS: Thank you.

14 Q. Were you present at the second meeting on January 27th,
15 2013?

16 A. Yes, I was.

17 Q. And had that meeting also been noticed?

18 A. Yes, it had.

19 Q. And were you present when the rector made notice of that
20 meeting?

21 A. Yes, I was.

22 Q. And where did he make the notice?

23 A. He made the notice at the annual parish meeting that on
24 the 27th there would be the second reading of the change to
25 the bylaws.

1 Q. Did he ever announce it during any Sunday services?

2 A. He did.

3 Q. When?

4 A. That would have been on the service prior to the annual
5 parish meeting on that same date.

6 Q. Okay. And what was the substance of the bylaw change
7 that took place at those meetings?

8 A. Substance of the bylaw change, remove the authority of
9 Article 1 from our bylaws, and that was removed from our
10 bylaws.

11 Q. In summary, what was the outcome of the change in
12 bylaws? What were you trying to do?

13 A. Outcome was we had no reference to either the Episcopal
14 Church or the Diocese of South Carolina's constitution or
15 canons in our bylaws.

16 Q. Do you see a document in front of you marked as Exhibit
17 15?

18 A. Exhibit 16?

19 Q. 15.

20 A. 15, yes.

21 Q. What is that document?

22 A. Document is vestry minutes dated January 27th.

23 Q. Of what year?

24 A. 2013.

25 Q. Is that the same day of the second reading of the bylaws

1 at a congregational meeting?

2 A. Yes.

3 Q. Were there any separate minutes of the parish meeting on
4 that date?

5 A. There were not. The vestry meeting occurred after the
6 parish meeting and action taken under parish meeting was
7 proposed change in bylaws were approved by majority voice
8 vote, second reading and meeting of the church. That was the
9 record of that meeting stated in the vestry minutes.

10 Q. Do you know why the secretary didn't keep separate
11 minutes of the parish meeting?

12 A. We went straight into session after the parish meeting,
13 and we're a small church, and maybe it's a clerical error,
14 but she did state it in that document.

15 Q. And are those the corporate records regarding that
16 meeting of the parish?

17 A. Yes.

18 Q. Are there any other corporate records referencing that
19 meeting of the parish?

20 A. No.

21 Q. And it says there it was approved by majority voice
22 vote. Were you present at that meeting?

23 A. I was, and I questioned that recently, and I spoke with
24 the -- Ms. Holcombe and the treasurer and the head of the
25 Altar Guild, who were in the room at the time, and they

1 agreed with me that it was by acclamation, but the minutes do
2 say by majority.

3 Q. Do you believe it was just a simple majority?

4 A. No. I was there and, excuse me, it was unanimous.

5 Q. Thank you.

6 And the document marked as Exhibit 16, is that the
7 bylaws as amended at those two meetings?

8 A. Yes.

9 Q. Does St. Bartholomew's have any current relationship
10 with the Episcopal Church?

11 A. It does not.

12 Q. Are you familiar -- and that's the national church?

13 A. Yes.

14 Q. Are you familiar with an organization known as the
15 Episcopal Church in South Carolina?

16 A. I am.

17 Q. Does St. Bartholomew's have any relationship with that
18 organization?

19 A. No.

20 Q. Has it ever had a relationship with that organization?

21 A. No.

22 Q. Has St. Bartholomew's ever been a parish of the
23 Episcopal Church in South Carolina?

24 A. No.

25 Q. Has St. Bartholomew's ever participated in any meetings

1 or conventions of the Episcopal Church in South Carolina?

2 A. No.

3 Q. Has St. Bartholomew's ever sent delegates to any
4 conventions of the Episcopal Church in South Carolina?

5 A. No.

6 Q. If people appeared at a convention of the Episcopal
7 Church in South Carolina purportedly on behalf of St.
8 Bartholomew's, would their appearance have been authorized?

9 A. Our parish authorized no action of that nature.

10 Q. Did your parish actually take contrary action?

11 A. We did. We had a document stating that there was no
12 affiliation of our members to that delegate or delegates to
13 that diocesan. I'm sorry. Not diocesan, but to that
14 meeting.

15 Q. A meeting of the Episcopal Church in South Carolina?

16 A. In South Carolina, yes, sir.

17 Q. And did St. Bartholomew's ever give the Episcopal Church
18 in South Carolina permission to list its name and contact
19 information on their website?

20 A. It has not.

21 MR. CAMPBELL: I don't have any other questions. If
22 you'd answer any other questions counsel may have for you.

23 THE COURT: All right. Anyone on behalf of the
24 plaintiffs?

25 All right. Yes, sir, Mr. Beers.

1 CROSS-EXAMINATION BY MR. BEERS:

2 Q. Good morning.

3 A. Good morning.

4 Q. My name is David Beers. I represent the national
5 church.

6 A. Sir, I have hearing aids, and you and I are going to
7 have to speak up a little bit.

8 Q. All right.

9 A. Thank you.

10 Q. My name is David Beers, and I represent the national
11 church.

12 A. Thank you.

13 Q. Would you turn to Exhibit 8?

14 A. Yes.

15 Q. I'm sorry. How do you pronounce your last name again?

16 A. Rumpf.

17 Q. Mr. Rumpf, Exhibit 8 indicates that the provisions of
18 the parish bylaws shown in that exhibit were in effect at
19 least as recently as January of 2011; is that right?

20 A. Correct.

21 Q. And when were these -- well, let me stop there. Could
22 you read for us Article 1?

23 A. Sir, on Exhibit 6 I have a quitclaim deed.

24 Q. I'm sorry. I thought I said Exhibit 8.

25 A. Exhibit 8?

1 Q. 8. I'm sorry.

2 A. Thank you. Exhibit 8, bylaws of St. Bartholomew's
3 Episcopal Church, Hartsville, South Carolina, as amended
4 1/23/2011, Article 1, Authority, St. Bartholomew's Episcopal
5 Church accedes the constitution and canons of the Protestant
6 Episcopal Church and of the Diocese of South Carolina and
7 acknowledges this authority accordingly. An article or
8 section of these bylaws which may at any time be in conflict
9 with such canons shall be null and void.

10 Q. Thank you. Go back to the first line. You paused after
11 the word "accedes." Would you agree with me that the word
12 "to" was probably erroneously left out after the word
13 "accedes"?

14 A. After the word "accedes" the constitution and canons?

15 Q. Yes. Do you agree that the -- would you agree with me
16 that probably there was an error that left out the word "to"
17 after accedes?

18 A. I have no way to say that's true or false. Accedes the
19 constitution and canons.

20 Q. Would you now turn to the next page and read for me
21 Article 4, Section 1?

22 A. Article 4, Section 1. "The vestry shall be composed of
23 two wardens and nine vestry. The wardens and the vestry
24 shall always be confirmed communicants in good standing as
25 defined by Title 1, Canon 17, of the constitution and canons

1 of the Episcopal Church and have obtained 21 years of age."

2 Q. And now one more. Could you turn to the next page and
3 read me Article 5, Section 2?

4 A. Article 5, Section 2, "The vestry shall have charge of
5 temporalities of the church and it shall be their duty to
6 provide for repair, salaries and current expenses and to take
7 all necessary steps to raise the funds required and to keep
8 proper account of the same. They shall also execute all
9 duties which are now or may hereafter be imposed upon them by
10 any general convention or conventions of the Diocese."

11 Q. Now, how long did these bylaws stay in effect?

12 A. We amended these bylaws in January, January 13, 2013.

13 Q. And am I correct that the passages that you just read
14 for us were eliminated in the new bylaws?

15 A. Yes.

16 Q. Now, I'm sure you've said this, but I've forgotten. How
17 long have you been a parishioner at St. Bartholomew's?

18 A. 35 years.

19 Q. Do you know when this form of bylaws -- these bylaws
20 were adopted? Have any idea?

21 A. I'm sorry?

22 Q. When these bylaws were adopted, what decade?

23 A. The 2011?

24 Q. Yes.

25 A. I do not.

1 Q. Do you understand or recall that these bylaws were in
2 effect prior to 2011?

3 A. Yes, sir.

4 Q. And do you have any idea how far back they go?

5 A. I do not. We had a fire and we lost records from 1987
6 back, and so I cannot speak to that. I've researched and
7 looked for church information, but we've not found anything.

8 Q. Do you think that these bylaws were in effect in the
9 1990s?

10 A. I have no way of knowing.

11 Q. All right. But whenever they were adopted, the parish
12 appears to have been comfortable with this kind of
13 relationship with the national church. Would you agree with
14 that?

15 A. I have no way of knowing that, actually.

16 Q. I'm asking you to look at the bylaws themselves and the
17 passages that I just asked you to read. Would those passages
18 indicate that the parish was comfortable with acceding to the
19 constitution and canons --

20 MR. CAMPBELL: Objection, Your Honor. Asked and
21 answered. That's exactly what he just asked him, and he said
22 he had no way of knowing.

23 THE COURT: Sustained.

24 Q. As of January 2011 --

25 MR. BEERS: By the way, Your Honor, counsel interrupted

1 me in the middle of that question, and I'd like to at least
2 restate it.

3 THE COURT: Sure.

4 MR. BEERS: And maybe it will come out differently.

5 THE COURT: All right. Try again.

6 Q. Whenever these were adopted, do they on their face
7 suggest that the parish was willing to have a relationship
8 with the national church pursuant to which it acceded to the
9 authority of the national church?

10 MR. CAMPBELL: Objection, Your Honor; the same
11 objection.

12 THE COURT: Sustained.

13 MR. BEERS: May I ask on what ground?

14 THE COURT: Certainly you may. They speak for
15 themselves. You're asking him for an emotional opinion about
16 what this body thought or didn't think at the time of the
17 passage, which is of no moment. They speak for themselves.

18 MR. BEERS: Fair enough, Your Honor.

19 Q. Were you in January 2011 yourself personally comfortable
20 with a relationship between -- the relationship between your
21 parish and the national church that is reflected in these
22 bylaws?

23 A. Sir, I have no relationship with the national church.
24 St. Bartholomew's is in relationship with the Diocese of
25 South Carolina.

1 Q. I'm asking you this: In January of '11 were you
2 yourself personally comfortable with bylaws of your parish
3 that accede -- that provided that the parish acceded to the
4 authority of the national church?

5 A. In January of 2011 was I comfortable with the authority
6 clause of the 2011 bylaws?

7 Q. Thank you, yes.

8 A. To be frank with you, I hadn't given it any
9 consideration because it didn't affect the operational
10 activities of St. Bartholomew's. Those constitution and
11 canons, I've not read them, and I can't answer that beyond
12 that.

13 Q. Well, if you'd turn to the second page, Article 4 --

14 A. Article 4.

15 Q. -- are you personally comfortable with the provision
16 that required that the wardens and vestry be confirmed
17 communicants in good standing as defined by the canons of the
18 Episcopal Church?

19 A. Yes, I would be in agreement with that in 2011.

20 Q. And if you'll turn to the next page in Article 5,
21 Section 2 --

22 A. Yes.

23 Q. -- were you comfortable with the provision in the parish
24 bylaws that required the parish to execute all duties which
25 were then or thereafter imposed upon them by the general

1 convention?

2 A. General convention and conventions of the Diocese, is
3 that the same?

4 Q. No. The general convention is the general convention of
5 the national church.

6 A. In 2011 I would agree with that.

7 Q. You would agree with what? Sorry.

8 A. That that section is correct.

9 Q. You would agree that it was an appropriate provision for
10 your parish to have in its bylaws?

11 A. At that time, yes.

12 Q. At that time was the parish using traditional Episcopal
13 Church Welcomes You signs?

14 A. Yes.

15 Q. Where did you have them?

16 A. We had them on US 15 entering into Hartsville and
17 Highway 151 bypass.

18 Q. And they were the traditional signs that said, "The
19 Episcopal Church Welcomes You" and then has the shield of the
20 national church and then name and address of the parish?

21 A. That's correct.

22 Q. And did your parish have ads in the newspaper or notices
23 in the newspaper of their services?

24 A. Yes.

25 Q. During what period in your tenure there?

1 A. Periodically during the period I've been a member of the
2 church under the church notification section it says "St.
3 Bartholomew's Episcopal Church."

4 Q. And did the newspaper page have lists of denominations
5 and then individual notices under each one?

6 A. Yes.

7 Q. And under what heading was your parish?

8 A. It was under the heading of -- don't know if it was
9 Anglican Episcopal or just Episcopal at the time.

10 Q. Well, you've been at the parish 35 years?

11 A. Yes, but I'm a member, so I really don't look for a
12 church in the newspaper.

13 Q. But you've seen the notices, haven't you?

14 A. I have, yes.

15 Q. And do you remember a time when they were listed just
16 under "Episcopal"?

17 A. I have seen that, yes.

18 Q. All right. Did the parish have an Episcopal Church
19 flag?

20 A. We have no Episcopal Church flag at this time.

21 Q. Did the parish ever have an Episcopal Church flag?

22 A. Yes.

23 Q. And where was it displayed?

24 A. It was displayed in the sanctuary.

25 Q. And until when?

1 A. Until January of 2013.

2 Q. So, for example, at the time these bylaws were in
3 effect, January '11, you were comfortable having the
4 Episcopal Church flag in the chancel of your church?

5 A. Until we changed our bylaws, yes, sir.

6 Q. And did you use the national church shield on
7 correspondence and newsletters and bulletins?

8 A. I believe we did.

9 Q. And when did that stop?

10 A. We changed everything -- once our resolution was passed,
11 we removed signage, we removed the flag, we removed all
12 references that may look like we were affiliated with the
13 national church.

14 Q. But prior to those changes you personally were
15 comfortable to belong to a parish that was in one way or
16 another connected to the Episcopal Church?

17 A. We don't believe we were ever connected to the Episcopal
18 Church. We're chartered as St. Bartholomew's Episcopal
19 Church, and Episcopal, as we've discussed many times this
20 week, is having a bishop as an overseer.

21 Q. And you didn't think you were part of the Episcopal
22 Church?

23 A. I am a member of the St. Bartholomew's Episcopal Church
24 in the Diocese of South Carolina. I hold no membership in
25 the National Church.

1 Q. I'm sorry. Let's go back to say between 1990 and 2011.

2 You did not consider that you were an Episcopalian?

3 A. In?

4 Q. Say between 1990 and 2010.

5 A. Yes, I attend the Episcopal Church where the bishop is
6 the overseer of the church, yes.

7 Q. And you never considered you were an Episcopalian in the
8 sense of being, belonging, going to a parish that was in some
9 way related to the National Episcopal Church?

10 A. I have attended those churches, yes. I worship, you
11 know.

12 Q. In what?

13 A. In the Episcopal Church. St. Bartholomew is Episcopal
14 Church predominantly.

15 Q. And you didn't consider that St. Bartholomew's was a
16 parish that had a relationship with the national church?

17 A. Our relationship was with the Diocese, not with the
18 national church.

19 Q. You're saying that you do not believe that there was any
20 relationship between St. Bartholomew's and the national
21 church?

22 MR. CAMPBELL: Objection, Your Honor. He's asked and
23 answered this about 12 different ways.

24 MR. BEERS: This is cross-examination, Your Honor. I'll
25 move on. I'll move on marginally.

1 Q. You've traveled outside of South Carolina from time to
2 time over the years?

3 A. From time to time, yes, sir.

4 Q. And have you seen The Episcopal Church Welcomes You
5 signs?

6 A. I have.

7 Q. And what did you associate that church with, the church
8 that was on the sign?

9 A. An Episcopal Church.

10 Q. And you believed that that was a church that was
11 Episcopal because it had a bishop?

12 A. That's correct.

13 Q. And what kind of liturgy did you contemplate or did you
14 believe you were likely to find in that church?

15 MR. CAMPBELL: Objection. Your Honor, this is getting
16 into the religious matters, which I believe you've already
17 asked.

18 MR. BEERS: No, Your Honor.

19 THE COURT: As I understand it, and let me be sure -- as
20 I understand what you are asking, you are asking this witness
21 as you are riding around the country and you see a sign, if
22 you were to go into the -- if you were to be riding around
23 and if you were to see a sign and you were to then go into
24 that church, what do you believe you would find; is that
25 right?

1 MR. BEERS: Correct.

2 THE COURT: And the objection is one of?

3 MR. CAMPBELL: The objection, Your Honor, is that that
4 question -- when the witness starts answering, he is going to
5 be inclined to start discussing religious activities that
6 happen inside that church, and I believe that is an area
7 which Your Honor's already ruled this Court is not going to
8 get into, and I can't object later if that's what he answers.

9 THE COURT: In other words, you're objecting on the
10 basis of speculation?

11 MR. CAMPBELL: Well, I'm objecting because he's asking
12 about liturgy.

13 MR. BEERS: I haven't asked about liturgy, but
14 speculation is counsel's objection because he doesn't know
15 what I'm going to ask him.

16 MR. CAMPBELL: Your Honor, we can read the question
17 back. He said what kind of liturgy would you see. Liturgy
18 means the conduct of the service itself.

19 MR. BEERS: Let me rephrase it, Your Honor.

20 THE COURT: Okay.

21 Q. Do you think that you would find that that parish was
22 using the Book of Common Prayer?

23 A. Possibly, and a hymnal.

24 Q. Only possibly?

25 A. No, I would think it would be there. It could also be

1 the Anglican prayer book too.

2 Q. And would you have assumed that that parish, that
3 church, was a -- had an Episcopal priest?

4 A. I could not make that assumption.

5 Q. Why not?

6 A. Every time I assume I get in trouble.

7 Q. I'm tempted to ask for a recess after that, but I'll
8 continue for a few more minutes.

9 Why don't you personally want to have your parish
10 associated with the Episcopal Church?

11 MR. RUNYAN: Your Honor, that's irrelevant.

12 THE COURT: Sustained. It's irrelevant.

13 Q. When did your parish first -- when did the leadership of
14 your parish first express an interest or desire in severing
15 any relationship with the Episcopal Church?

16 A. Our church never severed relationship with the Episcopal
17 Church, since it was never a member.

18 Q. Well, when did the leadership of your parish first
19 develop or first consider a change in the bylaws that would
20 remove any mention of the Episcopal Church?

21 A. That would be when we passed our resolution for
22 continuance with the Diocese of South Carolina based upon the
23 actions the national church had taken against our bishop, and
24 we repudiated that in the resolution. We also affirmed that
25 we were no longer in any relationship whatsoever, nor had we

1 been, with the Episcopal Church, and that we resolved to
2 protect our property from the Episcopal Church and its
3 representatives, sir.

4 Q. And until that time, the leadership of the parish had no
5 concerns about having in its bylaws the references to the
6 Episcopal Church?

7 A. I cannot speak to the concerns of the leadership. I
8 don't know those individually, but I would think they
9 possibly did have concerns, but I cannot speak factually to
10 that for you.

11 Q. Did you hear concerns expressed by your rector?

12 A. I'm sorry?

13 Q. Did you hear concerns expressed by your rector?

14 A. Our rector had been in communication with the Diocese,
15 and from time to time he did share proceedings and activities
16 which were going on. I'm aware of that, yes.

17 Q. My question was, did you hear the priest, your rector,
18 express concerns about the rector of the parish that had
19 these references to the national church in its governance?

20 A. In its governance?

21 Q. Governance, yes; in its bylaws.

22 A. I would think there was conversation to that effect. I
23 cannot remember a given point in time where that occurred.

24 Q. When he said something to that effect?

25 A. I would think so, yes, sir.

1 Q. And what did you hear him say?

2 A. That's what I'm saying. I just believe that prior to
3 that he did, but I don't know specifically what he said.

4 Q. How prior?

5 A. That would be in the fall of 2012, sir.

6 Q. And so prior to the fall of 2012 you did not hear -- did
7 you have any governance role in the Episcopal Church in 2012?

8 A. I'm sorry?

9 Q. I'm sorry. Withdraw that. That was a bad mistake.

10 In the fall of 2012 did you hold any official position
11 in the parish?

12 A. In 2012 I was senior warden, yes.

13 Q. All right. So you were part of the leadership?

14 A. I was.

15 Q. And are you saying that prior to the fall of 2012 the
16 leadership of the parish, including the vestry and the
17 rector, had not expressed concerns about any kind of
18 relationship with the Episcopal Church?

19 A. There were concerns about relationships in the Episcopal
20 Church with the diocese, yes.

21 Q. All right. And when did those start to rise?

22 A. I would have been aware of conversations during my
23 senior warden reign, which began in January of 2012, but
24 specifically I can't name a point in time that that may have
25 occurred.

1 Q. Please go back to Exhibit 8.

2 A. Yes; bylaws of St. Bartholomew.

3 Q. Yes. Look at Article 1 again.

4 A. Yes.

5 Q. If the parish accedes to the constitution and canons of
6 the national church and if the parish acknowledges this
7 authority and if the parish agrees that any article or
8 section of the bylaws which may be in conflict with the
9 canons of the national church shall be null and void, does
10 that suggest to you that the parish had no relationship with
11 the Episcopal Church?

12 A. The relationship with the Episcopal Church was through
13 it's member, the Diocese of South Carolina, and those
14 constitution and canons were acceded to the diocese and
15 consequently to the Episcopal Church, yes.

16 Q. What do you mean "consequently"?

17 A. Well, the membership is the diocese to the church, and
18 we were a member of the diocese, so we fell in line with
19 those constitution and canons of the diocese and acceded to
20 those of the national church at that time.

21 Q. Well, what if there were a requirement of the national
22 church's constitution and canons that was not a requirement
23 of the Diocesan constitution and canons?

24 MS. GOLDING: Your Honor, this witness has already
25 testified he's never read and is not familiar with the

1 national church's constitution and canons.

2 MR. BEERS: Fine. That seems to me not on point, Your
3 Honor, but let me finish my question.

4 THE COURT: Finish your question. Don't answer until
5 I've had a chance to rule, please.

6 THE WITNESS: Thank you.

7 Q. If there were a provision in the constitution and canons
8 of the national church that was not also in the constitution
9 and canons of the Diocese, do you read this as requiring the
10 parish to accede to the requirements of the national church
11 directly?

12 MR. CAMPBELL: Your Honor, I have a different objection.
13 Just for the record, Ms. Golding can speak to her objection,
14 but I believe he's asking for a legal conclusion about the
15 language used in what does accede mean, and that's a legal
16 question.

17 THE COURT: All right. And Ms. Golding.

18 MS. GOLDING: Number one, the witness has already
19 testified that he's never read the national church's
20 constitution and canons, and my second objection is that the
21 documents speak for themselves, Your Honor.

22 THE COURT: Well, I think you're on to something, both
23 of you, and I would sustain the objection probably as much as
24 any reason because, number one, he hasn't read them; number
25 two, it calls for a legal conclusion, and I would certainly

1 sustain the objection.

2 MR. BEERS: I have no more questions, Your Honor.

3 THE COURT: All right. Mr. Tisdale.

4 MR. TISDALE: Thank you very much, Your Honor.

5 CROSS-EXAMINATION BY MR. TISDALE:

6 Q. Mr. Rumpf, good afternoon.

7 A. Good afternoon.

8 Q. You've testified a good bit about the parish being a
9 member of the Diocese and the Diocese being connected to the
10 national church, correct?

11 A. To my understanding, at one time it was a member of the
12 national church.

13 Q. Okay. But before 2012 the Diocese of South Carolina was
14 a part of the national church, was it not?

15 A. That's correct, to my knowledge.

16 Q. Correct. And you were speaking just now of what has
17 happened since then, which is one of the reasons we're here,
18 correct?

19 A. That's correct.

20 Q. Okay. So just so we will understand the relationships a
21 little better, I want to ask you about this with regards to
22 St. Bartholomew's.

23 St. Bartholomew's -- and you've been there 35 years.

24 You say that in 2012 you were senior warden?

25 A. That's correct.

1 Q. And what offices had you held before that, if any?

2 A. I had been on vestry and senior warden one time
3 previously.

4 Q. Had you ever been a delegate to the convention of the
5 Diocese of South Carolina before 2012?

6 A. Yes.

7 Q. How many times, roughly?

8 A. I don't remember totally, but I would say I've been a
9 Diocesan member representing St. Bartholomew's I would think
10 three to five times.

11 Q. Three to five times over the years?

12 A. Over the years, over that period of time, yes, sir.

13 Q. So on those occasions when you were a delegate, you
14 attended the annual convention of the Diocese, didn't you?

15 A. I did.

16 Q. Right. And is it not true that at those conventions at
17 least once every three years the delegates to that
18 convention, of which you were one, would elect delegates to
19 attend the general convention of the Episcopal Church? Isn't
20 that correct?

21 A. I would assume so, but that usually gets me in trouble,
22 as I said before, but I would believe so, yes.

23 Q. You never were elected a deputy to the general
24 convention?

25 A. No, sir.

1 Q. Were you ever elected a deputy by the Diocese to the
2 general convention?

3 A. I've never been a delegate to general convention.

4 Q. But you know what I'm talking about. I mean we're in
5 agreement that that is one of the functions of the Diocese,
6 to send deputies to the general convention?

7 A. Yes, sir.

8 Q. Right?

9 A. Yes, sir.

10 Q. And that happens every three years, doesn't it?

11 A. I really don't recall, but I would agree with that.

12 Q. Okay. So there's clear connection that way. St.
13 Bartholomew's elects its delegates to the diocesan
14 convention, correct?

15 A. That's correct.

16 Q. And then that convention, at which its delegates appear,
17 elects delegates to the general convention of the Episcopal
18 Church, correct?

19 A. Yes.

20 Q. Okay. Now, you mentioned that you had a fire back in
21 1987 that destroyed the records and the building?

22 A. Correct.

23 Q. Did the Church Insurance Company insure that loss?

24 A. We were insured with Church Insurance Company at that
25 time, yes.

1 Q. Okay. And that is sponsored by the Episcopal Church, is
2 it not, the Church Insurance Company?

3 A. I believe there is an affiliation. The relationship I'm
4 not totally clear on, but I do believe there was an
5 affiliation.

6 Q. How much did the Church Insurance Company pay you, pay
7 St. Bartholomew's, to cover that loss?

8 A. I do not know the amount of money, but it was
9 substantial, for the property was totally lost.

10 Q. How much was the value of the church when it burned
11 down?

12 A. I do not know.

13 Q. Now, did you, by any chance, attend the convention of
14 the Diocese of South Carolina in 1987?

15 A. In 1987, no, sir.

16 Q. Did not?

17 A. I did not.

18 Q. Were you aware at that particular convention that the
19 delegates at that convention adopted a canon of the Episcopal
20 Church in South Carolina that created a trust interest in
21 parish property if they decided to leave the church?

22 A. I was not aware of that.

23 Q. You said, I think, that St. Bartholomew's used the Book
24 of Common Prayer of the Episcopal Church?

25 A. We use the Book of Common Prayer.

1 Q. Now?

2 A. Yes. And we also have the Anglican prayer book in our
3 chapel and we have blue hymnals in our church.

4 Q. Is that Anglican prayer book you're talking about called
5 an Anglican Service Book?

6 A. That's correct, black cover.

7 Q. Black cover?

8 A. Yes, sir.

9 Q. What color is the Book of Common Prayer that's used in
10 the church?

11 A. Red cover.

12 Q. Do you use Anglican Service Book in the church or just
13 in the chapel?

14 A. It's in the chapel only.

15 Q. How many copies of that do you have in there?

16 A. I would think there's a dozen and a half.

17 Q. Why did St. Bartholomew's decide to depart from the
18 Episcopal Church in 2012 and 2013?

19 MR. CAMPBELL: Your Honor, just for the record, may I
20 state the objection that this has been asked and answered
21 dozens of times now, that they did not depart from the
22 Episcopal Church.

23 Q. Well, whatever you departed from would be my question.

24 THE COURT: Okay. Ask him the question then.

25 Q. Does the St. Bartholomew's parish have any connection to

1 the National Episcopal Church, of its diocese in South
2 Carolina?

3 A. No.

4 Q. Why?

5 A. Because we are affiliated with the Diocese of South
6 Carolina.

7 Q. Why was that affiliation changed?

8 A. We have never had affiliation with the Diocese in South
9 Carolina.

10 Q. Well, I thought you said you attended conventions of the
11 Diocese?

12 A. The Diocese of South Carolina, not in South Carolina.

13 Q. All right. Of South Carolina. But did you attend
14 conventions of the Diocese of South Carolina?

15 A. I attended conventions in the Diocese of South Carolina.

16 Q. All right. Now, do you still -- does St. Bartholomew's
17 still have a relationship with that Diocese whose conventions
18 you attended?

19 A. The Diocese of South Carolina and St. Bartholomew's
20 Episcopal Church, we are in membership with the Diocese, yes.
21 We support the Diocese of South Carolina financially.

22 Q. What affiliation did you change, if any, in 2012 that
23 you wrote all the resolutions about and so forth?

24 A. The resolutions were to state, again, that we reputed
25 the action of the national church against the bishop of the

1 Diocese of South Carolina and that we were resolving that
2 there was no affiliation to be assumed or that any of the
3 representatives of the Episcopal Church had any attachment to
4 any of our personal or real property.

5 Q. Is your answer then that you were concerned that the
6 bishop was being treated unfairly by the national church?

7 MR. CAMPBELL: Your Honor, I object. I believe he just
8 stated --

9 THE COURT: The answer was what it was.

10 MR. TISDALE: Okay. Thank you. Your Honor.

11 Q. And you said you were concerned about your property?

12 A. That's correct.

13 Q. What were those concerns?

14 A. Those concerns that the national church were trying to
15 seize that property, take our property away and sell our
16 facilities.

17 Q. Has the national church ever notified you that they had
18 that intention?

19 A. They have not notified us, but we had read the
20 newspapers and seen situations where that's occurred in other
21 locations.

22 Q. Do you know of any situation where it's occurred in the
23 State of South Carolina?

24 A. In the State of South Carolina I'm personally not aware.

25 Q. Are you aware of any news report or any other kind of

1 report where the Episcopal Church, the national church, has
2 threatened the property of any church that is an Episcopal
3 church?

4 A. My familiarity is just with newspapers, sir, not any
5 particular document or letters.

6 Q. So you have no knowledge of that?

7 A. I beg your pardon?

8 Q. You have no knowledge of that beyond what you might have
9 read?

10 A. That's correct.

11 Q. Do you remember what you read?

12 A. It's just general information over a period of time. I
13 don't have a specific article, sir.

14 Q. Okay. You said that you all had moved the signs that
15 had reference to The Episcopal Church Welcomes You and so
16 forth over in Hartsville?

17 A. Correct.

18 Q. And have those signs been replaced with any other signs?

19 A. Yes. We have on the corner of 4th and Carolina Avenue a
20 sign that says "St. Bartholomew's Parish, Anglican/Episcopal"
21 with our phone number underneath, and we have a sign in front
22 of the church that says "St. Bartholomew's Episcopal Church"
23 and it has information regarding worship hours on it, yes,
24 sir.

25 Q. Is that sign that says St. Bartholomew's Episcopal

1 Church the one that was there before 2012?

2 A. Before 2012, yes, sir.

3 Q. How long has it been there?

4 A. I believe when the church fire occurred and we rebuilt
5 the church, that that sign was placed at that time to the
6 best of my knowledge.

7 Q. St. Bartholomew's Episcopal Church?

8 A. St. Bartholomew's Episcopal Church, yes, sir.

9 Q. Same now as it was in '88 or '89?

10 A. It's -- it has been altered. There was a shield on it.
11 I can't recall -- but that has been removed. It was a small
12 probably four-inch-square wooden shield.

13 Q. Was it a shield of the Episcopal Church by any chance?

14 A. That's a strong possibility, yes.

15 MR. TISDALE: Thank you, Your Honor.

16 Thank you, Mr. Rumpf.

17 THE WITNESS: Thank you.

18 THE COURT: Thank you.

19 MR. CAMPBELL: Your Honor, if I may beg the Court's
20 indulgence for one moment.

21 THE COURT: All right.

22 MR. CAMPBELL: No further questions, Your Honor.

23 THE COURT: All right. You may come down.

24 THE COURT: We're going to take our lunch break, ladies
25 and gentlemen, and we'll reconvene at 2:30 time.

1 (Lunch recess held.)

2 THE COURT: All right. Very well. Call your next
3 witness, please.

4 MS. MACDONALD: Thank you, Your Honor. We call Dr.
5 Frank Sloan.

6 MR. TISDALE: What parish is this?

7 MS. MACDONALD: Trinity Myrtle Beach.

8 (Plaintiff's Exhibits TMB-1 through TMB-26 premarked for
9 identification.)

10 FRANK KEENAN SLOAN, JR.,
11 being first duly sworn, testified as follows:

12 MS. MACDONALD: For the record, I'm Susan MacDonald. I
13 represent Trinity Church of Myrtle Beach, plaintiff in this
14 action.

15 DIRECT EXAMINATION BY MS. MACDONALD:

16 Q. Could you state your name for the record, please?

17 A. Dr. Frank Sloan.

18 Q. And where do you live?

19 A. Myrtle Beach, South Carolina.

20 Q. What do you do for a living?

21 A. I'm an eye surgeon.

22 Q. And are you a member of any church in Myrtle Beach?

23 A. Trinity Myrtle Beach.

24 Q. And how long have you been a member?

25 A. Since 1987.

1 Q. Okay. And have you held any positions in Trinity
2 Church?

3 A. I've served on vestry twice and I'm current senior
4 warden.

5 Q. In that leadership position as senior warden and on the
6 vestry, have you come to learn information about the
7 corporate status of Trinity Church?

8 A. I have.

9 Q. Okay. And do you know some of the history of Trinity
10 Church?

11 A. Well, the church was founded -- initially was
12 incorporated in 1939 under the name of trustees of the church
13 of the Messiah Myrtle Beach, Horry County, South Carolina.
14 That was June 21st, 1939, but that was at the time a mission
15 church of the Diocese of South Carolina.

16 Q. Okay. Your Honor, I think Jason may still be looking.
17 We've looked at these earlier.

18 MR. TISDALE: We're okay.

19 MS. MACDONALD: You're okay with them? Okay.

20 Your Honor, at this point I would move to put into
21 evidence -- and they are denoted TMB Exhibits 1 through 26.
22 I've already given the court reporter her copy.

23 MR. TISDALE: No objection, Your Honor.

24 THE COURT: Thank you so much. On behalf of the
25 national church, Mr. Beers?

1 MR. BEERS: I thought I had informed counsel that we
2 were fine.

3 THE COURT: Thank you so kindly. I need to have
4 confirmation on the record. It's insufficient to have it
5 from one side. I need to have it from counsel. Thank you.

6 1 through 26 then are in evidence without objection.

7 (Plaintiff's Exhibits TMB-1 through TMB-26 admitted into
8 evidence.)

9 MS. MACDONALD: Thank you, Your Honor.

10 Q. If you would look at -- we were talking about the
11 history. Look at Exhibit 1. Is that a copy of the original
12 incorporation of the church?

13 A. It is to my understanding.

14 Q. And is that originally, as you said, trustees of the
15 church of the Messiah of Myrtle Beach, Horry County, South
16 Carolina, a corporation?

17 A. Correct.

18 Q. Okay. How about look at Exhibit No. 2? And do you
19 recognize this exhibit?

20 A. Yes. In 1949 the church ceased to become a mission and
21 became a full parish, and they apparently at the time
22 re-issued or re-applied for articles of incorporation but
23 under the same name, trustee to the Church of the Messiah,
24 but now as a parish.

25 Q. And then if you would look at Exhibit No. 3, do you

1 recognize this document?

2 A. I do.

3 Q. And what is this document?

4 A. It was decided, and it's lost to history as to what the
5 thinking was at the time, but it was decided to change the
6 name from Church of the Messiah, which I guess is kind of a
7 mouthful, to Trinity Episcopal Church of Myrtle Beach.

8 Q. That was done in what year?

9 A. 1949.

10 Q. If you look at the bottom at the notary.

11 A. Oh, I'm sorry, 1951.

12 Q. Okay. So by 1951 it was Trinity Church, Trinity
13 Episcopal Church Myrtle Beach?

14 A. Correct.

15 Q. Did you subsequently change the name again?

16 A. We did.

17 Q. Okay. If you'll look at Exhibit 4, is that the filing
18 of the name change and purpose change in 2009 with the
19 Secretary of State?

20 A. That's correct.

21 Q. And what's the new name?

22 A. The name is Trinity Church Myrtle Beach.

23 Q. Does Trinity Church of Myrtle Beach own any real estate?

24 A. It does. It owns the current church property where the
25 sanctuary and other associated buildings are located. It

1 also owns eight acres of undeveloped land in an area known as
2 Carolina Forest, and we also own a rectory for the use of the
3 rector.

4 Q. And if you would look at TMB Exhibits No. 5, 6, 7, 8, 9,
5 10, 11, 12, 13, do those deeds represent the current property
6 owned by Trinity Church of Myrtle Beach?

7 A. They do.

8 Q. Does anybody else, any other entity, own any interest in
9 this property according to the title records in Horry County?

10 A. They do not.

11 Q. Okay. Thank you. Now I'm going to ask you to look at
12 the back, because I know there were -- if you would look at
13 the very last exhibit, Exhibit 26.

14 A. Okay.

15 Q. Do you recognize what that exhibit is?

16 A. I do. Apparently it was customary for mission churches
17 to grant deed or control of their property.

18 Q. I'm looking at 26, not 24. I'm sorry.

19 A. Correct. This is -- to my understanding this is the --
20 oh, I'm sorry. This is the initial granting of the property
21 from Myrtle Beach Farms?

22 Q. Yes.

23 A. To the church for purposes of having a church on the
24 property.

25 Q. And in looking at the document, sort of the middle where

1 it starts "The trustees of the Protestant Episcopal Church in
2 South Carolina"?

3 A. Correct.

4 Q. That in the second -- does it indicate the reason why
5 Myrtle Beach Farms gave another quitclaim deed?

6 A. Well, because I think it was because the articles of
7 incorporation had been issued twice, in '39 and again in '49.
8 When we became a parish, there appeared to be there was some
9 confusion as to whether there were actually two corporations.
10 So in order to clear up any confusion over whether this
11 property was for the purpose of the church Myrtle Beach Farms
12 issued a quitclaim deed to clear up any possible confusion
13 there.

14 Q. And this is the original property that the church was
15 built on at first?

16 A. Exactly.

17 Q. Now, if you would turn back to Exhibit 24 -- and this
18 one's a little harder to read. It may be easier if you look
19 on the screen in front of you, I don't know, but in the very
20 top section can you tell what this is? He's going to blow it
21 up for you on your screen, if that helps.

22 A. Okay. I believe -- again, it's a little challenging
23 here, but I believe this is where the -- once the parish --
24 once the mission had become a parish, that the parish
25 requested that the trustees of the Diocese return control of

1 the property to the parish.

2 Q. At some point originally did the church of -- the
3 trustees of the Church of the Messiah own the property at
4 first?

5 A. Well, I'm not sure of the exact timing of it. It was
6 granted by Myrtle Beach Farms, but I know that subsequently
7 it was granted to the trustees of the diocese, which I think
8 was typical for mission churches. So that was nothing
9 unusual in that.

10 Q. Then at some point did the mission church -- did the
11 trustees deed back the property to Trinity?

12 A. Correct.

13 Q. Or to the Church of the Messiah?

14 A. Church of the Messiah, correct. In '49, once they had
15 become a full-fledged parish, they requested that the
16 trustees return control of the property to the parish, and
17 that was done.

18 Q. Do you know if Trinity owns any other real property
19 other than what we've discussed in these deeds?

20 A. None that I'm aware of.

21 Q. Okay. Now, if you would look at Exhibits 22 and 23, did
22 there come a point in which the Diocese of South Carolina and
23 the bishop and the standing committee provided quitclaim
24 deeds to Trinity Church?

25 A. There was.

1 Q. If you would look at Exhibits 22 and 23, do these
2 reflect the quitclaim deeds? Are these the quitclaim deeds?

3 A. They are.

4 Q. All right. Now we're going to kind of move to the
5 corporate actions of Trinity Parish. Does Trinity Church
6 have bylaws?

7 A. They do.

8 Q. Was there ever a substantial amendment to those bylaws
9 since you've been at the church?

10 A. There was.

11 Q. When did that happen?

12 A. That happened in November of 2009.

13 Q. Okay. And what was the background for these amendments?

14 A. Well, as the church had been incorporated since 1949,
15 there really had not been a comprehensive review of bylaws;
16 some amendments apparently over the years, but many, many
17 years had passed, and it was time for a comprehensive review
18 and cleaning up of the bylaws which was instituted in the
19 summer of 2009. Actually a committee was formed with the
20 chancellor just to review the bylaws, and laws changed and
21 times changed and those things just needed to be
22 re-addressed. So we were in the process of doing that.

23 Q. While you were in the process of reviewing and looking
24 at amending these bylaws, did you make changes to the reviews
25 you were looking -- or to the changes you were going to make?

1 A. Well, obviously the timing was such that as we were
2 reviewing it during the summer of 2009, then in September
3 2009, as I'm sure everyone in the courtroom is familiar,
4 South Carolina Supreme Court came down with what we call the
5 All Saints ruling. I'm not sure what its legal term is, but
6 we call it the All Saints ruling, which related obviously to
7 the ownership of their property similar to what we're dealing
8 with here, and there were -- our legal counsel said there
9 were issues that were --

10 MR. TISDALE: Your Honor, I object as hearsay.

11 Q. Yes, you can't tell us what somebody else told you, just
12 what action they took as a result of All Saints.

13 A. We were advised by counsel there were certain actions.

14 MR. TISDALE: Same thing.

15 THE COURT: If you talk about what your lawyer told you,
16 then you have waived your attorney-client privilege, and your
17 lawyer would like to step in and tell you you probably don't
18 want to do that, is what I think she probably wants to do.

19 You can't talk about what someone else said, okay? You
20 can talk about what you did as a result of a conversation,
21 but you can't talk about that conversation. That's called
22 hearsay. That's why Mr. Tisdale is objecting and why I'm
23 going to sustain the objection, okay?

24 So start anew. I know I've interrupted him, so why
25 don't you ask him another question.

1 Q. What action did the vestry take as a result of the All
2 Saints case?

3 A. We further amended the bylaws in ways that the vestry
4 believed would help us further protect our property.

5 Q. Okay. And I think you said earlier, was that part of
6 the November 2009 amendment?

7 A. It was.

8 Q. If you would look at Exhibit 18, can you identify what
9 that document is?

10 A. These were the amendments to the bylaws.

11 Q. And if you'll look at the very top, adopted as of what
12 date?

13 A. 22nd day of November, 2009.

14 Q. And in what form were these -- was this amended bylaws
15 done?

16 A. The bylaws stated how they should be done, that there
17 should be sufficient notice given to the entire parish, that
18 there should be, particularly stipulated, two readings, two
19 announcements from the pulpit, which was done, and then two
20 actual meetings for reading and voting on the amendments, all
21 of which was followed.

22 Q. And so these amendments -- or the bylaws were amended
23 pursuant to notice required?

24 A. Correct.

25 Q. And was a quorum present when it was done?

1 A. It was.

2 Q. And did the amendments pass at both of those two
3 meetings?

4 A. They did.

5 Q. Okay. If you would look at Exhibit 14, and at the very
6 top, can you identify this document?

7 A. Again, these are the minutes of the initial voting
8 meeting.

9 Q. And then if you would look at Exhibit 17, can you
10 identify this document?

11 A. These are the minutes of the second meeting.

12 Q. And I think you said notice was given pursuant to what
13 was required, but was additional notice given for these
14 meetings to amend the bylaws?

15 A. I actually can't say. I know that we went through
16 considerable effort to make sure that there was plenty of
17 notice given to everyone via electronic and mail, both. So I
18 know we went to considerable lengths to be sure, but as far
19 as if there were additional communications, I couldn't say.

20 Q. Look at Exhibit 15. And there are several pages
21 contained in that, and particularly down in the bottom corner
22 on the first page it's denoted TMB-3131159 and talks about
23 annual parish meeting?

24 A. Correct.

25 Q. It also notes that there would be two meetings, correct?

1 A. Correct.

2 Q. Then it's on the calendar on the next page listed, which
3 is 1165?

4 A. Correct.

5 Q. Then can you identify 1167, the next page?

6 A. Correct, yes, it's another notice that was posted.

7 Q. And that was posted?

8 A. In the church.

9 Q. Then I want you to look at the next page, which is
10 denoted on the bottom 1156.

11 A. Okay.

12 Q. And what is this document?

13 A. This is a letter from our rector at the time, who was
14 explaining in his words the reason for our meeting and the
15 rationale for changes we were making.

16 Q. What was the main impetus for the changes you were
17 making?

18 A. The main impetus for the changes was simply to protect
19 our property.

20 Q. Let's look at Paragraph 4 of this letter. Do you recall
21 this letter going out to the parish?

22 A. I do.

23 Q. Okay. And were you a member of the vestry who discussed
24 why these changes were necessary?

25 A. I was.

1 Q. And I would like for you to publish for the Court by
2 reading that paragraph, and read it slowly so the court
3 reporter can take it down.

4 A. "On September 22nd, 2009, the South Carolina Supreme
5 Court ruled that a national organization could not impose a
6 trust on a local congregation without the explicit consent of
7 that local congregation. The South Carolina Supreme Court
8 judged that the local congregations in many cases had never
9 given their consent to be incorporated into a national trust.
10 The Court ruled that the Dennis canon was null and void in
11 the State of South Carolina. What this means for us at
12 Trinity is that Trinity and its congregation are the owners
13 of all nonconsecrated property, land, offices, foundations,
14 etc. The vestry and clergy have unanimously asked the
15 congregation to consider amending the charter and bylaws to
16 better reflect the current understanding of church property
17 ownership in the State of South Carolina. Be sure to note
18 that this in no way changes our denominational affiliation.
19 If the amendments are passed, Trinity will continue to be an
20 Episcopal church. The amendments do not in any way address
21 our denominational affiliation."

22 Q. So at the time that these changes were made, it was for
23 a real property issue, correct?

24 A. Exactly.

25 Q. And it had nothing to do with what was going on with the

1 national church in any other way?

2 A. Correct.

3 Q. Now, in addition to amending the bylaws, did you also --
4 is that at the point where you amended the articles of
5 incorporation to change the name?

6 A. Yes.

7 Q. Did you have a parliamentarian at these meetings?

8 A. We did.

9 Q. And that parliamentarian was there to make sure that --

10 A. Proper order was followed.

11 Q. Okay. So at the time this was changed, or the
12 amendments were done in 2009, there had been notice as
13 required?

14 A. Correct.

15 Q. There was a quorum?

16 A. Correct.

17 Q. It was passed by the proper amount of vote?

18 A. Correct.

19 Q. Is Exhibit 14, which is the minutes, an accurate
20 representation about what occurred at that meeting?

21 A. They are.

22 Q. Does anyone outside of the membership of Trinity Church
23 have any veto power over the corporate entity of Trinity
24 Church and its governing documents?

25 A. Not that I'm aware of, no.

1 Q. Now I want to kind of go to 2012. If you'll look at --
2 let's go ahead and look at Exhibit 19.

3 Now, in 2009 there was an understanding that despite the
4 fact that you took the name Episcopal out of your name, you
5 were still an Episcopal church, correct?

6 A. Correct.

7 Q. Did that change?

8 A. No, it did not.

9 Q. Okay. So when you indicate that you're part of the
10 Episcopal Church, do you mean the Diocese of South Carolina?

11 A. Correct.

12 Q. And has Trinity always been affiliated with the Diocese
13 of South Carolina?

14 A. Yes.

15 Q. In 2012 did something significant happen within the
16 parish?

17 A. Something very significant happened, and I think, as we
18 all know, the national church moved to impair our duly
19 elected bishop, Mark Lawrence, and that triggered the
20 disassociation of the Diocese from the national church.

21 Q. And what was Trinity's position on that?

22 A. Our position was that we wished to remain in the diocese
23 under leadership of Mark Lawrence.

24 Q. I'll ask you to identify Exhibit 19.

25 A. Okay. It was the annual parish meeting.

1 Q. Okay. And if you'll look at the second page of that,
2 top, was there a vote at this meeting by the parish?

3 A. There was.

4 Q. Can you tell me what that vote was?

5 A. The result of the votes were 119 to affirm Trinity's
6 membership in the Diocese of South Carolina, 31 votes to
7 re-affiliate with the denomination of the Episcopal Church,
8 and 4 to abstain.

9 Q. Okay. Was there any vestry action that was necessary
10 after this?

11 A. Yes. The vestry -- this was really a sense of the
12 parish. The vestry was subsequently taking that sense of the
13 parish and resolved to remain with the Diocese of South
14 Carolina and Bishop Lawrence.

15 Q. And if you would look at Exhibit No. 21, can you
16 identify what this is?

17 A. Yes. This is minutes of the vestry, September 10, 2012.

18 Q. And did the vestry take action at this vestry meeting?

19 A. We did.

20 Q. Tell me what the vestry did.

21 A. The vestry resolved to remain in relationship with the
22 Diocese of South Carolina and Bishop Lawrence, and that was
23 passed unanimously by the vestry.

24 Q. And was this vestry meeting noticed as required with the
25 bylaws?

1 A. It was.

2 Q. Okay. Was there a quorum?

3 A. There was.

4 Q. Okay. And I note there was only one person absent?

5 A. Correct.

6 Q. Do these minutes accurately reflect what happened at
7 that meeting?

8 A. They do.

9 Q. Going back to the minutes where the mind of the parish
10 -- was that meeting properly noticed?

11 A. It was.

12 Q. Was there a quorum?

13 A. There was.

14 Q. And was there a parliamentarian there to conduct it?

15 A. There was.

16 Q. Do the minutes as reflected in that exhibit accurately
17 reflect what happened?

18 A. They do.

19 Q. Okay. We've had a lot of testimony about signage, so
20 let's get that out of the way.

21 In fact, if you could pull up the pictures, am I messing
22 you up if I tell you to do that now out of order?

23 Can you tell me what this is, what this picture is?

24 A. Well, this would be a picture of Palm Sunday. I see
25 some palm fronds in people's hands, and we do a little

1 ceremonial stroll around the church before the service
2 begins.

3 Q. Okay. The next picture?

4 A. Typical baptism at Trinity.

5 Q. Okay. Next picture?

6 A. Our rather impressive pipe organ.

7 Q. The next picture?

8 A. Well, this is obviously the Christmas program with the
9 kids.

10 Q. Okay. Next picture?

11 A. If you notice the extremely handsome person in the green
12 shirt playing guitar, that would let you know that this is
13 our contemporary service.

14 Q. The next one?

15 A. This is our cherished stain glass window we call the
16 rose window.

17 Q. Next?

18 A. Communion.

19 Q. Next one?

20 A. Acolytes serving.

21 Q. Who is the very cute little girl on the front right?

22 A. She has a close relationship with our church counsel.

23 Q. Next picture?

24 A. This is our Learn and Play, our preschool program.

25 Q. So we have a preschool church school?

1 A. We do.

2 Q. Next picture?

3 A. This was taken, actually, I believe, last fall, and this
4 was all those in attendance at church that day. It was just
5 the idea of our rector to get everybody together. It was --
6 we call this Rally Day where we try to get as many folks to
7 show up and get prepared for the new year in the fall and
8 took a group picture.

9 Q. Okay. The next picture. You can skip this picture.

10 What is this?

11 A. This is the actual chapel, the original church.

12 Q. So this was the original church from 1939?

13 A. Correct.

14 Q. Okay. Next picture?

15 A. This was the new sanctuary we built in 1990 adjacent to
16 the chapel.

17 Q. Okay. Next picture?

18 A. One of two main entrances to the church.

19 Q. All right. Let's talk about this sign. Is this a new
20 sign for Trinity?

21 A. It is, relatively.

22 Q. Okay. And I note -- did the sign before this have
23 "Episcopal" on it?

24 A. It did.

25 Q. And what is at the top of the sign?

1 A. That's the seal of the Diocese.

2 Q. Okay.

3 A. The Diocese of South Carolina.

4 Q. Does Trinity have any signage that has anything related
5 to the National Episcopal Church?

6 A. Not currently, no.

7 Q. Do we have a flag with the Episcopal shield or Episcopal
8 flag?

9 A. We do not.

10 Q. Did we have one in the past?

11 A. We had.

12 Q. And how about The Episcopal Church Welcomes You signs,
13 do we have any of those?

14 A. We had two in the past, and the one got accidentally run
15 over in an automobile accident, and we chose not to replace
16 it. It was some distance from the church. And the other had
17 deteriorated and rusted, and we also chose not to replace it.

18 MS. MACDONALD: Okay. All right. I think that's all
19 the questions I have. Answer any of counsel's.

20 THE COURT: All right. Any other examination by any of
21 the plaintiffs? No. All right.

22 Mr. Beers, you will go first. Very well.

23 CROSS-EXAMINATION BY MR. BEERS:

24 Q. Good afternoon, Doctor. My name is David Beers. I
25 represent the National Episcopal Church.

1 A. Good afternoon.

2 Q. In 2009 when the parish changed its bylaws, I take it it
3 removed certain references to the National Episcopal Church?

4 A. Correct.

5 Q. And do you remember what those provisions were that were
6 deleted?

7 A. It was -- as I recall, it was primarily just the word
8 "Episcopal." I think there were some other minor changes as
9 opposed to who constituted a voting member of the church, but
10 it was primarily removing the reference to the national
11 church.

12 Q. Was there a bylaw that provided that qualifications for
13 being on the vestry were somehow linked to the canons of the
14 Episcopal Church?

15 A. That I don't know.

16 Q. What was the point of making the change just on the
17 provision relating to voting, membership?

18 A. Because it was --

19 MS. MACDONALD: Your Honor, I just would object. I
20 think that's not exactly what he testified to. If he
21 would -- he essentially testified that --

22 MR. BEERS: No, wait.

23 MS. MACDONALD: -- in addition to the Episcopal, there
24 were other changes to who constituted voting members. The
25 question wasn't Episcopal had anything to do with voting

1 members.

2 THE COURT: He can testify. He can ask him a question.
3 Then if he doesn't understand it or if it's -- he can clarify
4 if he needs to.

5 You may proceed, Mr. Beers.

6 Q. Just talking about whatever bylaw change you made
7 regarding membership in the parish or eligibility to be on
8 the vestry or something, or eligibility to vote, did those
9 changes have anything to do with the national church?

10 A. No, sir.

11 Q. All right. Then what provisions did have something to
12 do with the national church?

13 A. Well, as my recollection was, it was largely the roles
14 of the church had not been very well-monitored over the
15 years, and there were requirements that people had to be
16 giving faithfully to the church. There weren't any strict
17 limits on that, but there had to be a record of giving to the
18 church. I believe they had to be baptized and members in
19 good standing of the church, and we wanted to simply
20 reiterate what constituted a member in good standing.

21 Q. But your testimony is that that change had nothing to do
22 with any reference to the national church?

23 A. Yes, sir. That was a totally separate issue in our
24 mind.

25 Q. So what provisions did you delete from your bylaws that

1 did reference the national church?

2 A. As I understand, it was largely the name "Episcopal,"
3 the word "Episcopal," and also any reference that we accede,
4 I believe is the word used, acceded to their canons and
5 constitution.

6 Q. So was the name changed in 2009?

7 A. Correct.

8 Q. Refresh my recollection. From what to what?

9 A. It was Trinity Episcopal Church Myrtle Beach to Trinity
10 Church Myrtle Beach.

11 Q. Fine. Thank you. And so if I understand you, there was
12 a bylaw that had something to do with the parish acceding to
13 the doctrine discipline and worship or constitution and
14 canons of the Episcopal Church, something like that?

15 A. Yes. My understanding is that's actually in the
16 articles of incorporation. I'm not sure where that is in the
17 bylaws.

18 Q. You don't know whether it's in the bylaws?

19 A. I don't recall whether it was in the bylaws. I don't
20 recall if that was in the bylaws as they were changed. I
21 don't recall.

22 Q. So you don't recall whether there were any changes in
23 the bylaws that removed the reference to the national church?

24 A. Yes. I -- we were removing references to the national
25 church, yes.

1 Q. And could you tell me which ones you were removing?

2 A. Well, they appeared, I believe, in a variety of places
3 in the bylaws, so wherever they appeared, they would have
4 been removed.

5 Q. And you can't recall where they appeared?

6 A. Not exactly, no, sir.

7 Q. Generally? You said "not exactly." I don't mean to
8 quibble with you, but --

9 A. No, sir. I'd have to say I don't recall.

10 Q. Did the parish also have a foundation at that time?

11 A. It did.

12 Q. Tell me about that. When was it created and why?

13 A. I don't know the exact date of the creation. It was, I
14 want to say, somewhere around 15, 16 years ago.

15 Q. And who created it?

16 A. Well, it was created by members of the church. There
17 was an initial significant gift, that we had never had a
18 foundation before, and we thought that that was a good way to
19 manage resources that were given to the church.

20 Q. And who was -- was that a corporation?

21 A. It was formed as a corporation, yes.

22 Q. And so who was -- how were the board members of the
23 foundation selected?

24 A. They were selected, I believe, by the vestry of the
25 church.

1 Q. And what was the foundation supposed to do?

2 A. Well, its charter was to accept gifts from the church,
3 to invest them, and then to use them primarily for purposes
4 of supporting the mission of Trinity Church.

5 Q. Were there restrictions on the use of the funds?

6 A. There have been restrictions at times. Initially I know
7 when I was serving on the vestry the restriction was it had
8 to be for nonbudgetary purposes; for instance, things that
9 had been in the budget the last three years. It was really
10 sort of a special projects, sort of a fund initially, how it
11 was conceived.

12 Q. And were there limitations on the management of the
13 funds?

14 A. Well, again, I may be getting into areas I'm not totally
15 familiar, but I know that there were guidelines, it should be
16 managed in a responsible way, but beyond that I couldn't say.

17 Q. Do you remember a restriction that required the board to
18 manage the funds in accordance with the requirements of the
19 constitution and canons of the Episcopal Church?

20 A. I don't recall if that was in there, no.

21 Q. So you said that these changes were made to protect the
22 property of the parish?

23 A. Correct.

24 Q. And what did you mean by that?

25 A. Well, it was pretty obvious to us the national church at

1 that time, in alliance with the diocese, had moved against a
2 church that was still a member of the national church, and
3 that church was just down the road from us, All Saints
4 Church. So it was clear to us that it was quite possible in
5 the future that our property could be threatened.

6 Q. And how did you think the property was threatened by the
7 All Saints case?

8 A. Well, it was -- we really didn't know what the future
9 would hold, but it was clear to us that who really owned the
10 property was a real question that needed to be -- we needed
11 to do all -- it was our responsibility to do everything in
12 our power to maintain the control of the property by our
13 parish.

14 Q. Did you have some reason to believe that the Episcopal
15 Church, the national church, was seeking ownership of that
16 property in Waccamaw?

17 A. Well, I believe they sued to have control of it. I
18 believe they did it.

19 Q. Have you ever looked at the case, read the decision or
20 looked at the pleadings?

21 A. No.

22 Q. You don't know what the Episcopal Church was seeking in
23 that case, do you?

24 A. My understanding is that they were seeking to control
25 the property, that they would allow All Saints to leave,

1 vacate the property. That was my understanding.

2 Q. Where did you get that understanding?

3 A. Reading articles in the newspaper primarily, talking to
4 people in the church.

5 Q. Let's take the first. There were articles that said the
6 Episcopal Church wanted to control the property?

7 A. That was my understanding.

8 Q. And you heard people say that?

9 A. Well, I read it in articles in the paper, so however
10 reliable that source is, but -- and obviously, as discussed,
11 it was a topic that was very close to us. It was just down
12 the road, so we were certainly, you know, watching it, seeing
13 how it all played out.

14 Q. What did you understand by control? Did anybody explain
15 that to you?

16 A. No. Control to me would indicate that, you know,
17 those -- the way I understood it at the time was the national
18 church, in this case the diocese as well, was saying you may
19 leave but the property remains in the diocese.

20 Q. But not in the national church?

21 A. I wouldn't know what claims the national church was
22 making in that particular case.

23 Q. Even though you didn't know what claims the national
24 church was making in that case, you wanted to get every
25 reference to the national church out of your bylaws because

1 you were afraid that somehow your property was at risk from
2 the national church?

3 A. Yes, we were concerned, and not just the national
4 church, you know. Remember, All Saints was being -- the case
5 was the Diocese and the national church together, so in our
6 case, you know, we don't know who the plaintiffs might be.
7 All we know is that we're a local parish, we're ministering
8 to our parishioners and to our community, and that that's
9 where the rubber meets the road, and we wanted to maintain
10 the ability to do that, and having control of our property
11 was paramount for that.

12 Q. Did you know what the Episcopal Diocese of South
13 Carolina was seeking in that lawsuit?

14 A. I didn't read the specific complaint, so I can't say.
15 It was just generally understood publically that they, All
16 Saints, could not maintain -- could not continue to occupy
17 their property if they were no longer considered to be in the
18 Diocese or the national church.

19 Q. By "All Saints" you mean the people? What do you mean
20 by "All Saints"?

21 A. Well, it was -- I assumed that they had, just like we
22 did, held a meeting, you know, duly organized meeting that
23 had been properly published and that they had a quorum and
24 that they voted and that a majority voted to leave the
25 national church and the Diocese.

1 Q. So that's not a case where the Episcopal Church was
2 threatening a parish that was in the church and intended to
3 stay in the church?

4 MS. GOLDING: Your Honor, he's misleading the witness.
5 The All Saints case -- clearly it states there was a notice
6 that was filed by the Diocese that made reference to the
7 national church's constitution and canons, and that notice
8 was filed four years prior to All Saints ever making a vote
9 to leave the Diocese, so I think that -- and Mr. Beers knows
10 fully well that he's misstated what actually transpired in
11 All Saints because Mr. Beers was involved in that case as
12 well.

13 MR. BEERS: That was some speech, Your Honor, but I
14 don't know that it goes to the merits of this question. I'd
15 like to proceed.

16 THE COURT: All right. I guess my concern is this: And
17 there's been a fair amount of freedom around the issue, but
18 the issue really goes to the justification regarding why the
19 different entities chose to do what they chose to do. I'm
20 not quite sure how much of that justification concerns the
21 Court, to be quite frank with you. And I've let it go
22 because there's been so much focus on it.

23 For my purposes, my concern is more in the nature of the
24 structure, the governance, whether or not the nonprofit
25 statute applies, are we pre-1900, are we post-1900, what were

1 the methodologies that were used, when was the incorporation,
2 what were the bylaws, and there's been probably more time
3 spent with the justification and the dispute over the
4 justification for these folks to have taken the actions that
5 they have taken.

6 All Saints speaks for itself, and at the end of the day
7 All Saints stands for the proposition that we are a state,
8 not one of hierarchical enforcement by the Court, but one
9 involving neutrality, which really sends me back to the
10 issues which are much more corporately driven.

11 So aside from the fact that it's not fair to ask a
12 physician about the dictates of All Saints any more than it
13 would be fair to ask me about how you do eye surgery, the
14 justification in and of itself is interesting, but not what I
15 believe to be the focus of the Court. So with that in mind,
16 you may proceed, Mr. Beers.

17 MR. BEERS: I'd just like to make one comment in
18 correction, Your Honor. I would not even suggest that the
19 witness try to interpret what All Saints said. That was not
20 the point of my question at all, but I will move on to a
21 similar subject which won't be appreciated much better than
22 that one.

23 Q. You said that in 2013 the parish voted to align itself
24 with the Diocese headed by Bishop Lawrence?

25 A. Right, 2012, correct.

1 Q. And you said that what triggered that was a belief or an
2 understanding that the Episcopal Church, the national church,
3 had done something to impair Bishop Lawrence's ministry; is
4 that correct?

5 A. That was my understanding.

6 Q. Do you know anything about the disciplinary system or
7 process of the national church?

8 A. Very little.

9 Q. Do you know anything about whether or not and to what
10 extent the national church can discipline bishops of the
11 church?

12 A. No, no, sir, I'm not familiar with that process.

13 Q. Do you know anything about the circumstances
14 surrounding -- do you know what -- excuse me. Let me start
15 again.

16 Do you know what action, if any, the presiding bishop
17 made with regard to Bishop Lawrence?

18 A. It was our understanding that she had moved to impair
19 the bishop, which could have led to him being replaced.

20 Q. And do you know what her grounds were?

21 A. Again, you may be asking me some legal questions I'm not
22 prepared to answer, but my understanding is that it did
23 involve these quitclaim deeds.

24 Q. But you haven't read any official documents that
25 explain --

1 A. No, no, sir, no.

2 Q. -- explain the charges or allegations against the
3 bishop?

4 A. No, sir, I have not read the official document.

5 Q. And you don't have any personal knowledge to know
6 whether or not -- I wouldn't expect you to -- to know whether
7 those charges were well founded or not?

8 A. No, sir.

9 Q. You've told us something about the history of the
10 parish, and I'd like to know whether your review of the
11 history of the parish would permit you to tell me whether or
12 not the parish received loans from a national church entity
13 back in its formative years.

14 A. I understand that they did.

15 Q. Can you tell me anything about those loans?

16 A. I know no specifics of them. I just -- it's hearsay, as
17 you would say, but my understanding was --

18 Q. No, I wouldn't say.

19 A. My understanding is they were not large loans, they were
20 fully repaid in a timely fashion, and it's been decades since
21 any such loans were made.

22 Q. When you say they were not large loans, I don't know
23 what you meant by that.

24 A. Well, I would say probably in the range of a few
25 thousand dollars, not hundreds of thousands of dollars.

1 Q. You certainly don't mean 50, 60 or 70,000?

2 A. Again, I never saw those documents. I was told that we
3 had indeed made small loans with the national church quite
4 some time ago.

5 MR. BEERS: Thank you very much. Thanks. That's all I
6 have.

7 THE COURT: Absolutely.

8 Mr. Tisdale.

9 MR. TISDALE: Thank you, Your Honor.

10 CROSS-EXAMINATION BY MR. TISDALE:

11 Q. Dr. Sloan, you had mentioned in your testimony that --
12 or testified that there had been an amendment of the bylaws
13 of the parish that needed it because nothing had been done
14 for a long time; is that correct?

15 A. Correct. This was instituted prior to the outcome of
16 the All Saints case. It was time to make -- you know, to
17 clean them up, and there was quite a lot of clerical things
18 that occurred in that process, just making them up to date,
19 cleaner.

20 Q. Were there a set of bylaws that existed that you cleaned
21 up, or did you just create a new set of bylaws?

22 A. We had existing bylaws.

23 Q. You did?

24 A. Yes, sir.

25 Q. Look at Exhibit 1, if you will. I just want to ask you

1 a question about it.

2 A. In our book?

3 Q. Exhibit 1, yes. That's a corporate charter from back
4 in --

5 A. 1939.

6 Q. -- 1939. Do you see right above where the names of the
7 people are listed who were involved there's a Paragraph
8 Fourth that says "The purpose of the said corporation"?

9 A. I do.

10 Q. Would you read that paragraph for the record, please.

11 A. I will. Only an eye doctor can read this small. "The
12 purpose" --

13 Q. That's why I'm asking you to read it.

14 A. "The purpose of the said proposed corporation is
15 directing, maintaining, supervising and operating under the
16 constitution and canons of the Protestant Episcopal Church
17 and under the direct control of the bishop of the Diocese of
18 South Carolina, a mission church, or chapel in the town of
19 Myrtle Beach, Horry County, South Carolina."

20 Q. Now, this was '39. When was that charter purpose
21 changed for the first time?

22 A. Well, I know that 1949 is when it became a parish. I
23 don't know that that really affected the charter, though.

24 Q. I don't think it would. When was the purpose changed?

25 A. In 2009.

1 Q. And was that when you decided to remove any reference to
2 the Protestant Episcopal Church?

3 A. Yes, sir.

4 Q. And who authorized that?

5 A. It was -- well, it was authorized by duly voted meeting
6 of the parish.

7 Q. The parish?

8 A. Yes.

9 Q. Did the Protestant Episcopal Church have anything to do
10 with authorizing it?

11 A. Well, my understanding of the Protestant Episcopal
12 Church is our diocese. If you're referring to the national
13 church --

14 Q. Well, I'm actually referring to both.

15 A. No, they did not participate in that process.

16 Q. Either one?

17 A. Neither.

18 Q. Okay. You testified about property owned by the parish.
19 Are there any mortgages on the property presently?

20 A. We currently have a mortgage on the rectory only.

21 Q. How much is that, roughly?

22 A. You know, I'll have to say I don't know. It's -- I
23 don't know.

24 Q. But that's the only property mortgaged?

25 A. I don't know the exact balance of the mortgage.

1 Q. Is that the only property that has a mortgage on it that
2 the parish owns?

3 A. Yes, sir.

4 Q. Now, you said, I think, that the original property for
5 the church, when it was founded, was a gift from the Myrtle
6 Beach Farms?

7 A. Yes, sir.

8 Q. And is that property on the corner there where the old
9 church was?

10 A. It is.

11 Q. And is the new church next to it?

12 A. Right adjacent to it.

13 Q. Same piece of property?

14 A. Well, the initial -- we got some additional -- I believe
15 the deeds are all in here. They were all submitted and there
16 were additional pieces granted along that ultimately
17 constituted the block that the church sits on.

18 Q. Where it still sits from the very beginning?

19 A. Exactly, mm-hmm.

20 Q. Why was it changed, if you know, from the Church of the
21 Messiah to Trinity?

22 A. You know, no one seems to know the answer to that. I
23 certainly don't. Maybe just for brevity. We don't know.

24 Q. Okay.

25 A. And I can tell you I was having dinner last night --

1 this fellow William Friar, who is on these documents, with
2 his daughter, and she didn't know either.

3 Q. Was that Peggy?

4 A. That was Lee Bradley.

5 Q. Dr. Sloan, with regard to the assets of the parish, are
6 there any trusts that are held by the parish? Or let me ask
7 you this: Is the parish the beneficiary of any trust that
8 people have set up for that purpose through the years?

9 A. You know, if there are people that have private trusts
10 that have named Trinity in them, I am not aware of that. I
11 am only aware of the foundation.

12 Q. What are the assets of the foundation right now?

13 A. The last figure that I saw was 1.2 million. It would be
14 close to that.

15 Q. What sort of property does it hold?

16 A. It holds virtually entirely equities at this point,
17 bonds and stocks.

18 Q. Who manages that?

19 A. It has a committee that's appointed, and they manage it.

20 Q. A committee of the parish?

21 A. They are -- I believe they are all parishioners.

22 Q. Parishioners?

23 A. I do believe they are all parishioners, but I couldn't
24 be absolutely certain on that.

25 Q. Let's talk for a minute about these quitclaim deeds that

1 you said you thought was one of the bases for the claims that
2 have been made against Bishop Lawrence by the national church
3 as something that they shouldn't have done, right, the
4 bishop?

5 A. Oh, do I think he should not have issued them?

6 Q. No, I'm asking you. Didn't you say that the quitclaim
7 deeds, you understood, were the basis for some of the
8 allegations made against the bishop for abandoning the
9 church?

10 A. That was my understanding, yes.

11 Q. And look at Exhibit 23, if you will, first. That's a
12 quitclaim deed dated February 1st, 2010.

13 A. Okay. I have it.

14 Q. Is this a quitclaim deed that was received by the
15 parish?

16 A. Yes, sir.

17 Q. And the date of it, would you agree with what I said, is
18 February 1st, 2010?

19 A. Yes, sir.

20 Q. And who were the grantors? Who signed this quitclaim
21 deed?

22 A. It says the Episcopal Diocese of South Carolina, a/k/a
23 Diocese of South Carolina and signed by Mark J. Lawrence,
24 bishop.

25 Q. Does it have a second signatory under the Episcopal

1 Diocese of South Carolina, a/k/a Diocese of South Carolina?

2 A. It does. Jeffrey A. Miller, president of the standing
3 committee.

4 Q. All right. Now, did you all request this quitclaim
5 deed?

6 A. Not to my knowledge. I was not a part of that process,
7 but I am not aware that it was requested.

8 Q. Why was it sent to you?

9 A. I understand all the parishes received them.

10 Q. Well, in 2010?

11 A. Or another time that I'm not familiar with. I
12 couldn't --

13 Q. Why did Trinity Myrtle Beach receive this quitclaim
14 deed, do you know, something that hadn't been requested, had
15 it?

16 A. Well, at that point, clearly, I think, all parishes were
17 concerned that their property could be threatened. My
18 understanding, and I'm simply giving you my thoughts on the
19 matter, is that the Diocese was doing this to give some
20 confidence to the parishes about their property.

21 Q. Well, did the Diocese of South Carolina -- excuse me.
22 Did the Episcopal Diocese of South Carolina, a/k/a Diocese of
23 South Carolina, have any claim or interest in the claim
24 against or interest in the property of Trinity Myrtle Beach?

25 A. Well, our position as a layperson was that no one had a

1 claim to the property except the parish itself, whether that
2 be the diocese or the national church, so any relief that we
3 could get, whether it was from the Diocese or the national
4 church, you know, granting us what we perceived as more
5 security about the ownership of our property, we were happy
6 to have it.

7 Q. So my understanding is then that what you're telling us,
8 telling the Court, is that this is something you did not
9 request, it grants you something, it relieved no claim that
10 you know of that existed, and it was sent to you on the 1st
11 of February of 2010?

12 A. Yes, sir. Again, if there was a request made, I was
13 unaware of it. I was not a part of that process.

14 Q. I'm not suggesting there was. I just want to know what
15 you knew about it.

16 A. Much like the quitclaim deed that we got from Myrtle
17 Beach Farms, they had already deeded us the property. Why
18 did they offer another quitclaim deed? There was a little
19 confusion. It was a small one. Probably no one would have
20 ever picked it up but, you know, in order to make the matter
21 clean so there couldn't be a dispute, they offered another
22 quitclaim deed, just gave us extra security.

23 Q. Well, the parish certainly didn't have any question
24 about the ownership of the property, did it?

25 A. No. I would offer that we felt all along, still do,

1 that the local parish bought, paid for, and owns the
2 property.

3 Q. Now look at the third page of this document with me for
4 a minute, if you will, Exhibit 23. It says at the bottom,
5 "This deed was prepared in the law offices of Lindsay and
6 Lindsay, LLC, 4707 Oleander Drive, Myrtle Beach, South
7 Carolina, without benefit of title examination."

8 Now, do you know if the law firm of Lindsay and Lindsay
9 represented you or the Diocese or anyone in this transaction?

10 A. No, sir. I'm not aware of what their position was here.

11 Q. Now, look at Exhibit 22 for a minute, please, Doctor.
12 This deed seems to be dated. It's also a quitclaim deed, and
13 it seems to be dated November 11th, 2011, a little short of
14 two years after the first one, unless I've done the math
15 wrong. Is that right?

16 A. 21 months, close enough.

17 Q. 21 months. All right. And this is a deed to the parish
18 from who?

19 A. The grantor, again the Protestant Episcopal Church in
20 the Diocese of South Carolina.

21 Q. Who signed that deed on behalf of the grantor?

22 A. This is -- I believe you pronounce it Paul Fuener. I
23 believe he was the head of the standing committee at the
24 time.

25 Q. All right. Did the parish request this deed?

1 A. Not that I'm aware of.

2 Q. And do you know if the Protestant Episcopal Church in
3 the Diocese of South Carolina after the first quitclaim deed
4 and after the regular deeds you had, does this deed give you
5 anything you didn't have before?

6 A. Again, I'm not familiar with the legalities of it, so as
7 to why we got a second deed I'm not certain.

8 Q. Almost two years later.

9 A. Understood. There may have been more than one entity
10 involved. That just, again, was a remark that was made to
11 me, but I'm not familiar enough with the legalities to
12 understand why a second one might have been necessary.

13 Q. Did I ask you and did you say that neither was this deed
14 requested?

15 A. Not to my knowledge.

16 Q. Okay. You said, I think, that Trinity vestry met on
17 December 3rd, 2012 -- that's Exhibit 19 --

18 A. Yes, sir.

19 Q. -- to decide what to do about its affiliation; is that
20 correct?

21 A. Correct.

22 Q. And so I think you on the second page of that you
23 testified that there was a vote. It says -- excuse me. It's
24 the annual parish meeting.

25 A. Correct.

1 Q. In your parish meeting it says there were 119 votes to
2 affirm a membership in an organization, correct?

3 A. Yes, sir.

4 Q. And then there were 31 votes to re-affiliate with the
5 Episcopal Church?

6 A. Yes, sir.

7 Q. And that's what's been called here, to avoid confusion,
8 the national church; is that correct?

9 A. Correct.

10 Q. And of course it was decided not to re-affiliate with
11 the Episcopal Church?

12 A. Correct.

13 Q. When was the name of the parish changed most recently?

14 A. Most recently was in November of 2009.

15 Q. 2009?

16 A. Yes, sir.

17 Q. That was about the same time that first quitclaim deed
18 came, right?

19 A. No. That was 2011.

20 Q. Excuse me. It was --

21 A. I'm sorry. 2010.

22 Q. Well, I'm looking. I don't want to be wrong on the
23 date. Looks like it was February 1st, 2010. So you changed
24 the name shortly before the arrival of the first quitclaim
25 deed?

1 A. Seems to be about three months.

2 Q. Three months. And what was the name before the change?

3 A. It was Trinity Episcopal Church Myrtle Beach.

4 Q. What was the name after the change?

5 A. Trinity Church Myrtle Beach.

6 Q. Why did you remove the word "Episcopal" from the name?

7 A. That was in order to help protect our property.

8 Q. And that's what you explained before, that you were
9 concerned about somebody trying to take your property?

10 A. Absolutely.

11 Q. Okay. Was the parish under the authority of the
12 constitution and canons of the Diocese of South Carolina from
13 its founding until whenever?

14 A. From the founding of Trinity or the Church of the
15 Messiah, we were a mission of the Diocese, so I would have to
16 say yes.

17 Q. And then became a parish?

18 A. Yes, sir.

19 Q. And it was under the governance and authority of the
20 constitution and canons of the Diocese of South Carolina?

21 A. Yes, sir.

22 Q. And according to the purpose in the charter, Exhibit 1,
23 it was also under the constitution and canons of the
24 Protestant Episcopal Church; is that right?

25 A. Those are the exact words.

1 Q. Yes, sir.

2 A. Not my exact understanding.

3 Q. I understand.

4 Now, throughout the history of the parish, to your
5 knowledge, has the church, Episcopal Church, through its
6 insurance companies provided insurance coverage, of course
7 with you all paying a premium to the parish?

8 A. I believe -- I'm not aware of what the exact nature of
9 our policies are. We've had a pretty astute insurance guy on
10 our -- active in our church for many years, and he's
11 monitored, made sure we had appropriate coverage, so where
12 that coverage originated, I do not know.

13 Q. Has the parish participated for its clergy in the Church
14 Pension Fund that's sponsored by the Episcopal Church?

15 A. We have.

16 Q. And whatever's been paid in there by the clergy or the
17 parish, it's been paid in, correct?

18 A. Correct.

19 Q. Through the years?

20 A. Yes, sir.

21 Q. Were there some communicants at Trinity Church Myrtle
22 Beach that decided not to disaffiliate from the Episcopal
23 Church?

24 A. There were a few.

25 Q. And where do they worship now, do you know?

1 A. You know, I'm not exactly certain what location they're
2 in. The last I heard there's some classrooms of a Methodist
3 church a couple of miles from where we were. That was the
4 last I heard, but I can't say factually where they're
5 worshipping.

6 Q. But a group of people who did not wish to disaffiliate
7 from the Episcopal Church when you all decided to do that are
8 worshipping in some other place?

9 A. Correct.

10 MR. TISDALE: Nothing further from me, Your Honor.

11 THE COURT: All right. Redirect?

12 MS. MACDONALD: No, Your Honor.

13 THE COURT: Very well. You may come down. All right.
14 Next witness? Call your next witness, please.

15 (Plaintiff's Exhibits SM-1 through SM-14 premarked for
16 identification.)

17 WILLIAM COWAN ERVIN, JR.,
18 being first duly sworn, testified as follows:

19 THE COURT: All right, sir, if you'd state your full
20 name again, please, and spell your last name.

21 THE WITNESS: William Cowan, C-O-W-A-N, Ervin,
22 E-R-V-I-N, Jr.

23 THE COURT: All right. Your witness, sir.

24 MR. MACK: Judge, would you like a copy of our exhibits?

25 THE COURT: Sure. Thank you kindly. This appears to be

1 SM-1 through 14. Any problems with the exhibits on behalf of
2 the defendants?

3 MR. TISDALE: No objection, Your Honor.

4 MR. BEERS: No objection.

5 THE COURT: Very well. They're in. SM-1 through 14 are
6 in evidence without objection.

7 (Plaintiff's Exhibits SM-1 through SM-14 admitted into
8 evidence.)

9 THE COURT: You may proceed.

10 MR. MACK: Thank you, Your Honor.

11 THE COURT: Yes, sir.

12 DIRECT EXAMINATION BY MR. MACK:

13 Q. Would you state your name again for the record, please,
14 sir.

15 A. William Cowan Ervin, Jr.

16 Q. Mr. Ervin, where do you live?

17 A. Darlington, South Carolina.

18 Q. How long have you lived there?

19 A. Almost all my life with the exception of six months.

20 Q. Okay. Are you married?

21 A. I am.

22 Q. Have any children?

23 A. I have two children, boy and a girl.

24 Q. Are you employed?

25 A. I am. I'm a civil engineer with Ervin Engineering

1 Company in Florence.

2 Q. Are there other Ervins who work at Ervin Engineering?

3 A. There are a lot of other Ervins that work there.

4 Q. Your father is Willy Ervin?

5 A. And my brother is Joe Ervin, and there are a lot of
6 other ones.

7 Q. Those are your immediate family?

8 A. That's my immediate family.

9 Q. Are you a member of any church?

10 A. I'm a member of St. Matthew's church in Darlington.

11 Q. How long have you been a member of that church?

12 A. Since I came to Darlington in 1959.

13 Q. That's at birth?

14 A. Well, six months old.

15 Q. Okay. What about your parents; are they members there?

16 A. They're members of the church as well. They were
17 married in the church, in St. Matthews.

18 Q. Okay. Your brother Jim?

19 A. He's a member of the church.

20 Q. How big is St. Matthew's?

21 A. We've probably got about 150 to 175 communicants and an
22 average Sunday attendance would be around 80, 80 or 90.

23 Q. Of those 80 or 90 who attend, are those generally
24 communicants or members of the family or members of the
25 church?

1 A. Yes.

2 Q. Do you have many visitors from outside?

3 A. Not casual visitors. Invited visitors, yes, but people
4 don't usually find their way to Darlington.

5 Q. Except during race weekend?

6 A. They don't find their way to church.

7 Q. What positions have you held at St. Matthews?

8 A. I believe on the vestry, junior warden, senior warden
9 and a deputy to the Diocesan convention.

10 Q. Over the time that you have been there as an adult, have
11 you served on the vestry or as a warden more years than you
12 have not been on the vestry?

13 A. Yes, I have.

14 Q. Is the same true for your brother and father?

15 A. Yes, it is.

16 Q. Does your father hold an office?

17 A. He's the treasurer of the church.

18 Q. For how long has he been treasurer?

19 A. Right now I don't know. I mean off and on for a long
20 time but, you know, probably for the last 15 or 20 years
21 without a break.

22 Q. When did St. Matthews get started?

23 A. A group of people got together to begin forming the
24 church in the late 1800s, and then they -- the church was --
25 construction of the church itself was begun in 1905. I think

1 before that they worshiped in the Methodist church, I think.

2 Q. St. Matthews is incorporated?

3 A. Yes, it is.

4 Q. Exhibit No. 1, is that the certificate of incorporation
5 issued by the Secretary of State for the State of South
6 Carolina?

7 A. It is.

8 Q. And it's dated April the 26th, 1905?

9 A. 1905.

10 Q. And the name of the corporation?

11 A. Is St. Matthew's Church.

12 Q. Okay. No. 4, Paragraph No. 4 states, "The purpose of
13 the corporation is," and I don't know who it was in the
14 Secretary of State's office that wrote this, but it's
15 difficult to read, but as I read it, it says religious, the
16 purpose is religious, and to enable it as a corporation with
17 all the usual privileges attached to the church -- to a
18 church corporation under the law, to carry on its business,
19 and further the religious and charitable ends for which it is
20 organized?

21 A. I agree with that.

22 Q. Has this certificate of incorporation ever been amended
23 or changed in any way?

24 A. No, sir.

25 Q. Does St. Matthew's have articles of incorporation -- I'm

1 sorry -- bylaws? I don't need to go over that again.

2 A. We do.

3 Q. Have those bylaws been amended over the years?

4 A. They have.

5 Q. As part of this litigation, has there been an effort to
6 go back and locate copies of past bylaws and any changes to
7 the bylaws? Was there an effort to locate any records in St.
8 Matthews pertaining to the bylaws and amendments to the
9 bylaws?

10 A. Yes, there was.

11 Q. And if we go to Exhibit SM-8, which is the
12 congregational -- the minutes of the congregational meeting
13 of January 13, 1975, those indicate that there were some
14 proposed amendments considered at that time?

15 A. Yes, sir.

16 Q. Were you able to find any bylaws before that?

17 A. No, sir. I didn't do that search, but the people doing
18 the search didn't.

19 Q. Who did the search?

20 A. Search was done by the rector, my brother Joe Ervin, my
21 father, and my wife, Julie Ervin.

22 Q. Exhibit No. 9, are those the bylaws as amended through
23 January 13th, 1975?

24 A. Yes, they are.

25 Q. Do you know what the purpose of the amendments was at

1 that time?

2 A. The primary purpose of 1975 was to make it possible for
3 women to serve on the vestry and also to be elected to the
4 office of warden.

5 Q. Okay. I believe that the minutes of the annual meeting
6 that we have produced in the discovery indicated that in 1989
7 and 1990 there were some additional amendments to the bylaws,
8 but we were unable to find those to produce them. Have you
9 been able to find any?

10 A. No, sir.

11 Q. Do you know what those amendments related to other than
12 what was contained in those minutes --

13 A. No.

14 Q. -- of the meeting?

15 Okay. Then Exhibit No. 10 is the annual parish report
16 for the congregational meeting of 1994, and on the first page
17 of that there's some summaries of proposed amendments to the
18 bylaws at that time?

19 A. Yes, sir.

20 Q. On the second page.

21 Do you know of any other amendments that have been made
22 to the bylaws of St. Matthews?

23 A. I'm not aware of any others.

24 Q. Have the bylaws ever had any reference to the Episcopal
25 Church of the US, the national church?

1 A. No, sir.

2 Q. Or acceding to any constitution or bylaws?

3 A. No, sir.

4 Q. Okay. Now, does St. Matthew's own any property?

5 A. We do.

6 Q. Okay. Where is the church located?

7 A. The church is located on the South Main Street in
8 Darlington.

9 Q. Main Street runs north/south?

10 A. Main Street runs north/south.

11 Q. St. Matthew's is located on the west side?

12 A. There you go again, yes, west side.

13 Q. And it's right next door to the First Baptist Church?

14 A. That's right.

15 Q. What property does St. Matthews own related to its
16 church?

17 A. We own the property that the church is on, which is
18 probably about six-tenths of an acre or something that the
19 church -- and we've got a Sunday school building and a parish
20 hall, and all of that is on one piece of property, and then
21 adjacent to that we own what is now a vacant lot that we
22 bought. It had a house on it. There was an old lady living
23 in it, and she sold it to us for a life interest so she could
24 live in the house, and after her death we tore the house
25 down, and we just have a vacant lot there.

1 Q. Use that for parking?

2 A. Well, we hope one day to use it for parking, but right
3 now we use it for weeds.

4 Q. Exhibits 2, 3, 4 and 5, are those all deeds for those
5 two pieces of property?

6 A. Yes, sir.

7 Q. Originally the property was deeded by Mr. J.M. Magruder
8 to the Protestant Episcopal Church in the Diocese of South
9 Carolina, and this was June 2nd of 1897?

10 A. That's right.

11 Q. That was before St. Matthew's was incorporated, correct?

12 A. That's correct.

13 Q. And the second deed was in 1904 by apparently some heirs
14 of Mr. Magruder of their reversionary interests?

15 A. That's correct.

16 Q. Then after the church was incorporated, the trustees of
17 the Protestant Episcopal Church in Exhibit No. 4 deeded the
18 property to the corporate St. Matthew's church?

19 A. That's correct.

20 Q. Now, Exhibit No. 6 is a quitclaim deed?

21 A. Yes, sir.

22 Q. What do you know about that?

23 A. I know that this was sent to us by the Diocese and we
24 recorded it.

25 Q. Did you ask for it?

1 A. No, sir.

2 Q. Were you glad to get it?

3 A. Honestly I didn't think about it one way or the other.

4 I was senior warden I think at the time that it came and I

5 knew that it was coming either from the rector or maybe

6 directly from the diocesan office and it came in and then we

7 gave it to a lawyer in the parish to record.

8 Q. Do you know anything more about it than that?

9 A. That's it.

10 Q. Now, there's one other deed that you have, Exhibit No.

11 7. Can you tell me about that, please, sir?

12 A. This is a deed to a building and probably about a tenth

13 of an acre across the street from the vacant lot on West

14 Hampton Street that we bought and are in the process of

15 converting that into a youth building for both teenagers and

16 young adults.

17 Q. Okay.

18 A. And we bought that in 1983 -- I mean 2013 I guess.

19 Q. So that was a recent acquisition?

20 A. Yes, we just bought it.

21 Q. And that was purchased after this lawsuit was

22 instigated?

23 A. Yes, sir.

24 Q. Does St. Matthew's have an active youth program?

25 A. We do.

1 Q. Who's in charge of that?

2 A. I am along with my brother.

3 Q. For how long?

4 A. For around 30 years the two of us and before that my
5 father for about 28 years.

6 Q. Okay.

7 A. And before that I don't know.

8 Q. For the church property that St. Matthews has, who paid
9 for the property as far as you know?

10 A. Well, the church paid for it.

11 Q. Who pays for the upkeep and maintenance?

12 A. We do.

13 Q. Do you know if the church has ever received any loans or
14 financial assistance from the national church?

15 A. Not that I'm aware of.

16 Q. Would you be glad to receive it if it was available,
17 particularly at below market rates?

18 A. Below market rates we'd consider it, although it would
19 have to be cheap to be below market rates right now.

20 Q. Let's talk about January of 2013.

21 A. All right.

22 Q. You were on the vestry at the time?

23 A. I was the senior warden at the time.

24 Q. Tell me about what happened with respect to a
25 congregational meeting and vestry meeting in January.

1 A. In January of 2013 in response to what had taken place
2 with the restriction of Bishop Lawrence and the subsequent
3 move by the standing committee to disaffiliate with the
4 national church, the vestry met and -- well, first, the
5 vestry decided to have the congregation meet, which happened
6 in -- on maybe January the 6th, I'm looking to see, and we
7 put it to the congregation in a nonbinding referendum to say
8 do you want to remain in affiliation with the Diocese of
9 South Carolina and Bishop Lawrence or not, I mean, because we
10 felt that we were at a place where we had to respond with
11 what was going on with the Diocese. The congregation voted
12 at that meeting about 90 percent in favor of remaining with
13 the Diocese of South Carolina and Bishop Lawrence and at a
14 vestry meeting following that we, the vestry, passed a
15 resolution saying that we were -- the title of the resolution
16 is commitment to continue diocesan relationship, stating that
17 we resolved to remain in relationship with the Diocese of
18 South Carolina and Bishop Lawrence.

19 Q. Okay. Exhibit No. 13 are the minutes of that January
20 14th vestry meeting?

21 A. Yes.

22 Q. Exhibit No. 14 has several resolutions. Is the first
23 one the one concerning the continuing affiliation with the
24 Diocese?

25 A. That's correct.

1 Q. And was that passed unanimously by the vestry?

2 A. That resolution was passed unanimously, but there was
3 one abstention. One of the vestry men chose not to vote.

4 Q. The second page of that exhibit is another resolution
5 also dated January the 14th of 2013. What was that?

6 A. This was a resolution that we passed stating that we
7 understood that the diocese that was formed as the
8 unincorporated diocese -- I can't remember what we're calling
9 it here -- was going to have a convention and we wanted to
10 pass a resolution saying that we had not elected any
11 delegates to go to that convention.

12 Q. Now, after January 14th did the vestry do anything else?

13 A. Yes. After January 14th we met with -- with you, and
14 after discussing with you at a vestry meeting on the 15th, we
15 decided that we wanted to enter into the litigation with the
16 Diocese on looking for a declaratory judgment, and we did
17 that primarily because we thought there were issues with
18 property that were going to need to be clarified and so we
19 chose to do that.

20 Q. Had anybody threatened to take your property?

21 A. Oh, no, sir.

22 Q. You just wanted to find out whether, in fact, you owned
23 the property?

24 A. Right. We thought we owned it, but we wanted
25 clarification.

1 Q. Is St. Matthews the beneficiary of any trusts?

2 A. There is a small trust called the Coffey Trust that was
3 set up by a family in Darlington that gives a small amount of
4 interest to each of the local churches to be used for
5 Christian education, and that varies just depending on the
6 market. Some years we'll get \$1400 and some years we might
7 not get much of anything, and -- but it goes, I think, the
8 Baptists and the Presbyterians and the Methodists and we get
9 it.

10 Q. Mr. Ervin, before January of 2013 did you consider that
11 St. Matthews had any kind of affiliation with the national
12 church?

13 A. Well, I grew up as an Episcopalian and a member of the
14 diocese and went to diocesan conventions, and at those
15 conventions we elected deputies to go to general convention,
16 so, you know, it never -- I never thought about not being
17 part of some wider Episcopal Church.

18 Q. Did St. Matthews -- did they have any kind of membership
19 directly with the national church?

20 A. Other than our relationship with the Diocese, no.

21 Q. But you certainly felt you were Episcopalians?

22 A. Yes, sir.

23 Q. Did you hold yourself out as being a part of the greater
24 Episcopalian world?

25 A. In Darlington that's not such a -- it's not all that

1 important, but I felt that way -- we had, so yes, I guess.

2 Q. Did St. Matthews have any signs out?

3 A. We did. We had The Episcopal Church Welcomes You signs
4 on, had two of them, one on Highway 52 coming into Darlington
5 and the other one on Highway 52 leaving Darlington headed to
6 the north, one from the south and one from the north.

7 Q. Do you know if you ever got any visitors into the church
8 because of those signs?

9 A. No, I don't. I'm not saying we didn't, but we didn't
10 get a lot of visitors, period.

11 Q. You traveled some?

12 A. Yes, sir.

13 Q. And you've seen those signs on roads before?

14 A. I have.

15 Q. And what does that signify to you about whatever the
16 church is there that sponsors that sign?

17 A. Well, I expect that I can go there to a worship on a
18 Sunday morning and there will be a priest and a Common Prayer
19 Book and the things that I'm used to seeing at my home
20 parish.

21 Q. Okay. Even after January of 2013 does St. Matthews
22 continue to use the Book of Common Prayer?

23 A. We do.

24 Q. Do you use the Episcopal hymnal?

25 A. We do.

1 Q. Do you use other such elements that you've used for
2 years?

3 A. Well, those are the main two. And our Sunday school
4 curriculum is sort of hit and miss depending on who's
5 teaching, so we don't use any Episcopal curriculum.

6 Q. Let me go back for just a minute about signs. Do you
7 have a sign in front of the church?

8 A. We do.

9 Q. When your deposition was taken on Monday, you talked
10 about that sign, correct?

11 A. I did. It's a wooden sign. It's painted brown. It at
12 one time had the seal of the Episcopal Church on it and
13 gives -- said "St. Matthews Episcopal Church" and the name of
14 the rector and the time of the services. Since 2013 the seal
15 of the National Episcopal Church has been removed, and I
16 thought that the word "Episcopal" had been removed, but when
17 I left here last night, I drove to the church and it has not
18 been removed, so it says "St. Matthews Episcopal Church" on
19 the sign.

20 Q. Do you know if you've gotten any people coming into
21 your -- any visitors coming in your church because of that?

22 A. I don't know that anybody except us ever sees the sign.

23 Q. Thank you.

24 Did St. Matthews ever have insurance through the church
25 insurance?

1 A. We did.

2 Q. For a number of years?

3 A. For as long as I can remember.

4 Q. Did you change insurance after January of 2013?

5 A. We did after January of 2013.

6 Q. And did you participate in the national church Pension
7 Fund on behalf of your rectors?

8 A. We did.

9 Q. Do you do that now?

10 A. We participate in a different pension fund on behalf of
11 our rector.

12 Q. While you were with Church Insurance Company did you
13 have any claims?

14 A. We did. I can't remember the nature of all of them. We
15 had hail damage at one time, that kind of thing.

16 Q. And you paid your premiums?

17 A. Yes, we did.

18 Q. Do you know how many times you served as a delegate to
19 the annual convention?

20 A. No, sir, I don't, but a good number.

21 Q. Have you ever served as a delegate to the general
22 convention?

23 A. No.

24 Q. Okay.

25 A. No, sir.

1 MR. MACK: Mr. Ervin, I think that's all that I have.

2 Please answer any questions that other counsel may have.

3 THE COURT: Thank you. Does anyone on the plaintiffs

4 side have any questions? All right.

5 Mr. Beers.

6 MR. BEERS: Well, just a couple.

7 CROSS-EXAMINATION BY MR. BEERS:

8 Q. Good afternoon. Nice to see you again. David Beers.

9 A. Nice to see you again.

10 Q. At your deposition you were asked how long The Episcopal
11 Church Welcomes You signs have been up. Do you remember what
12 you said?

13 A. A long time.

14 Q. And you said -- I believe you said "since I was a boy"?

15 A. That's right.

16 Q. And then you volunteered how long that was?

17 A. A long time. Do you want me to volunteer it again?

18 Q. Was it close to 50?

19 A. I'm 55.

20 Q. Okay. So you and your family have been in that parish a
21 long time?

22 A. Yes, sir.

23 Q. I don't suppose there's any point in asking you about
24 whether the parish received loans from the national church
25 back in the early part of the century?

1 A. In the early part as long as we've been there -- I still
2 can't remember the early part, well, the early part of this
3 century maybe.

4 Q. 20th century.

5 A. No, sir.

6 MR. BEERS: I'm embarrassed to say that's all I have,
7 Your Honor.

8 THE COURT: Very well.

9 Mr. Tisdale.

10 MR. TISDALE: Mr. Ervin, thank you very much. I don't
11 have any questions.

12 THE WITNESS: Thank you, sir.

13 MR. TISDALE: Thank you, Your Honor.

14 THE COURT: Very well, yes, sir, and you may come down.
15 Call your next witness, please.

16 (Plaintiff's Exhibits SJJI-1 through SJJI-12 premarked
17 for identification.)

18 ARTHUR MACK JENKINS,
19 being first duly sworn, testified as follows:

20 THE COURT: If you'd state your full name for our
21 record, please, and spell your last name, sir.

22 THE WITNESS: Arthur Mack Jenkins, J-E-N-K-I-N-S.

23 MR. EVANS: Thank you, Your Honor. My name Mark Evans,
24 here today for St. James, James Island.

25 Are there any objections to St. James' exhibits?

1 MR. TISDALE: Just give us 30 seconds.

2 MR. BEERS: Not from the church, Your Honor.

3 MR. TISDALE: I don't think there are, but we're just
4 looking at them now.

5 THE COURT: All right.

6 MR. TISDALE: We don't have an objection.

7 (Plaintiff's Exhibits SJJI-1 through SJJI-12 admitted
8 into evidence.)

9 DIRECT EXAMINATION BY MR. EVANS:

10 Q. Please state your full name.

11 A. Arthur Mack Jenkins.

12 Q. And where do you live?

13 A. I live at 1476 Harborsun Drive, James Island, South
14 Carolina.

15 Q. And how long have you lived there?

16 A. 15 years.

17 Q. Do you have an association with St. James Church, James
18 Island, South Carolina?

19 A. I do.

20 Q. And how is that?

21 A. I'm the rector, senior pastor of St. James.

22 Q. And how long have you been in that position, Reverend
23 Jenkins?

24 A. 15 years.

25 Q. And, to your knowledge, when was St. James incorporated?

1 A. St. James was incorporated in 1832.

2 Q. Prior to that 1832 incorporation, were worship services
3 being conducted on James Island?

4 A. Yes, they were, since the early 1700s.

5 Q. After the 1832 incorporation did St. James later
6 incorporate again?

7 A. They did. In 1906 I believe it was.

8 Q. Is that reflected on St. James Exhibit 2?

9 A. Yes, it is.

10 Q. I believe the date says 1903.

11 A. 1903, I see that, yes.

12 Q. And I want to ask you if this is correct, Reverend
13 Jenkins. On the certificate of incorporation for St. James
14 from 1903 it says that the purpose of the corporation is for
15 the conduct of church services and worship according to the
16 rules of the Protestant Episcopal Church in the Diocese of
17 South Carolina?

18 A. That's correct.

19 Q. And today is St. James Church still in the Protestant
20 Episcopal Church of the Diocese of South Carolina?

21 A. It is.

22 Q. Where is the actual location of St. James Church?

23 A. The church campus is at 1872 Camp Road on James Island.

24 Q. Can you tell us generally what real property is owned by
25 St. James?

1 A. St. James owns the campus there, which is something like
2 17 or 18 acres, and then we have a church rectory, and then
3 there's a residential building lot, empty lot, in Belle Terre
4 residence, Belle Terre Subdivision. B-E-L-L-E-T-E-R-R-E, I
5 think, something like that.

6 Q. Are the deeds for the rectory and that vacant lot
7 Exhibits 3 and 4 of the St. James exhibits?

8 A. Yes, they are.

9 Q. And what buildings are actually located on the St. James
10 campus?

11 A. Well, there are three main buildings. One is the parish
12 house, then there is the federal church, the historic church,
13 and then there's a new ministry center that's been built in
14 the last ten years. Behind the parish house there is a day
15 care center, day care building.

16 Q. So is there a school located there at St. James?

17 A. St. James Christian Day School, which is for infants up
18 to three years old.

19 Q. Thank you. And Exhibit 1, is that a deed for the church
20 campus property that St. James originally acquired?

21 A. Yes. This is a quitclaim deed given by St. Andrew's on
22 Highway 61, St. Andrew's Parish for St. James. St. James
23 began as a chapel of ease from St. Andrew's Parish.

24 Q. And does that deed, Exhibit 1, reflect that St. Andrew's
25 originally deeded the church property to St. James in 1831?

1 A. 1886.

2 Q. Well, that's the quitclaim deed.

3 A. The quitclaim deed, that's right, yes. It does, in
4 1831, yes. I'm sorry.

5 Q. And does St. James today currently hold legal title to
6 the church campus property?

7 A. Yes, it does.

8 Q. What is Exhibit 12?

9 A. Exhibit 12 is a deed given to the St. James Land Trust,
10 which deeds all of the property to the St. James Land Trust
11 on behalf of the church.

12 Q. And in that deed did St. James Church, the corporation,
13 deed the campus property to the St. James Land Trust?

14 A. Yes, they did.

15 Q. And that's reflected on Exhibit 12?

16 A. Exhibit 12, yes.

17 Q. Now, what about this property across the street from the
18 church; did St. James used to own that property?

19 A. St. James did.

20 Q. What happened to that property?

21 A. In the early '80s St. James gave as a gift to Bishop
22 Gadsden Retirement Community the 50 acres located there that
23 were used to secure the bond, issue the loan and then
24 eventually to build the retirement community there.

25 Q. So are you saying that St. James originally owned 50

1 acres of land across the street from the current church and
2 in the early 1980s gave that land for the construction of the
3 Bishop Gadsden Retirement Community?

4 A. Yes, they did.

5 Q. Was anyone else's name on that deed where St. James gave
6 that 50 acres for Bishop Gadsden other than St. James?

7 A. No.

8 Q. Does a person have to be a member of any particular
9 faith to reside at the Bishop Gadsden Retirement Community?

10 A. No, they don't.

11 Q. At some point did St. James Church receive quitclaim
12 deeds to its church property from Bishop Lawrence and the
13 trustees of the Diocese?

14 A. Yes, we did.

15 Q. And are those quitclaim deeds reflected in St. James
16 Exhibits 10 and 11?

17 A. Yes, they are.

18 Q. Can you take a look, Reverend Jenkins, at Exhibit 7,
19 please?

20 A. Certainly. Okay.

21 Q. What is Exhibit 7?

22 A. Exhibit 7 are the bylaws of St. James Church as adopted
23 on January the 20th, 2013.

24 Q. Are those the current bylaws for St. James Church?

25 A. They are.

1 Q. And are they in any way relevant to this litigation that
2 we're here today about?

3 A. No, they're not. They're administrative for the vestry.

4 Q. Those are administrative provisions for the operation of
5 the vestry?

6 A. And the ministry, yes.

7 Q. Now, please take a look at Exhibit 8.

8 A. Mm-hmm.

9 Q. What is Exhibit 8?

10 A. Exhibit 8 is the constitution of the parish of St.
11 James, James Island, as it was amended at that same meeting
12 January the 20th, 2013.

13 Q. Is that the current constitution for St. James Church?

14 A. Yes, it is.

15 Q. Now, prior to these amendments of the constitution and
16 bylaws as shown on these exhibits dated January 20th, 2013,
17 did the vestry at St. James discuss proposed amendments to
18 these documents?

19 A. Yes, they did.

20 Q. Do you attend vestry meetings at St. James?

21 A. I certainly do.

22 Q. And do you recall what the vestry vote was on amending
23 the constitution and bylaws of St. James?

24 A. You mean was it -- as far as being unanimous, it was
25 unanimous votes twice, yes.

1 Q. And prior to that vestry meeting, had notice been given
2 to the vestry of that meeting?

3 A. They were regularly scheduled meetings, yes.

4 Q. And do the minutes of that vestry meeting on January
5 15th, 2013 reflect what occurred at that meeting?

6 A. Yes, they do.

7 Q. And are those minutes as set forth on St. James Exhibit
8 6?

9 A. They are.

10 Q. And as a result of this unanimous vote by the vestry to
11 amend its bylaws and constitution, were these matters made
12 part of the agenda for congregational meeting at St. James?

13 A. Yes, a regularly scheduled congregational meeting.

14 Q. And do you recall approximately when that congregational
15 meeting was?

16 A. It was held on January the 21st of 2013.

17 Q. And who actually conducted that January 2013
18 congregational meeting?

19 A. I did.

20 Q. And how were the congregants of St. James notified about
21 that congregational meeting?

22 A. Well, first it was a regularly scheduled meeting, but
23 then in December, after the vestry meeting of December the
24 5th or whenever that was, I announced it from the church,
25 from the pulpit, announced it at every service for the next

1 Sunday, and then it was also published in our monthly
2 newsletter beginning the 1st of January and then in other
3 means that we have, electronic means.

4 Q. What other electronic means does St. James utilize?

5 A. Well, we have a news -- an email blast I believe it's
6 called and Facebook.

7 Q. Looking at St. James Exhibit 5, what is that document?

8 A. That's the minutes of the December the 6th vestry
9 meeting.

10 Q. And what was discussed at that vestry meeting of St.
11 James on December 6, 2012?

12 A. There we unanimously passed two motions. One was to
13 join in with the diocese to ask for a declaratory judgment
14 about our ownership of our property and also to align ourself
15 with Bishop Lawrence and the Diocese of South Carolina in
16 that request for declaratory judgment.

17 Q. So St. James voted to be part of this declaratory
18 judgment action?

19 A. Yes, they did.

20 Q. And going back to the congregational meeting that next
21 month on January 20th, 2013 you said you actually conducted
22 the meeting?

23 A. Yes, I did.

24 Q. And in your opinion was there a full discussion of the
25 proposed constitutional amendments at that meeting?

1 A. Yes, there were, and there were copies presented and
2 available before the meeting and at the meeting.

3 Q. And are the minutes of that meeting as set forth on St.
4 James Exhibit 9?

5 A. Yes, they are.

6 Q. And what was the actual vote of the congregation at the
7 congregational meeting of St. James on January 20th, 2013?

8 A. It was unanimous.

9 Q. And how many votes were in favor of the amendments?

10 A. There were 100 plus people present at the meeting.

11 Q. So not a single vote opposed?

12 A. There was not.

13 Q. Now, do Exhibits 7 and 8 reflect the actual amendments
14 to the constitution and bylaws of St. James that were voted
15 on?

16 A. Yes, they do.

17 Q. By both the vestry and the congregation?

18 A. Yes, they do.

19 Q. And, finally, Reverend Jenkins, for what reason did St.
20 James Church James Island take these steps in amending their
21 corporate documents including the bylaws and constitution?

22 A. To protect and clarify the ownership of our property.

23 MR. EVANS: Thank you, Reverend Jenkins. Please answer
24 any questions that defendants have.

25 THE COURT: All right. Is there any question from

1 plaintiffs, any of the plaintiffs? All right. Mr. Beers.

2 CROSS-EXAMINATION BY MR. BEERS:

3 Q. Mr. Jenkins.

4 A. Good afternoon, Mr. Beers.

5 Q. Where were you born and brought up?

6 A. I was born in Potecasi, North Carolina, in northeast
7 North Carolina.

8 Q. And did you go to high school there?

9 A. Well, there's not a high school in a town with 90
10 people, so I went to a high school, Hargrave Military
11 Academy, in Virginia.

12 Q. Did you go to church as a child?

13 A. I did.

14 Q. What kind of church?

15 A. I went to the Baptist church.

16 Q. Until what time in your life?

17 A. Until I went to Hargrave Military Academy.

18 Q. Excuse me?

19 A. Until I went to the military academy. I began the
20 Episcopal Church when I was there in Chatham, Virginia.

21 Q. Did you graduate from the military academy?

22 A. I did.

23 Q. What happened after that?

24 A. I went to NC State University.

25 Q. For college?

1 A. For college.

2 Q. And then what did you do?

3 A. I became a farmer.

4 Q. Where?

5 A. In Potecasi, North Carolina, P-O-T-E-C-A-S-I.

6 Q. You went to seminary?

7 A. I did.

8 Q. Where did you go?

9 A. Virginia Theological Seminary in Alexandria.

10 Q. What class were you?

11 A. 1991.

12 Q. You probably didn't know it at the time that I had to

13 vote for your graduation as a trustee?

14 A. I did not know that.

15 Q. Wonder if I shouldn't have examined the class more

16 closely.

17 A. You probably should have.

18 Q. What was your sponsoring parish before you went to

19 seminary?

20 A. Trinity Church Scotland Neck, North Carolina.

21 Q. And who was your bishop at the time?

22 A. Bob Estell.

23 Q. Is there a rule in the Episcopal Church about writing

24 letters to the bishop on the Ember days?

25 A. There is.

1 Q. Did you follow that?

2 A. I did.

3 Q. Did he write back?

4 A. He did not.

5 Q. I'm sorry.

6 What was your field work parish?

7 A. Holy Comforter, Vienna, Virginia.

8 Q. Who was the rector there?

9 A. Bob Denning, the Reverend Bob Denning.

10 Q. Before he went to --

11 A. Before he became bishop.

12 Q. And that was an Episcopal church?

13 A. Yes.

14 Q. Where were you ordained to the diaconate?

15 A. In Trinity Church, Scotland Neck.

16 Q. All right.

17 A. By Hunt Williams, Bishop Hunt Williams, Huntington
18 Williams.

19 Q. And without going into any detail, was that
20 ordination -- well, let me ask you this: There was an
21 ordination process, wasn't there?

22 A. There was.

23 Q. And roughly what is that?

24 A. Well, that you will speak to your parish priest and
25 presented by the parish priest to the bishop and then before

1 the commission on ministry of the diocese, and then, once
2 approved there, I served as an intern at St. Timothy's
3 Church, Wilson, North Carolina, for one year under the
4 Reverend Diana Spitler. After that I went to seminary for
5 three years at Virginia seminary.

6 Q. Did you forget the vestry's participation?

7 A. Well, the vestry had to approve me to go before the
8 bishop.

9 Q. When you say the word "have," is this all laid out in
10 the national canon somewhere?

11 A. It is.

12 Q. Okay. And did you mention the standing committee?

13 A. I did not.

14 Q. Okay. Under the rules do they have to approve you too?

15 A. I went from the standing committee of the Diocese North
16 Carolina.

17 Q. You were ordained by Bishop William to the diaconate?

18 A. Yes.

19 Q. What was your first job?

20 A. My first job was assistant to the rector at St. James
21 Church James Island.

22 Q. Who was the rector?

23 A. Paul Zahl, Z-A-H-L.

24 Q. And how did you get called to St. James? What was the
25 process? How did he find you and what did you have to do and

1 whose decision was it?

2 A. The decision was I believe solely his.

3 Q. That's under the rules too, isn't it?

4 A. It is.

5 Q. And how did he find you?

6 A. He called David Scott, professor at Virginia Seminary,
7 and asked him for recommendations.

8 Q. All right. And then how long were you there at James
9 Island?

10 A. I was there for a bit more than two years.

11 Q. Where did you go after that?

12 A. I served at Christ Church, Fitchburg, Massachusetts,
13 F-I-T-C-H-B-U-R-G.

14 Q. And who was your rector?

15 A. I was the rector. And Bob Denning was the bishop.

16 Q. What was the procedure for calling you there?

17 A. There was a search committee, I'm assuming under his
18 auspices, and they issued a call and I accepted.

19 Q. Did you know what they had to do to get permission to
20 issue the call?

21 A. I really did not completely, but I'm assuming they had
22 to ask for his permission.

23 Q. Under the rules?

24 A. Yes.

25 Q. And how long did you serve there?

1 A. I served there for a bit more than five years.

2 Q. And that was an Episcopal church?

3 A. It was. It is.

4 Q. And you used the prayer book and the hymnal?

5 A. We did.

6 Q. And I think I asked you at your deposition. Did you
7 ever knowingly violate one of the canons of the Episcopal
8 Church while you were there?

9 A. I hope I did not.

10 Q. Did your congregation seem to behave in the same spirit,
11 not intentionally at least violating any of the rules of the
12 Episcopal Church?

13 A. They did.

14 Q. Not sure they did, positive or negative, was the right
15 answer to that.

16 A. I'm not sure either.

17 Q. I think I got the gist of it.

18 Then what happened? Oh, were you active in your
19 diocese?

20 A. I was for a time. I was asked for a few moments, for a
21 few months, to be a rural deacon in my diocese.

22 Q. Were you ever on any committees or commissions of the
23 national church?

24 A. In the Diocese of Western Massachusetts?

25 Q. Yes.

1 A. No, I was not.

2 Q. So then what happened?

3 A. I was called to be rector of St. James Church James
4 Island.

5 Q. Who was your bishop then?

6 A. Ed Salmon.

7 Q. By the way, I forgot to ask you. Who ordained you to
8 the priesthood?

9 A. Bishop Salmon --

10 Q. And?

11 A. -- as deacon.

12 Q. Under the national church's rules, what happens after
13 you've served as a deacon and you want to prepare for
14 ordination as a priest? What happens under the rules?

15 A. You are presented before the standing committee of your
16 assenting diocese.

17 Q. And that would be?

18 A. Diocese of North Carolina.

19 Q. North Carolina.

20 A. And they either approve or disapprove of you, and then
21 you are presented to the bishop for ordination, and he either
22 accepts you or rejects you.

23 Q. Was that the standing committee of the Diocese of South
24 Carolina?

25 A. North Carolina.

1 Q. And why did they pass on your ordination when you were
2 ordained by the bishop of South Carolina?

3 A. Because they were my sending diocese. And then Bishop
4 Salmon ordained me on behalf of Bishop Estell.

5 Q. And that's okay under our process.

6 A. Yes, it is.

7 Q. Under our processes.

8 Okay. I think that brings us down to where you are now.

9 A. Okay.

10 Q. And have you ever been involved in any committees or
11 commissions of the National Episcopal Church since you've
12 been here again in South Carolina?

13 A. I've been member of the diocesan council.

14 Q. But not anything from the national church?

15 A. No.

16 Q. By the way, when you were in western Massachusetts, did
17 you see any of those signs we talked about all afternoon,
18 Episcopal Church Welcomes You signs?

19 A. I did, yes.

20 Q. You did?

21 A. Mm-hmm.

22 Q. What did you think they meant, signified?

23 A. I thought they meant there was an Episcopal church
24 there.

25 MR. BEERS: I don't have anything further, Your Honor.

1 THE COURT: Okay. Mr. Tisdale.

2 CROSS-EXAMINATION BY MR. TISDALE:

3 Q. Good afternoon.

4 A. Good afternoon, Mr. Tisdale.

5 Q. Does the property of the parish at St. James have any
6 mortgages on it?

7 A. The rectory does.

8 Q. The rectory, not the --

9 A. Not the campus itself.

10 Q. Have you ever gotten loans in the past from anybody on
11 the church property?

12 A. There was a mortgage on the ministry center when we
13 built that from a bank, yes.

14 Q. And was that approved by the standing committee of the
15 diocese?

16 A. I would assume so, but I do not know.

17 Q. What year was that, would that have taken place?

18 A. Probably in about 2001, maybe the year 2000.

19 Q. Okay. Roughly 14 years ago?

20 A. Yes.

21 Q. Does the parish have endowment funds?

22 A. It does.

23 Q. And what is in total, roughly, the size of those, the
24 amount of the fund?

25 A. Again, roughly just under a million dollars.

1 Q. All right. And are there any trusts that benefit the
2 parish? Has anybody given money in trust to the parish?

3 A. No.

4 Q. No. Who manages the document?

5 A. There is the document committee of the parish.

6 Q. Okay. Are they vestry people or --

7 A. Appointed by the vestry.

8 Q. Appointed by the vestry. Now, talk to me -- let me ask
9 you a few questions about this, these quitclaim deeds. First
10 of all, before we get into that, look at Exhibit 12. Do you
11 have exhibits there?

12 A. I do, I do.

13 Q. And I think this seems to be a deed to real estate of
14 the parish granted by St. James Church granted to a group of
15 people including you. What is this about?

16 A. The purpose of this was, in fact, to secure the
17 ownership of the land upon which the church is established
18 and so to create a trust called the St. James Land Trust, St.
19 James Church Land Trust.

20 Q. All right. And how would that secure the land of the
21 church beyond what it was before?

22 A. Mr. Tisdale, I have no idea.

23 Q. Well, whose idea was it to deed this property to these
24 gentlemen including you?

25 A. Well, this came from the document committee and by the

1 vestry.

2 Q. But you don't know the reason?

3 A. Well, I am a pastor, not a corporate lawyer.

4 Q. I understand completely. Nor a real estate lawyer.

5 A. Nor a real estate lawyer.

6 Q. So is it true that all of the property of the parish was
7 conveyed to this group of gentlemen?

8 A. St. James Land Trust, just the campus.

9 Q. Just where the church is?

10 A. That's it.

11 Q. And the ministry hall or parish house?

12 A. Yes.

13 Q. And this was March 28th, 2010, right?

14 A. 28, March 28th.

15 Q. Yes, March 28th.

16 A. 2010, yes.

17 Q. So you have no idea of what was the reason for doing
18 that other than to protect the property?

19 A. That's my only understanding.

20 Q. Let's look at the quitclaim deeds for a minute, Exhibit
21 11 first.

22 By the way, have you served on the standing committee of
23 the Diocese since you've been rector of St. James?

24 A. I currently serve on the standing committee.

25 Q. You're on it now?

1 A. Yes.

2 Q. When did you begin that term?

3 A. Last year, 2013.

4 Q. Is that the first time?

5 A. Yes, it is.

6 Q. First time you've been on. Have you been on the
7 diocesan council?

8 A. I have.

9 Q. When was that?

10 A. Well, I've served in several capacities, one as the --
11 we serve not just as elected but also as positions, so I've
12 served as the chair of the youth pastors, youth ministers of
13 the diocese, and lately served as the chair of the diocesan
14 Christian Faith Formation.

15 Q. Can you give us some dates generally for when you served
16 on the council?

17 A. Probably from 2003 to date.

18 Q. Straight through?

19 A. Yes.

20 Q. All right. Now, look at the quitclaim deed that's been
21 marked Exhibit 11?

22 A. Yes.

23 Q. This deed does not appear to have a date on it, the date
24 of the deed, but it only has a date that I see for the
25 probate, what's called the probate at the end of the deed.

1 Do you see a date on this deed anywhere other than for the
2 probate?

3 A. I do not.

4 Q. But we have to assume, I imagine, since the probate was
5 on the 16th of February of 2010, that it had to be sometime
6 before that, right?

7 A. Yes.

8 Q. Or simultaneously perhaps?

9 A. Yes.

10 Q. Who signed this deed and on whose behalf?

11 A. It was signed by the Right Reverend Mark J. Lawrence as
12 bishop and Jeffrey A. Miller as president.

13 Q. And they are the grantors, meaning the people who were
14 giving this deed to St. James Church, correct?

15 A. Yes.

16 Q. Now, what interest did Bishop Lawrence have in your
17 property, your parish property?

18 A. Well, as best I understand, he gave these quit claims to
19 say that he had none.

20 Q. All right. Or to give anything that he had, right?

21 A. All right.

22 Q. Did he have anything?

23 A. Not that I know of.

24 Q. Your impression is or understanding is he signed this
25 deed to St. James Church to simply say he had no interest in

1 your property?

2 A. To make that clear.

3 Q. All right.

4 Now, how about the standing committee, have you ever
5 heard of the standing committee owning real estate except on
6 a temporary basis, when it was a pass-through thing?

7 A. I have not.

8 Q. Have not. And this is signed by the president of the
9 standing committee at the time, whenever it was in 2010?

10 A. It is.

11 Q. And, likewise, what is your understanding of why the
12 standing committee would give you a deed to property when
13 they don't own property?

14 A. Again, to make clear that they had no claim to our
15 property.

16 Q. Okay. And had you ever gotten a letter to that effect,
17 that they had no claim to your property?

18 A. We received this.

19 Q. Other than these two deeds, have you ever received any
20 notice that there was no claim to your property?

21 A. We have not.

22 Q. And did the parish ask for these deeds?

23 A. No, they did not.

24 Q. And other than to let you know that they had no interest
25 in the property, do you know why these deeds were prepared

1 and sent to you?

2 A. They were given to clarify ownership of the property.

3 Q. Why do you think you got two deeds to the same thing
4 with a good space of time in between the two?

5 A. I do not know.

6 Q. Did you ever ask anybody about it?

7 A. I did not.

8 Q. Did not. You just took them and recorded them?

9 A. And said thank you.

10 Q. Went on your business?

11 A. That's exactly right.

12 Q. All right. Went on your way.

13 The second deed is the one that's not -- no, the second
14 deed that Paul C. Fuener signed is dated June 11, 2011,
15 right?

16 A. It is.

17 Q. Quite some time after the 2010, about a year and a half,
18 right?

19 A. That's right.

20 Q. And all these came mysteriously in the mail without any
21 requests from you, the parish or anybody else?

22 A. We received them.

23 Q. Just received them. Has there been any discussion that
24 you've engaged in as to why these deeds might have been
25 granted?

1 A. The discussions that I've -- all discussion that I've
2 always heard has been simply to make clear ownership of the
3 property.

4 Q. Okay. You say that -- you said, I think, in your direct
5 testimony that St. James decided to join this declaratory
6 judgment action?

7 A. We did.

8 Q. And that's to seek clarification as to who owns the
9 property?

10 A. Exactly.

11 Q. And you had not been sued by the Episcopal Church for
12 this property, had you?

13 A. We have not.

14 Q. You had not received any notice of any kind of claim
15 that the Episcopal Church had in this property, did you?

16 A. We have not.

17 Q. All right. And so you decided to join this action to
18 bring a lawsuit against the Episcopal Church and the
19 Episcopal Church in South Carolina; is that correct?

20 A. We did.

21 MR. TISDALE: Nothing further, Your Honor.

22 THE COURT: All right. Any redirect?

23 MR. EVANS: No, Your Honor.

24 MR. BEERS: Can I just ask one more question?

25 THE COURT: Sure.

1 MR. BEERS: Thank you.

2 RECROSS-EXAMINATION BY MR. BEERS:

3 Q. You've read up on the history of your parish here in
4 South Carolina?

5 A. I'm generally familiar with it.

6 THE COURT: That was one question. I couldn't resist.

7 Q. Have you found out -- have you learned that anything
8 significant was going on in the parish in the 1940s right
9 after the war, I don't want to make this too speculative,
10 that would have required financing, significant financing?

11 A. I have no idea.

12 Q. All right. So you haven't seen any record of any loans?

13 A. No.

14 MR. BEERS: Thank you.

15 Thank you, Your Honor.

16 THE COURT: Thank you.

17 Mr. Evans, did that prompt any burning desires to ask?

18 MR. EVANS: No.

19 THE COURT: Thank you, sir. You may step down.

20 All right. It's about 25 minutes until 5:00, and
21 there's a matter that I want to address, and it's this: And
22 because they've been acting really as lead counsel for the
23 group, Mr. Runyan and Ms. Golding, and I gather Mr. Platte
24 fell out, so he's gone. So I'm going to have to address it
25 with you, and the question is this -- then I'll ask for

1 confirmation or not from the defense counsel. And that is
2 this: What I have been listening to a very large part of the
3 last four days, were those the submissions that would have
4 been subject to the stipulation?

5 MS. GOLDING: Yes, Your Honor.

6 MR. RUNYAN: Almost exclusively, yes.

7 THE COURT: That's what I thought. So here's what we're
8 going to talk about because over the weekend you all are
9 going to meet and confer with regards to stipulations. Let
10 me be clear. The reason is that there's two weeks set aside
11 and I think that while it may not have been appropriate under
12 the circumstances for counsel to stipulate prior to the
13 beginning of the testimony on Tuesday, there is absolutely no
14 question in my mind but that having heard now -- as of
15 yesterday we were up to ten. I think probably today we're up
16 to 15 parishes -- that you now know what is the presentation
17 for each parish.

18 As a result of that, I'm going to order that counsel
19 meet and confer over the weekend. I do not care when, but
20 I'm going to order that there be a meeting for the purpose of
21 seeing what information can be stipulated.

22 Now, having said that, that does not mean that each
23 parish will not be needed to be called for certain items, for
24 example, regarding the flag or regarding the sign or
25 regarding a trust, but with regards to the bylaws, with

1 regards to the constitution, with regards to title to real
2 estate, there's no question in my mind but that great amounts
3 of time can be saved by counsel meeting and conferring over
4 the weekend.

5 So that's why I've stopped the testimony, to give you
6 all an opportunity to -- and I'm going to leave the courtroom
7 for about 15 minutes so that you all can meet and confer and
8 tell me when that will occur and how. If you need the
9 courthouse, let me know. If you don't want to do it at the
10 courthouse, I don't care.

11 MR. BEERS: Can I just make a simple statement to what
12 our position is on the stipulations?

13 THE COURT: Sure.

14 MR. BEERS: We had told counsel that we'd be happy to
15 consent to the admission of all the documents, all the
16 exhibits. The problem we have is language. We were still
17 getting new proposed stipulations while we're here, and we
18 just didn't have any time to review it.

19 THE COURT: I know.

20 MR. BEERS: Our problem is some of the language. It's
21 not with the documents. And we'll do our best, but I just
22 wanted you to be clear as to what our position was.

23 THE COURT: All right. Yes, sir.

24 MR. RUNYAN: That's fine.

25 MR. HOLMES: I'm just trying to understand what Your

1 Honor is saying. I assume that the witnesses will still be
2 here and available for cross-examination?

3 THE COURT: Of course, absolutely.

4 MR. HOLMES: I have to be in Columbia in Federal Court
5 Monday.

6 THE COURT: Are you bragging or what?

7 MR. HOLMES: I just wanted to make sure it was okay with
8 you.

9 THE COURT: That's it. We're done. We can't do this
10 without you. No problem at all. Mr. Holmes, no problem.

11 MR. HOLMES: Thank you.

12 MR. TISDALE: If we're able to come to an agreement
13 about the stipulations, there is a problem that someone just
14 alluded to, that aside from the stipulations, some parishes
15 have different facts about different issues --

16 THE COURT: That's right.

17 MR. TISDALE: -- that we need to question a witness
18 about on cross-examination, and I'm just wondering if that
19 can be part -- if it's possible to have the witnesses there
20 for us to question about certain issues.

21 THE COURT: I think that's what Mr. Holmes just asked
22 adroitly, will the witnesses still be here and available for
23 cross-examination. I said yes, they will, and then he told
24 me about going to federal court.

25 MR. HOLMES: He's violated the rule. When the judge

1 rules and she's ruled like you want to, sit down.

2 MR. BEERS: Your Honor, are we talking about just the
3 plaintiffs who are not here to put on. We're not talking
4 about redoing all the --

5 THE COURT: Think of this as having -- we're on a farm.
6 We have a couple farmers, that started life as farmers and
7 moved on to become priests, rectors. Think about us on that
8 farm. Our poor mule has been down, you know, with an
9 old-timey like plow, no tractors on this farm. We have
10 plowed many a row. Those are done.

11 MR. BEERS: I just didn't want to till any ground that I
12 didn't have to.

13 THE COURT: Exactly. You are on all fours, two thumbs
14 up, perfect, perfect, and the reason -- let me tell you the
15 reason for it is so that I'm very clear. I absolutely
16 understand the position of the defendants that given what was
17 occurring, it would be very, very difficult prior to Tuesday
18 for you to stipulate, but we've all been here together. I've
19 listened to it for four days. I can almost testify for
20 everybody, and I don't know anything about -- you know, I
21 know the ones that I've received, but you know we start with
22 the corporation, then we go to the bylaws, then we go on to
23 the deeds, then we go on to the quitclaim deeds, then
24 sometimes we'll talk about the marks, then we have cross.

25 I mean, I've got it down, and I'm only a portion of what

1 you guys are. So I genuinely believe that at this point you
2 all -- I'm in a much better position to ask you to meet and
3 confer. I really don't think it would have been fair to you
4 last weekend, I don't, but now I think it is.

5 Now, absolutely, Mr. Beers, I absolutely understand 100
6 percent what you were talking about in terms of language. I
7 really do.

8 MR. BEERS: That's fine, Your Honor. We're ready to
9 proceed.

10 THE COURT: And the reason for that again is we have two
11 weeks and I really do want to get through the case, and so I
12 feel that I can ask you to do that for me at this point, I
13 really do. So I'm leaving. I'll be back in 15 and give you
14 all an opportunity to meet, and I'll be back in 15.

15 (Recess held.)

16 THE COURT: Do you have a report to make?

17 MR. RUNYAN: We do.

18 MR. BEERS: I've agreed to supply my colleagues here,
19 these colleagues, by noon tomorrow my suggestions as to the
20 language of the stipulations that I have trouble with. The
21 Episcopal Church is not raising any objections to the
22 exhibits, and I believe from our colleagues by the end of the
23 day we'll be able to send a united set of comments off to the
24 other side, and we've agreed to meet at 1:00 on Monday -- on
25 Sunday.

1 THE COURT: Wonderful, terrific.

2 MR. RUNYAN: That's correct.

3 THE COURT: That's wonderful. Thank you all so much. I
4 appreciate it very, very, very much. All right. And I will
5 see you all Monday at 9:30.

6 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF DORCHESTER

4

5 I, the undersigned, Ruth L. Mott, Official Court
6 Reporter for the State of South Carolina, do hereby certify
7 that the foregoing is a true, accurate and complete
8 transcript of record of all the proceedings had and evidence
9 introduced in the matter of the above-captioned case,
10 relative to appeal, in the First Judicial Circuit Court for
11 Dorchester County, South Carolina, on the 11th of July, 2014.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 August 10, 2014

16

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19

Ruth L. Mott, RPR, CRR
Official Court Reporter

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VOLUME V

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

CASE NO. 2013-CP-18-00013

THE PROTESTANT EPISCOPAL)
 CHURCH IN THE DIOCESE OF)
 SOUTH CAROLINA, THE TRUSTEES)
 OF THE PROTESTANT EPISCOPAL)
 CHURCH IN SOUTH CAROLINA,)
 A SOUTH CAROLINA CORPORATE)
 BODY, ET AL.,)

PLAINTIFFS,)

vs.)

TRANSCRIPT OF RECORD

THE EPISCOPAL CHURCH, (A/K/A)
 THE PROTESTANT EPISCOPAL)
 CHURCH IN THE UNITED STATES)
 OF AMERICA); THE EPISCOPAL)
 CHURCH IN SOUTH CAROLINA,)

DEFENDANTS.)

JULY 14, 2014
 ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
 Official Court Reporter

I N D E X

1					
2					
3	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
4	JOHN LEWIS JACKSON, JR.				
5	MR. CAMPBELL	921			
6	MR. SMITH		926		
7	MICHAEL SUNDY WINBURN				
8	MR. EASTERLING	931			
9	MR. TISDALE		938		
10	MARIANNE LEAL HOLMES				
11	MR. PLATTE	948			
12	MR. TISDALE		952		
13	SAMUEL GAILLARD				
14	MR. WALL	958			
15	MR. TISDALE		961		
16	MICHAEL CLARKSON				
17	MR. PLATTE	972		981	
18	MR. TISDALE		975		
19	WILLIAM DERIEUX CLARKSON				
20	MR. MACK	983			
21	MR. SMITH		989		
22	ANN HESTER WILLIS				
23	MR. RUNYAN	992			
24	MR. TISDALE		998		
25	MS. KOSTEL		1014		
26	DAVID TACKABERRY THURLOW				
27	MR. MCKENZIE	1017			
28	MR. SMITH		1023		
29	WILLIAM DAVID STARNES				
30	MR. OXNER	1030			
31	MR. TISDALE		1037		
32	MS. GOLDING			1050	
33	ROBERT LAWRENCE ARMSTRONG				
34	MR. SHELBOURNE	1053			
35	MR. SMITH		1064		
36	MR. BEERS		1068		

1	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
2	JULIAN JEFFORDS, III				
	MR. SHELTON	1074		1095	
3	MR. TISDALE		1076		
	MR. BEERS		1094		
4	MS. GOLDING			1095	
5	CHARLES EDWARD OWENS, III				
	MR. PLATTE	1096			
6	MR. TISDALE		1101		
	MR. BEERS		1110		
7					
	KENNETH NIXON WILSON				
8	MR. SLOAN	1113			
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E X H I B I T S

NO.	DESCRIPTION	ID	EVD
HCS-1	PETITION TO INCORPORATE, DECEMBER 17, 1789	919	921
HCS-2	ACT NO. 1415 TO INCORPORATE THE VESTRIES AND CHURCH WARDENS OF THE EPISCOPAL CHURCH OF CLAREMONT, FEBRUARY 29, 1788	919	921
HCS-3	ACT NO. 53 TO CHANGE THE NAME OF THE EPISCOPAL CHURCH OF CLAREMONT TO THE CHURCH OF THE HOLY CROSS, DECEMBER 21, 1882	919	921
HCS-4	DEED FROM THOMAS SUMTER DATED FEBRUARY 22, 1820	919	921
HCS-5	DEED FROM HARPER REAL ESTATE DATED JUNE 15, 1988	919	921
HCS-6	DEED FROM JOHN LOUIS JACKSON, JR. AND THOMAS POLK SANDERS, DATED JUNE 2, 1997	919	921
HCS-7	WARRANTY DEED FROM AYCOCK CONSTRUCTION, LLC, DATED AUGUST 18, 2006	919	921
HCS-8	QUITCLAIM DEED DATED OCTOBER 4, 2011	919	921
HCS-9	VESTRY MEETING MINUTES JANUARY 11, 2013	919	921
HCS-11	BYLAWS OF THE CHURCH OF THE HOLY CROSS (AMENDED 1/23/11)	919	921
HCS-12	PARISH MEETING MINUTES JANUARY 6, 2013	919	921
HCS-13	INSERT TO CHURCH BULLETIN JANUARY 12, 2014	919	921
HCS-14	ANNUAL PARISH MEETING MINUTES JANUARY 12, 2014	919	921
HCS-15	BYLAWS OF THE CHURCH OF THE HOLY CROSS (AMENDED AT THE ANNUAL PARISH MEETING JANUARY 6, 2013 AND JANUARY 12, 2014)	919	921
HCS-16	STIPULATION	919	921
SPB-1	CERTIFICATE OF INCORPORATION OF ST. PAUL'S EPISCOPAL CHURCH OF BENNETTSVILLE, INC. FILED MARCH 4, 2002 IN OFFICE OF SECRETARY OF STATE	930	931
SPB-2	DEED FROM DONALD THOMAS HARDY PAINE TO ST. PAUL'S EPISCOPAL CHURCH OF BENNETTSVILLE, INC.	930	931

1	NO.	DESCRIPTION	ID	EVD
2	SPB-3	DEED FROM HARRY R. EASTERLING	930	931
3		TO THE VESTRY OF ST. PAUL'S		
4		EPISCOPAL CHURCH		
5	SPB-4	DEED FROM DR. WILLIAM E. ALTMAN	930	931
6		AND MARY J. ALTMAN TO THE		
7		VESTRY OF ST. PAUL'S EPISCOPAL		
8		CHURCH		
9	SPB-5	DEED FROM CHARLTON J. ROGERS TO	930	931
10		THE VESTRY OF ST. PAUL'S		
11		EPISCOPAL CHURCH		
12	SPB-6	DEED FROM CHARLTON J. ROGERS TO	930	931
13		THE VESTRY OF ST. PAUL'S		
14		EPISCOPAL CHURCH		
15	SPB-7	DEED FROM STEPHEN W. QUICK AND	930	931
16		JANE P. QUICK TO THE VESTRY OF		
17		ST. PAUL'S EPISCOPAL CHURCH		
18	SPB-8	DEED FROM JOHN M. JACKSON,	930	931
19		WILLIAM P. BREEDEN AND H. H.		
20		COVINGTON AS TRUSTEES OF THE		
21		PROTESTANT EPISCOPAL CHURCH OF		
22		BENNETTSVILLE, SC TO F. G.		
23		HOLLIS AND F. A. ROGERS AS		
24		WARDENS ET AL OF ST. PAUL'S		
25		PARISH OF THE PROTESTANT		
26		EPISCOPAL CHURCH OF THE TOWN OF		
27		BENNETTSVILLE		
28	SPB-9	DEED FROM MARY B. JOHN TO W. P.	930	931
29		BREEDEN, J. A. FAISON AND W. H.		
30		PALMER AS TRUSTEES OF THE ST.		
31		PAUL'S EPISCOPAL CHURCH OF		
32		BENNETTSVILLE, SC		
33	SPB-10	DEED FROM THROOP CROSLAND TO	930	931
34		JOHN M. JACKSON, WILLIAM P.		
35		BREEDEN AND H. H. COVINGTON AS		
36		TRUSTEES FOR THE MEMBERS OF THE		
37		PROTESTANT EPISCOPAL CHURCH IN		
38		THE TOWN OF BENNETTSVILLE, SC		
39	SPB-11	DEED FROM THE VESTRY OF ST.	930	931
40		PAUL'S EPISCOPAL CHURCH TO ST.		
41		PAUL'S EPISCOPAL CHURCH OF		
42		BENNETTSVILLE, INC.		
43	SPB-12	DEED FROM THE TRUSTEES OF THE	930	931
44		PROTESTANT EPISCOPAL CHURCH IN		
45		SOUTH CAROLINA, TO THE		
46		PLAINTIFF ST. PAUL'S EPISCOPAL		
47		CHURCH OF BENNETTSVILLE, INC.		
48	SPB-13	MINUTES OF THE DECEMBER 16,	930	931
49		2012 ANNUAL MEETING		

NO.	DESCRIPTION	ID	EVD
1	SPB-14 MINUTES OF THE DECEMBER 15,	930	931
2	2013 ANNUAL MEETING		
3	SPB-15 MINUTES OF THE SECOND ANNUAL	930	931
4	MEETING OF DECEMBER 22, 2013		
5	SPB-16 RESOLUTION AND AMENDED PARISH	930	931
6	BYLAWS ADOPTED AT DECEMBER 15 &		
7	22, 2013 MEETINGS		
8	SPB-17 LETTER FROM REV. CANON MICHAEL	930	931
9	T. MALONE TO THE EPISCOPAL		
10	CHURCH DATED SEPTEMBER 4, 2003		
11	AND MINUTES ST. PAUL'S		
12	EPISCOPAL CHURCH OF		
13	BENNETTSVILLE, INC. VESTRY		
14	MINUTES FROM AUGUST 27, 2003		
15	SPB-18 STIPULATION	930	931
16	SJ-1 CERTIFICATE OF INCORPORATION,	948	950
17	JULY 19, 1905		
18	SJ-2 DEED DATED MAY 13, 1889	948	950
19	SJ-3 DEED DATED NOVEMBER 26, 1993	948	950
20	SJ-4 DEED DATED DECEMBER 31, 2007	948	950
21	SJ-5 DEED DATED DECEMBER 31, 2007	948	950
22	SJ-6 DEED DATED DECEMBER 31, 2007	948	950
23	SJ-7 QUITCLAIM DEED DATED OCTOBER 4,	948	950
24	2011		
25	SJ-8 RESOLUTION - JANUARY 14, 2013	948	950
26	SJ-9 VESTRY MEETING MINUTES, JANUARY	948	950
27	14, 2013		
28	SJ-10 PARISH MEETING MINUTES,	948	950
29	FEBRUARY 3, 2013		
30	SJ-11 REVISED CONSTITUTION & CANONS	948	950
31	SJ-12 ARTICLES OF AMENDMENT - MARCH	948	950
32	10, 2014		
33	SJ-13 JANUARY 15, 2013 LETTER TO	948	950
34	PARISH		
35	SJ-14 12/8/13 ARTICLES OF AMENDMENT	948	950
36	NAME CHANGE		
37	SJ-15 STIPULATIONS	948	950
38	GS-1 STATUTES AT LARGE - 12/19/1833	957	959
39	GS-2 STATUTES AT LARGE - 12/19/1835	957	959
40	GS-3 STATUTES AT LARGE - 12/19/1849	957	959
41	GS-4 STATUTES AT LARGE - 4/9/1927	957	959
42	GS-5 DEED - 4/4/1966	957	959
43	GS-6 ARTICLES OF AMENDMENT -	957	959
44	4/14/1995		
45	GS-7 ARTICLES OF AMENDMENT -	957	959
46	1/26/2001		
47	GS-8 ARTICLES OF MERGER - 6/30/2004	957	959
48	GS-9 ARTICLES OF AMENDMENT -	957	959
49	12/13/2006		

1	NO.	DESCRIPTION	ID	EVD
	GS-10	QUITCLAIM DEED - 12/12/2010	957	959
2	GS-11	QUITCLAIM DEED - 7/11/2011	957	959
	GS-12	VESTRY MEETING MINUTES -	957	959
3		10/16/2011		
	GS-13	NOTICE TO MEMBERSHIP -	957	959
4		10/20/2011		
	GS-14	ARTICLES OF AMENDMENT -	957	959
5		2/23/2012		
	GS-15	CURRENT BYLAWS	957	959
6	GS-16	CURRENT CONSTITUTION	957	959
	GS-17	"THE CHURCH OF GOOD SHEPHERD -	957	960
7		PAST PRESENT AND FUTURE"		
	GS-18	VESTRY MINUTES - 5/11/04	957	960
8	OS-1	CERTIFICATE OF INCORPORATION	972	974
		MARCH 10, 1981		
9	OS-2	DEED DATED MAY 14, 1982	972	974
	OS-3	DEED DATED FEBRUARY 10, 1998	972	974
10	OS-4	DEED DATED JANUARY 10, 2002	972	974
	OS-5	DEED, DATED FEBRUARY 1, 2011	972	974
11	OS-6	RESOLUTION PASSED AT DECEMBER	972	974
		11, 2012 VESTRY MEETING		
12	OS-7	CERTIFICATION DATED FEBRUARY	972	974
		19, 2013		
13	OS-8	AMENDED BY--?LAWS FEBRUARY 17,	972	974
		2013		
14	OS-9	ARTICLES OF AMENDMENT JULY 30,	972	974
		2013		
15	OS-10	BISHOP LAWRENCE APPROVAL OF	972	974
		BYLAWS MAY 9, 2014		
16	OS-11	AMENDED BYLAWS DATED JANUARY 7,	972	974
		2013 AS AMENDED FEBRUARY 17,		
17		2013		
	OS-12	VESTRY MEETING MINUTES JANUARY	972	974
18		17, 2013		
	OS-13	ANNUAL PARISH MEETING JANUARY	972	974
19		23, 2013		
	OS-14	JANUARY 2013 NEWSLETTERS & 2013	972	974
20		NOTICES		
	OS-15	NOVEMBER 15, 2012 VESTRY	972	974
21		MEETING MINUTES		
	OS-16	MAY, 2013 NOTICES	972	974
22	OS-17	STIPULATIONS	972	974
	SMFM-1	FEBRUARY 29, 1788 ACT OF THE	982	983
23		GENERAL ASSEMBLY INCORPORATING		
		THE PARISH		
24	SMFM-2	JANUARY 18, 2004 CONSTITUTION	982	983
		AND BYLAWS		
25	SMFM-3	JANUARY 16, 2011 CONSTITUTION	982	983
		AND BYLAWS		

NO.	DESCRIPTION	ID	EVD
1	SMFM-4 DECEMBER 14,2010 VESTRY MEETING	982	983
2	MINUTES		
3	SMFM-5 DECEMBER 30,2010 NOTICE OF	982	983
4	PROPOSED AMENDMENTS TO		
5	CONSTITUTION AND BYLAWS		
6	SMFM-6 JANUARY 11,2011 VESTRY MEETING	982	983
7	MINUTES		
8	SMFM-7 JANUARY 16, 2011 ANNUAL MEETING	982	983
9	MINUTES		
10	SMFM-8 JANUARY 20,2013 MINUTES OF	982	983
11	SPECIAL VESTRY MEETING		
12	SMFM-9 JANUARY 20,2013 MINUTES OF	982	983
13	ANNUAL PARISH MEETING		
14	SMFM-10 JANUARY 20, 2013 RESOLUTION OF	982	983
15	DISASSOCIATION		
16	SMFM-11 FEBRUARY 23, 1954 DEED FROM	982	983
17	ANNIE J. PETERKIN		
18	SMFM-12 JULY 2,1973 DEED FROM LUCILLE	982	983
19	L. WANNAMAKER		
20	SMFM-13 APRIL 4,1985 DEED FROM JULIAN	982	983
21	DUKES WILES		
22	SMFM-14 DECEMBER 31,2003 DEED FROM J.	982	983
23	D. WILES		
24	SMFM-15 DECEMBER 28,2012 DEED FROM	982	983
25	MICHAEL G. HUB AND CALLIE A.		
26	HUB		
27	SMFM-16 OCTOBER 4,2011 QUIT CLAIM DEED	982	983
28	FROM DIOCESE		
29	SMFM-17 AUGUST 9, 1765 ACT OF THE	982	983
30	COLONIAL ASSEMBLY ESTABLISHING		
31	THE PARISH		
32	SMFM-18 STIPULATION	982	983
33	SMI-1 ACT OF THE GENERAL ASSEMBLY,	991	998
34	ACT NO.795, DATED JUNE 14, 1751		
35	SMI-2 ACT OF THE GENERAL ASSEMBLY,	991	998
36	ACT. NO. 1278, DATED MARCH 24,		
37	1785		
38	SMI-3 VESTRY AND CHURCH WARDENS	991	998
39	PETITION TO GENERAL ASSEMBLY,		
40	NOVEMBER 1971		
41	SMI-4 ACT OF THE GENERAL ASSEMBLY,	991	998
42	ACT NO. 1533, DATED DECEMBER		
43	20, 1791		
44	SMI-5 QUITCLAIM DEED, DATED JULY 11,	991	998
45	2011		
46	SMI-6 QUITCLAIM DEED, DATED NOVEMBER	991	998
47	21, 2011		
48	SMI-7 DEED, DATED JANUARY 6, 1923	991	998

	NO.	DESCRIPTION	ID	EVD
1	SMI-8	DEED, DATED MARCH 22, 1928	991	998
2	SMI-9	DEED, DATED MAY 6, 1942	991	998
	SMI-10	DEED, DATED DECEMBER 3, 2003	991	998
3	SMI-11	DEED, DATED MAY 21, 1996	991	998
	SMI-12	DEED, DATED DECEMBER 20, 2011	991	998
4	SMI-13	ARTICLES OF RESTATEMENT OF ACT. NO. 1533	991	998
5	SMI-14	AMENDED AND RESTATED BYLAWS, DATED SEPTEMBER 22, 2011	991	998
6	SMI-15	RESOLUTION, DATED OCTOBER 25, 2012	991	998
7	SMI-16	VESTRY MEETING MINUTES, OCTOBER 25, 2012	991	998
8	SMI-17	SERVICE & TRADE MARK REGISTRATIONS, DATED OCTOBER 14, 2011	991	998
9	SMI-18	FEBRUARY 9, 2010 VESTRY MEETING NOTICE	991	998
10	SMI-19	FEBRUARY 22, 2010 VESTRY MEETING MINUTES	991	998
11	SMI-20	MARCH 15, 2010 VESTRY MEETING NOTICE	991	998
12	SMI-21	MARCH 25, 2010 VESTRY MEETING MINUTES	991	998
13	SMI-22	VESTRY MEETING NOTICE FOR AUGUST 25, 2011 MEETING	991	998
14	SMI-23	AUGUST 25, 2011 VESTRY MEETING MINUTES	991	998
15	SMI-24	VESTRY MEETING NOTICE FOR SEPTEMBER 22, 2011 MEETING	991	998
16	SMI-25	SEPTEMBER 22, 2011 VESTRY MEETING MINUTES	991	998
17	SMI-26	NOVEMBER 13, 2012 LETTER, UNAUTHORIZED USE OF ST. MICHAEL'S NAME	991	998
18	SMI-27	STIPULATION	991	998
19	STM-1	1899 ORIGINAL DEED	1017	1017
20	STM-2	1904 DEED PARISH HALL LAND	1017	1017
	STM-3	CERTIFICATE OF INCORPORATION	1017	1017
21	STM-4	ST. MATTHIAS ADMITTED TO THE CONVENTION OF SOUTH CAROLINA AS A PARISH	1017	1017
22	STM-5	2006 PARISH BYLAWS	1017	1017
23	STM-6	QUITCLAIM DEED 2011	1017	1017
	STM-7	VESTRY MINUTES OF OCTOBER 25, 2012 APPROVAL OF ARTICLES OF AMENDMENT	1017	1017
24	STM-8	ARTICLES OF AMENDMENT OF ST. MATTHIAS EPISCOPAL CHURCH, INC.	1017	1017

	NO.	DESCRIPTION	ID	EVD
1	STM-9	MINUTES OF THE BOARD OF	1017	1017
2		TRUSTEES MEETING JANUARY 4,		
3		2013 WITH RESOLUTION REGARDING		
4	STM-10	ST. MATTHIAS	1017	1017
5		MINUTES OF THE ANNUAL		
6		CONGREGATIONAL MEETING JANUARY		
7		13, 2013		
8	STM-11	RESOLUTION OF SUPPORT FOR AND	1017	1017
9		AFFILIATION WITH BISHOP MARK		
10		LAWRENCE AND THE EPISCOPAL		
11		DIOCESE OF SOUTH CAROLINA		
12	STM-12	DEDICATION OF PARISH HALL,	1017	1017
13		SEPTEMBER 25, 2011		
14	STM-13	1992 DEED	1017	1017
15	STM-14	2013 PARISH BYLAWS	1017	1017
16	STM-15	DEED 7/1/99	1017	1017
17	STM-16	STIPULATION	1017	1017
18	PG-1	ACT NO. 458 OF THE GENERAL	1030	1034
19		ASSEMBLY OF SOUTH CAROLINA		
20		DATED MARCH 10, 1721		
21	PG-2	ACT NO. 567 OF THE GENERAL	1030	1034
22		ASSEMBLY OF SOUTH CAROLINA		
23		DATED APRIL 9, 1734		
24	PG-3	ACT NO. 961 OF THE GENERAL	1030	1034
25		ASSEMBLY OF SOUTH CAROLINA		
26		DATED MAY 23, 1767		
27	PG-4	ACT NO. 1415 OF THE GENERAL	1030	1034
28		ASSEMBLY OF SOUTH CAROLINA		
29		DATED FEBRUARY 29, 1788		
30	PG-5	PETITION SUBMITTED TO THE	1030	1034
31		GENERAL ASSEMBLY OF SOUTH		
32		CAROLINA IN FEBRUARY, 1788		
33	PG-6	DEED DATED FEBRUARY 16, 2006	1030	1034
34	PG-7	DEED DATED MAY 14, 2007	1030	1034
35	PG-8	BY DEED DATED JUNE 25, 2008	1030	1034
36	PG-9	QUITCLAIM, RELEASE AND CONSENT	1030	1034
37		DATED JANUARY 13, 2010		
38	PG-10	QUITCLAIM DEED DATED NOVEMBER	1030	1034
39		16, 2011		
40	PG-11	CONSTITUTION AND BYLAWS ADOPTED	1030	1034
41		JANUARY 9, 2011		
42	PG-12	MINUTES OF VESTRY MEETING HELD	1030	1034
43		ON NOVEMBER 2, 2010		
44	PG-13	DECEMBER 2010 AND JANUARY 2011	1030	1034
45		EDITIONS OF "THE CROSS & CROWN"		
46	PG-14	MINUTES OF ANNUAL	1030	1034
47		CONGREGATIONAL MEETING HELD ON		
48		JANUARY 9, 2011		

	NO.	DESCRIPTION	ID	EVD
1	PG-15	MINUTES OF ANNUAL	1030	1034
2		CONGREGATIONAL MEETING HELD ON		
		JANUARY 22, 2012		
3	PG-16	RESOLUTION ENTITLED "A	1030	1034
4		STATEMENT OF THE MIND OF THE		
		VESTRY" APPROVED BY THE VESTRY		
		ON NOVEMBER 1, 2012		
5	PG-17	STIPULATION	1030	1034
	SPS-1	MISCELLANEOUS HISTORIES	1051	1052
6	SPS-2	LEGISLATIVE ACT THAT CREATED	1051	1052
		ST. PAUL'S STONO		
7	SPS-3	LEGISLATIVE ACT THAT CREATED	1051	1052
		ST. GEORGE'S DORCHESTER		
8	SPS-4	LEGISLATIVE ACT THAT CREATED	1051	1052
		ST. PAUL'S SUMMERVILLE		
9	SPS-5	5/31/1893 DEED	1051	1052
	SPS-6	3/9/1894 DEED	1051	1052
10	SPS-7	11/9/1895 DEED	1051	1052
	SPS-8	11/25/1895 DEED	1051	1052
11	SPS-9	3/31/1951 DEED	1051	1052
	SPS-10	4/1/1967 DEED	1051	1052
12	SPS-11	9/2/1970 DEED	1051	1052
	SPS-12	11/2/1998 DEED	1051	1052
13	SPS-13	2/20/1996 DEED	1051	1052
	SPS-14	5/21/2007 DEED	1051	1052
14	SPS-15	QUITCLAIM DEED	1051	1052
	SPS-16	12/19/11 REGULAR VESTRY MEETING	1051	1052
15		MINUTES		
	SPS-17	2012 BYLAWS	1051	1052
16	SPS-18	NOTICE TO CONGREGATION TO AMEND	1051	1052
		BYLAWS		
17	SPS-19	1/29/12 ANNUAL MEETING MINUTES	1051	1052
	SPS-20	11/21/11 REGULAR VESTRY MEETING	1051	1052
18		MINUTES WITH ATTACHED		
		RESOLUTION		
19	SPS-21	10/29/12 RESOLUTION	1051	1052
	SPS-22	12/17/12 REGULAR VESTRY MEETING	1051	1052
20		MINUTES WITH ATTACHED		
		RESOLUTION		
21	SPS-23	2005 BYLAWS	1051	1052
	SPS-24	PHOTOGRAPH OF PLAQUE	1051	1052
22	SPS-25	1941 BYLAWS	1051	1052
	SPS-26	BYLAWS	1051	1052
23	SPS-27	1/23/94 VESTRY MEETING MINUTES	1051	1052
	SPS-28	2/16/98 BYLAW AMENDMENT	1051	1052
24	SPS-29	STIPULATION	1051	1052
	SPC-1	ARTICLES FOR CONSTITUTION AND	1073	1076
25		BYLAWS		

	NO.	DESCRIPTION	ID	EVD
1	SPC-2	ARTICLES OF AMENDMENT CERTIFIED	1073	1076
2		3/19/13		
	SPC-3	BYLAWS	1073	1076
3	SPC-4	9/11/06 DEED	1073	1076
	SPC-5	10/4/11 DEED	1073	1076
4	SPC-6	VESTRY MINUTES OF 12/17/12	1073	1076
	SPC-7	1/6/13 PARISH MEETING MINUTES	1073	1076
5	SPC-8	1/8/13 CONSENT RESOLUTION OF	1073	1076
		VESTRY		
6	SPC-9	1/21/13 VESTRY MINUTES	1073	1076
	SPC-10	STIPULATION	1073	1076
7	TC-1	CERTIFICATE OF INCORPORATION	1096	1098
		DATED JULY 3, 1979		
8	TC-2	QUITCLAIM DEED DATED FEBRUARY	1096	1098
		1, 2010		
9	TC-3	AMENDED AND RESTATED BYLAWS,	1096	1098
		SEPTEMBER 22, 2010		
10	TC-4	SPECIAL VESTRY MEETING MINUTES,	1096	1098
		SEPTEMBER 22, 2010		
11	TC-5	SPECIAL VESTRY MINUTES, OCTOBER	1096	1098
		13, 2010		
12	TC-6	RESTATED ARTICLES OF	1096	1098
		INCORPORATION DATED NOVEMBER 2,		
13		2010		
	TC-7	RESOLUTION DATED DECEMBER 8,	1096	1098
14		2012		
	TC-8	SPECIAL VESTRY MEETING MINUTES,	1096	1098
15		DECEMBER 8, 2012		
	TC-9	NOTICE OF SPECIAL MEETING -	1096	1098
16		OCTOBER 13, 2010		
	TC-10	SEPTEMBER 29, 2010 LETTER TO	1096	1098
17		MEMBERS		
	TC-11	10/13/10 SPECIAL PARISH MEETING	1096	1098
18		MINUTES		
	TC-12	2003 BYLAWS	1096	1098
19	TC-13	STIPULATIONS	1096	1098
	TC-14	12/9/89 ORDER OF JUDGMENT	1096	1098
20	TC-15	11/17/69 DEED	1096	1098
	CC-1	HISTORY OF OWNERSHIP OF THE	1111	
21		LANDS OF CHRIST CHURCH		
	CC-2	THE CHURCH ACT OF 1706	1111	
22	CC-3	JULY 28, 1731 DEED	1111	
	CC-4	JULY 28, 1731 DEED	1111	
23	CC-5	JULY 28, 1731 DEED	1111	
	CC-6	MAY 4, 1738 DEED	1111	
24	CC-7	FEB. 1, 1753 LEASE	1111	
	CC-8	SEPT. 17, 1754, JOHN AND ANN	1111	
25		SAVAGE TO CHARLES PINCKNEY, JR.		

	NO.	DESCRIPTION	ID	EVD
1	CC-9	MAR. 3, 1817, CHARLES PINCKNEY,	1111	
2		JR. TO FRANCES G.		
3		DELIESSELIENE, BY TRUSTEE		
4		WILLIAM HASELL GIBBES, MASTER		
5	CC-10	IN EQUITY - FORECLOSURE OF		
6		THREE MORTGAGES		
7		MAY 24, 1828, CHARLES J.	1111	
8		STEADMAN, SHERIFF OF CHARLESTON		
9	CC-11	DISTRICT TO WILLIAM MATTHEWS		
10		FEB. 24, 1853, JAMES TUPPER,	1111	
11		MASTER IN EQUITY TO WILLIAM		
12		MCCANTS IN ORDER TO ADMINISTER		
13	CC-12	ESTATE OF WILLIAM MATTHEWS		
14		MAR. 10, 1880 SURVEY	1111	
15	CC-13	FEB. 21, 1900 MARY J. MCCANTS	1111	
16		AND CHILDREN (HEIRS OF LOCKWOOD		
17		ALLISON MCCANTS) TO FREDERICK		
18		WIETERS		
19	CC-14	FEB. 14, 1908, E. FREDERICK A.	1111	
20		WIETERS TO E. FREDERICK A.		
21		WIETERS, TRUSTEE. DECLARATION		
22		OF TRUST		
23	CC-15	FEB. 7, 1910, E. FREDERICK	1111	
24		WIETERS, EXEC. TO THOMAS		
25		J. HAMLIN		
26				
27	CC-16	FEB. 15, 1921, T. J. HAMLIN TO	1111	
28		O.D. HAMLIN		
29	CC-17	OCT. 11, 1935, JULIA LEHRE	1111	
30		HAMLIN (HEIR TO ESTATE OF		
31		OSGOOD DARBY HAMLIN) TO ANNA C.		
32		EWING		
33	CC-18	DEC. 4, 1942, ANNA C. EWING TO	1111	
34		THE VESTRY AND CHURCH WARDENS		
35		OF THE EPISCOPAL CHURCH OF THE		
36		PARISH OF CHRIST CHURCH, A		
37		CORPORATION		
38	CC-19	NOV. 14, 1966, GEORGE L. BUIST,	1111	
39		EXEC. OF ESTATE OF ALEXANDRA		
40		EWING STONE TO THOMAS E. NOYES		
41	CC-20	DEC. 2, 1966 SURVEY FOR ABOVE	1111	
42		BUIST DEED		
43	CC-21	JUNE 7, 1968 (BOOK N-90, P. 93)	1111	
44		THOMAS E. NOYES TO THE VESTRY		
45		AND CHURCH WARDENS OF THE		
46		EPISCOPAL CHURCH OF THE PARISH		
47		OF CHRIST CHURCH, THEIR		
48		SUCCESSORS AND ASSIGNS		

	NO.	DESCRIPTION	ID	EVD
1	CC-22	MAY 4, 1970, GEORGE A. HERRIN	1111	
2		TO THE VESTRY AND WARDENS OF		
3		THE EPISCOPAL CHURCH OF THE		
4		PARISH OF CHRIST CHURCH, THEIR		
		SUCCESSORS IN OFFICE AND		
		ASSIGNS		
5	CC-23	QUIT CLAIM DEED RECORDED NOV.	1111	
		23, 2011		
6	CC-24	INCORPORATION	1111	
	CC-25	1980 BYLAWS	1111	
	CC-26	OCTOBER 20, 2011 VESTRY MEETING	1111	
7		MINUTES		
	CC-27	NOVEMBER 21, 2011 VESTRY	1111	
8		MEETING MINUTES		
	CC-28	CHURCH BULLETINS - NOV. 20,	1111	
9		2011, NOV. 27, 2011, AND DEC.		
		4, 2011		
10	CC-29	DECEMBER 4, 2011 ANNUAL PARISH	1111	
		MEETING MINUTES		
11	CC-30	DECEMBER 11, 2011	1111	
		CONGREGATIONAL MEETING MINUTES		
12	CC-31	2011 BYLAWS	1111	
	CC-32	DECEMBER 15, 2011 VESTRY	1111	
13		MEETING MINUTES		
	CC-33	NOVEMBER 15, 2012 VESTRY	1111	
14		MEETING MINUTES WITH RESOLUTION		
	CC-34	DECEMBER 17, 2012 VESTRY	1111	
15		MEETING MINUTES		
	CC-35	COMMITMENT TO CONTINUED	1111	
16		DIOCESAN RELATIONSHIP AND		
		RESOLUTION OF BOARD OF		
17		DIRECTORS		
	CC-36	STATUTES AT LARGE	1111	
18	CC-37	CONST. OF STATE OF SC	1111	
	CC-38	STIPULATION	1111	
19				
	DEFENSE-8	TITLE TO REAL ESTATE	965	
20	DEFENSE-9	BYLAWS	978	
	DEFENSE-10	BYLAWS	1015	
21				
22		- - -		
23				
24				
25				

1 THE COURT: Thank you, everyone. Please be seated. It
2 took me a little bit this morning to go over the requests.
3 We had a number of requests from the news outlets. Again,
4 let me just remind everyone, the public is welcome, the news
5 is always welcome. The only requirement and the reason for
6 the requirement under our rules is so the Court can just be
7 sure that the coverage of our proceeding doesn't interfere
8 with the lawyers or, if there was a jury, that the jury isn't
9 being recorded.

10 And, again, my concern, so everyone knows, is so that the
11 lawyers don't hear click, click, click, click, click, click,
12 click from cameras because all of a sudden their train of
13 thought, without exception, stops. So I believe that there's
14 only one request for a camera. Everybody else is geekified
15 and got the cell phones with the cameras on the cell phones,
16 and I know that those shouldn't be going click, click, click;
17 right? Am I right? Anybody's cell phone go click?

18 Wonderful. So, please, if you will help me just be sure
19 that any photography is silent, that will be terrific. And
20 you're certainly welcome to photograph to your desire, so if
21 you'll just keep that in mind for me.

22 Now, without further ado, how did we do on our
23 stipulations?

24 MR. RUNYAN: We did remarkably well, Your Honor.

25 THE COURT: Thank you, thank you, thank you. Good.

1 Tell me about it.

2 MR. RUNYAN: We have -- I'll state the stipulation and
3 they can add to it if they think I've left something out. We
4 have agreed that the stipulations submitted by the parishes,
5 the remaining parishes, represent all or part of the
6 testimony of a parish witness on behalf of that party and
7 that the exhibits are admitted into evidence without
8 objection unless there is a stated legibility objection.
9 We've also agreed the parish, remaining parish, plaintiffs to
10 make available a witness for cross-examination as if the
11 individual had testified to the matters contained in the
12 stipulation.

13 THE COURT: And first is that correct, Mr. Beers and Ms.
14 Kostel and Mr. Tisdale?

15 MR. TISDALE: Your Honor, I think that's generally the
16 case. This is just a little memo we prepared to memorialize
17 this agreement --

18 THE COURT: Wonderful.

19 MR. TISDALE: -- and see if it's in accord with what Mr.
20 Runyan said. I think it is.

21 MS. GOLDING: Do you have an extra copy, Tom?

22 MR. TISDALE: I'm sorry, I only have one more.

23 THE COURT: We'll make one real, real quick.

24 Here you go.

25 MR. TISDALE: If Mr. Runyan agrees with this --

1 MS. GOLDING: I'd like to have an opportunity to review
2 it, Your Honor.

3 THE COURT: I agree.

4 MS. GOLDING: And I really don't understand, counsel's
5 been sitting there for 30, 45 minutes, why we haven't gotten
6 it before right now. I just don't understand that.

7 MR. TISDALE: Well, we didn't know whether it was going
8 to be necessary or not.

9 MR. RUNYAN: I'm not entirely sure that I can agree with
10 the wording.

11 MR. SMITH: Your Honor, I'll just say that this is a
12 summary of our email correspondence yesterday. And there's
13 nothing added to it, it was just our position as to how we
14 are agreeing to allow these stipulations to come in. And
15 basically it's our understanding, Your Honor, that your
16 intent is just to speed up the trial to be more efficient
17 with the administration of the trial, so that's our goal.
18 And we just want to be in the same position that we would
19 have been in had these witnesses gone on the stand and for
20 none of this, none of these stipulations, to be interpreted
21 as requests to admit or agreement on any legal conclusions
22 that may have slipped into their stipulations.

23 MS. GOLDING: Number one, Your Honor, I don't approve of
24 the statement of anything slipping in on stipulations. I
25 find that not to be proper.

1 MR. TISDALE: Inadvertently included we might say.

2 MR. RUNYAN: For the benefit of the Court, this is
3 substantially what they sent initially, and I'm going to read
4 exactly what I said back to which there was no response.

5 THE COURT: Okay.

6 MR. RUNYAN: Here is where we are, one and four, which
7 would be the same one and four on this document Mr. Tisdale
8 just submitted. Stipulations represent all or part of the
9 testimony of a parish witness on behalf of that party and the
10 exhibits are admitted into evidence without objection unless
11 there is a stated legibility objection. The Court can decide
12 if there is/is not some greater weight, greater effect, based
13 on any argument defendants wish to make.

14 No. 2, agreed, which is the same No. 2 that is on the
15 document.

16 No. 3, which is the same No. 3, agreed as to
17 cross-examination, defendants case-in-chief documents are
18 subject to normal evidentiary requirements at the time
19 they're offered.

20 MR. SMITH: Your Honor, I'll just state that this
21 document here is not intended to reflect what Mr. Runyan's
22 response was, this just summarizes what our offer was to
23 allow these stipulations. So I'm not trying to misrepresent
24 that you agreed to everything, but these are the -- this is
25 how we proposed that the stipulations be admitted into

1 evidence and these are the reservations of rights that we
2 want to make. And I understand Mr. Runyan has agreed to some
3 of them and disputes some of them.

4 THE COURT: Let me explain to you what a stipulation is
5 under the law. A stipulation under the law is an agreement
6 of counsel. So there cannot be any of this, hey, Judge, this
7 is as far as we'll go and they've told you as far as they'll
8 go and that's just the deal. That's not a stipulation. A
9 stipulation is an agreement of counsel.

10 Why did I want you all to meet and confer? I wanted you
11 to meet and confer because I got the sense last week, loudly
12 and clearly, that there was a place for stipulations. And
13 you all were getting along so lovely, so nicely, and
14 repeatedly, repeatedly when we began the week and exhibits
15 would be offered, no objection, no objection. And to the
16 extent that there was the night that I began to ask,
17 particularly before we lost Ms. Kostel and then Mr. Beers
18 took it over, the task, that the parishes would offer the
19 documents. And then I began to hear these documents are
20 fine, with the exception of legibility issues, which was
21 completely understandable.

22 Then once we reached that milestone, that was the point
23 that I believed that because we are into a week, because
24 we're not going to finish, if we continue down this road,
25 which is okay with me, it's just reality that we will not

1 finish. So I thought they're getting along so well, their
2 agreements seem to be coming, let me now see if they can meet
3 and confer for the purpose of entering into stipulations.
4 But, as you know, Mr. Smith, stipulations are agreements by
5 their very nature. They are agreements. So it's like that
6 old adage, I can lead the horses to the water but I can't
7 make them drink, but I can sure make you get up to the
8 trough. It was my intention to bring you all to the trough
9 and encourage you to drink the water, so to speak, but if you
10 haven't, you haven't.

11 Now, here's what I'm hearing: I'm hearing from Mr.
12 Runyan we have an agreement and these are the terms of it.
13 I'm hearing now from the defendants, no, we don't. So at
14 this moment in my mind we don't have a stipulation. Here's
15 what I'm going to do: I'm going to step outside of the
16 courtroom because it's not appropriate for me to be present.
17 I'm going to ask you all when I leave -- and I'm going to
18 leave for ten minutes, unless it's less -- in ten minutes I
19 expect to have somebody come tell me how you all are doing.
20 If you need a little bit longer to iron it out, I want you to
21 iron it out. But I am nonplussed when I hear from Mr. Runyan
22 that we have an agreement, I am hearing from you that you do
23 not, and then I look at what this is, and I just want to be
24 absolutely certain that we don't have an agreement. Hear me,
25 if we don't, it's okay, it's okay, it's not a problem, but I

1 want to give you all that opportunity to be absolutely
2 crystal clear with me that we do not. But if you don't,
3 please understand, it's okay. If you do, that's fantastic if
4 you do; if you do not, it is perfectly fine.

5 MR. TISDALE: We thought we did, Your Honor.

6 THE COURT: Thank you, Mr. Tisdale. I get that very
7 loudly and very clearly from both sides. That's why I'm
8 going to lift it up, move it out, and give you all an
9 opportunity to see if one more pass at it will reach
10 consensus. And then, again, if it doesn't, it is fine; if it
11 does, it's wonderful. If it doesn't, it's fine, we will
12 continue. Because here's what I don't want to have happen, I
13 don't want you all to feel undue pressure from the Court to
14 enter into stipulation because I don't intend that. Again, I
15 meant very strongly to bring you to the trough, I did not
16 intend to make you drink the water. If you can get one, that
17 is wonderful. If you can't, you have no idea how much I love
18 being with all of you. This is a treat for me. This is not
19 my typical low-impact soft tissue case. I'm over the moon
20 about it, so I love being here with you all.

21 My only concern is that I am so aware of how busy all of
22 you are. You all are the cream of the crop. You all have
23 got thousands of people who need you and want you. I feel
24 compelled to get you back to your practices by the end of
25 this week. If I don't, it's my joy. It's your burden, it's

1 my joy. So that's really where we are. So I'm going to step
2 out and let you all get the clarity because a stipulation is
3 an agreement. Please don't feel any pressure for me to
4 agree. I got you to the trough, I did what I'm supposed to
5 do, so I'm thrilled and you win. I'm grateful. If you don't
6 get an agreement, that's perfectly okay. So I'm leaving, ten
7 minutes. Somebody let me know how you're doing.

8 (Recess held.)

9 THE COURT: How did we do?

10 MR. RUNYAN: Well, I think we have something. I'm going
11 to put it on the record.

12 THE COURT: All right.

13 MR. RUNYAN: The counsel for the parties in this case
14 agree with respect to the remaining parish plaintiffs'
15 testimony that the proposed stipulations of those parishes
16 represent all or part of the testimony of a parish witness on
17 behalf of that party and the exhibits are admitted into
18 evidence without objection unless there is a stated
19 legibility objection. To the extent that the stipulations
20 include conclusions of law, the parties agree that such
21 conclusions are within the exclusive province of the Court.

22 MR. BEERS: Yes, the church agrees.

23 MR. TISDALE: I think that is our agreement.

24 THE COURT: Very well. And stipulations are
25 stipulations of fact only, not stipulations of law, so I

1 understand the concern and I think that clarification is
2 appropriate.

3 MR. TISDALE: Your Honor, we're not stipulating to the
4 truth or falsity of anything, but as Mr. Runyan I think said,
5 we are stipulating that if this person was on the witness
6 stand, this is what that witness would say that is contained
7 in this stipulation.

8 THE COURT: Absolutely got it. Absolutely.

9 MR. TISDALE: That is the core of what we agreed to.

10 THE COURT: Very well. Now, where are the stipulations?

11 MR. RUNYAN: Your Honor, we were going to offer them to
12 the extent there would be any testimony as we progress with
13 the remaining parishes.

14 THE COURT: Fantastic. That way I can stay organized.
15 Good. Now I'll hush and listen.

16 MR. CAMPBELL: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MR. CAMPBELL: For the record, Pierce Campbell for the
19 Church of the Holy Cross in Stateburg, South Carolina.

20 Call Mr. Lewis Jackson to the stand.

21 (Plaintiff's Exhibits HCS-1 through HCS-16 premarked for
22 identification.)

23 JOHN LEWIS JACKSON, JR.,
24 being first duly sworn, testified as follows:

25 THE COURT: All right. Your witness.

1 MR. CAMPBELL: Thank you, Your Honor. Just to clarify
2 on the record, I believe we are submitting without objection
3 Exhibits HCS 1 through 15, which were -- I provided to
4 opposing counsel last week and I don't believe they have any
5 objections to. And then I've also marked Holy Cross
6 Stateburg's stipulated facts with the supporting exhibits,
7 some of which are duplicative, but not all, as one document
8 HCS 16. So I would have 16 marked exhibits, including the
9 stipulated facts.

10 THE COURT: Very well.

11 Is that correct?

12 MR. BEERS: I don't know if it's correct or not, but we
13 have no objection.

14 MR. CAMPBELL: Makes me nervous being the first one
15 under this new system to say it's not correct.

16 THE COURT: You did really good. They have no objection
17 to what you have represented to the Court, they have no
18 objection to the admissibility of your exhibits --

19 MR. CAMPBELL: Thank you, Your Honor.

20 THE COURT: -- under the stipulation.

21 And it is HCS, really for my purposes as I review the
22 record, 1 through 15 are exhibits, 16 are the stipulated
23 facts.

24 MR. CAMPBELL: With supporting exhibits all clipped as
25 one document.

1 THE COURT: Thank you.

2 (Plaintiff's Exhibits HCS-1 through HCS-16 admitted into
3 evidence.)

4 MR. CAMPBELL: Thank you, Your Honor. May I proceed?

5 THE COURT: You may.

6 DIRECT EXAMINATION BY MR. CAMPBELL:

7 Q. Mr. Jackson, state your name again, please.

8 A. John Lewis Jackson, Jr.

9 Q. Where do you live?

10 A. I live in Stateburg community, Sumter County.

11 Q. How old are you, if you don't mind me asking?

12 A. I'm 63.

13 Q. And are you currently employed?

14 A. I am not.

15 Q. Are you retired or out of work?

16 A. I am retired.

17 Q. And what did you retire from?

18 A. From the United States Department of Agriculture.

19 Q. How long did you work for them?

20 A. Roughly 30 years.

21 Q. And are you a member of a parish church?

22 A. I am.

23 Q. What parish?

24 A. The Church of the Holy Cross.

25 Q. And how long have you been a member there?

1 A. Since about '98.

2 Q. And is that parish located in Stateburg?

3 A. Yes, it is.

4 Q. Where is Stateburg?

5 A. Stateburg is west of Shaw Air Force Base and just maybe
6 a mile north of the intersection of Highway 378 and 261.

7 Q. In Sumter County?

8 A. Correct.

9 Q. And while you've been a member at Holy Cross, have you
10 held any positions of authority?

11 A. I have.

12 Q. What positions?

13 A. I've been a vestry member, a junior warden, and senior
14 warden.

15 Q. And that parish, how many members does it have?

16 A. It's got about 98 to the best of my recollection.

17 Q. Thank you. And that parish is incorporated; right?

18 A. Yes, it is.

19 Q. And does the parish have a board of directors?

20 A. Yes, we do.

21 Q. Who is the board of directors?

22 A. The wardens and vestry.

23 Q. And does the parish have any officers?

24 A. Yes, we do.

25 Q. Who are the officers?

1 A. Senior warden, junior warden, secretary, and treasurer.

2 Q. In your position of leadership in that church have you
3 learned about the history and corporate structure of the
4 parish?

5 A. Yes, I have.

6 Q. Have you reviewed the document that's been marked as HCS
7 16, stipulated facts?

8 A. Yes, I have.

9 Q. And are you personally familiar with those statements?

10 A. Yes, I am.

11 Q. Do you have personal knowledge of everything stated in
12 those stipulated facts?

13 A. Yes, I do.

14 Q. And if asked to testify today, would you testify as to
15 all of the facts that are included in that document?

16 A. Yes, I would.

17 Q. When was your parish incorporated?

18 A. 1788.

19 Q. And was it chartered by the legislature?

20 A. It was.

21 Q. Since that original legislative charter, have any
22 changes to the corporate form occurred?

23 A. Yes. We've had one change.

24 Q. What was that?

25 A. We changed the name from the Episcopal Church of

1 Claremont to the Church of the Holy Cross.

2 Q. When did that change occur?

3 A. That change occurred officially in 1882, if I remember
4 correctly.

5 Q. Is it the same entity, though, since 1788?

6 A. Yes.

7 Q. The only change was the name?

8 A. That is correct.

9 Q. Since 1788 has Holy Cross existed as a corporation?

10 A. Yes, we have.

11 Q. And has it carried out its religious purposes since that
12 time?

13 A. Yes, we have.

14 Q. We've submitted into evidence and stipulated to numerous
15 deeds, but there's one particular deed I want to ask you
16 about. Are you familiar with the original piece of property
17 that the parish received?

18 A. Yes.

19 Q. And was there an issue or a problem with that property
20 at one time?

21 A. Yes, there was.

22 Q. Could you explain it, please?

23 A. Yes, sir. Approximately 1788, 1787 or 1788, Thomas
24 Sumter donated 2 acres, more or less, to the church, to the
25 wardens and vestry, to construct a church on the property

1 that he owned. And then several years later Mr. Sumter sold
2 to a Mr. Brooks 30-some-odd acres, if I remember the acreage
3 correct, that included the 2 acres that he had given to the
4 church, the Episcopal Church of Claremont.

5 Catching that error, Mr. Brooks apparently was an honest
6 man and brought it to Sumter's attention, which then Thomas
7 Sumter deeded the property to the church, the original same
8 property. And Mr. Brooks in the same document relinquished
9 all claims and rights that he had to that 2 acres.

10 Q. And is that the document that's been marked as HCS 4?

11 A. Yes, it is.

12 Q. Does Holy Cross, the Church of the Holy Cross, have any
13 relationship with the national church?

14 A. No, we do not.

15 Q. And does Holy Cross have any relationship with the
16 Episcopal Church in South Carolina led by Bishop von
17 Rosenberg?

18 A. No, we do not.

19 Q. Have you ever had any relationship with the Episcopal
20 Church in South Carolina?

21 A. No, we have not.

22 Q. Are you a parish of the Episcopal Church in South
23 Carolina?

24 A. No, we're not.

25 Q. Have you ever sent delegates to any meetings or

1 conventions of the Episcopal Church in South Carolina?

2 A. No, we have not.

3 Q. And have you ever authorized the Episcopal Church in
4 South Carolina to use your name, address, or other likeness
5 on their website or in any other materials?

6 A. No, we have not.

7 MR. CAMPBELL: I have no further questions, Your Honor.

8 If you would please answer any questions opposing
9 counsel may have.

10 THE COURT: Cross-examination.

11 MR. SMITH: Just trying to mix it up, Your Honor.

12 THE COURT: Great.

13 CROSS-EXAMINATION BY MR. SMITH:

14 Q. Mr. Jackson, thank you. How long have you been a member
15 of Holy Cross?

16 A. Since about 1998.

17 Q. Can you describe your role in the governance of the
18 church, if any? Have you had any role in the governance of
19 the church?

20 A. Yes. I've been junior warden and senior warden and
21 vestry member.

22 Q. Okay. Have you ever been a delegate at diocese
23 conventions?

24 A. Yes, I have.

25 Q. Have you ever been a delegate at a general convention of

1 the national church?

2 A. No, I have not.

3 Q. Are you aware of any delegates from your church going to
4 the national convention?

5 A. No, I am not.

6 Q. Were you involved in the 2013 bylaw changes?

7 A. Yes.

8 Q. What was your involvement?

9 A. I was the -- I was a vestry member at that time.

10 Q. Can you tell me generally the purpose of those
11 amendments?

12 A. Yes. Those -- the purpose was to remove all references
13 to the Episcopal Church in the United States.

14 Q. Okay. And when you did that, did you review the prior
15 bylaws in 2011?

16 A. Yes.

17 Q. Did you review the bylaws before that in 1981?

18 A. No.

19 Q. Did you review the national church constitution and
20 canons in that process?

21 A. No.

22 Q. Is Holy Cross the beneficiary of any trust?

23 A. No.

24 Q. Has Holy Cross received any grants, aid, or assistance
25 from the diocese over the years?

1 A. From the diocese, yes.

2 Q. Can you describe such?

3 A. We received, to the best of my recollection, one grant
4 from Builders for Christ.

5 Q. Do you know how much that grant was?

6 A. No, sir, I do not remember.

7 Q. Do you have personal knowledge of any other financial
8 aid or grants from the diocese to Holy Cross?

9 A. No.

10 Q. Has Holy Cross been involved with the Church Pension
11 Fund?

12 A. We have made payments into the Church Pension Fund as
13 directed by the rector.

14 Q. Has your church ever had an insurance policy with the
15 Church Insurance Company?

16 A. Yes, we have.

17 Q. Can you describe for me the signage that appears on your
18 church, what it says, what it looks like?

19 A. We have a large sign out front on a piece of property
20 the church owns that has Church of the Holy Cross and then
21 Anglican on top.

22 Q. You testified that Thomas Sumter deeded the property to
23 the Episcopal Church of Claremont; is that correct?

24 A. To the wardens and vestry, yes.

25 Q. Is that an Episcopal church?

1 A. At the time, yes, in 1788 the name of it was. They
2 asked for petition then of the Episcopal Church of Claremont.

3 MR. SMITH: Very good. Thank you, sir.

4 THE COURT: Mr. Beers?

5 MR. BEERS: No questions, Your Honor.

6 THE COURT: Very well.

7 Redirect?

8 MR. CAMPBELL: No questions, Your Honor.

9 THE COURT: Thank you. You may come down.

10 Good morning.

11 MR. EASTERLING: Good morning, Your Honor. Harry
12 Easterling, Jr. I represent St. Paul's Bennettsville. Your
13 Honor, if I could ask the Court's indulgence to refer back to
14 something that occurred on Friday.

15 THE COURT: Yes.

16 MR. EASTERLING: This is with regard to St. David's
17 Church.

18 THE COURT: Yes.

19 MR. EASTERLING: The testimony of Mr. Lane Brown, I was
20 asked to provide two improved exhibits, those being St.
21 David's 2 and St. David's 11. I've enlarged them and my
22 understanding is that there is no objection.

23 MR. TISDALE: Correct.

24 MR. EASTERLING: And so I would move to substitute those
25 enlarged exhibits for the ones that were submitted on Friday.

1 MR. TISDALE: That's correct.

2 THE COURT: Thank you so much, Mr. Tisdale. I was going
3 to hear from Mr. Beers or Ms. Kostel.

4 MR. BEERS: That's fine, Your Honor. I'm sorry, I was
5 not paying adequate attention. We're busy over here in this
6 corner.

7 THE COURT: I know it. It's just like watching bees
8 working over there. Not a problem at all.

9 Thank you, Mr. Easterling. In other words, the
10 conditional admission is now removed, they are admitted.

11 MR. EASTERLING: Thank you, Your Honor.

12 THE COURT: Thank you for bringing that to my attention.

13 (Plaintiff's Exhibits SPB-1 through SPB-18 premarked for
14 identification.)

15 MICHAEL SUNDY WINBURN,
16 being first duly sworn, testified as follows:

17 THE COURT: When you're seated, I'm going to ask you to
18 state your name for the record. We do this as a sound check.

19 THE WITNESS: Michael Sundry Winburn, and there's no A in
20 Sundry.

21 THE COURT: I was going to say, spell Sundry and Winburn
22 for us, please.

23 THE WITNESS: Sundry is S-U-N-D-Y, Winburn,
24 W-I-N-B-U-R-N.

25 THE COURT: Thank you. Your witness.

1 MR. EASTERLING: Thank you, Your Honor. Your Honor, if
2 I may, regarding the exhibits that I have already passed up,
3 Exhibits 1 through 16 are the same exhibits as found in my
4 stipulations, Exhibit 17 is a trial exhibit which was not
5 contained in my stipulation, and St. Paul's Bennettsville SPB
6 18 is in fact our stipulations. And those would be our
7 documents, which I understand are admitted, the stipulation
8 by agreement, the Exhibits 1 through 17 inclusive as trial
9 exhibits without objections.

10 THE COURT: All right. Is that correct?

11 MR. TISDALE: Correct.

12 MR. BEERS: Yes, ma'am.

13 THE COURT: Thank you. Very well.

14 (Plaintiff's Exhibits SPB-1 through SPB-18 admitted into
15 evidence.)

16 DIRECT EXAMINATION BY MR. EASTERLING:

17 Q. Mr. Winburn, in what town do you live?

18 A. Bennettsville, South Carolina.

19 Q. And where do you worship in Bennettsville?

20 A. St. Paul's Parish.

21 Q. Is there more than one church which contains/uses the
22 name or words St. Paul, Episcopal and Church in Marlboro
23 County?

24 A. Yes, sir, there is.

25 Q. What is the name of the other church?

1 A. The name of that church is St. Paul's African Methodist
2 Episcopal. And it's located, I believe, right outside of
3 McColl.

4 Q. Has there been any controversy over the use of a similar
5 name?

6 A. They are about 100 years older than our church and, to
7 my knowledge, there's never been any controversy whatsoever.

8 Q. How long have you been a member at St. Paul's
9 Bennettsville?

10 A. Since 1984.

11 Q. What is the average Sunday attendance there?

12 A. Around 30. Yesterday we had 28.

13 Q. All right, sir. You might have already said this, if so
14 forgive me, but when was the church, meaning St. Paul's
15 Bennettsville, founded, what year, if you know?

16 A. 1897, I believe.

17 Q. And is St. Paul's Bennettsville now incorporated?

18 A. Yes, it is.

19 Q. Okay. And were you part of that process?

20 A. Yes, sir.

21 Q. What positions of leadership have you held while you
22 were in --

23 A. I have been a member of the vestry and junior warden and
24 senior warden and lay reader and chalice bearer and search
25 committee chair and a couple other things.

1 Q. And have you been senior warden on a recurring basis?

2 A. Yes, sir.

3 Q. In fact, some of the documents that are attached as
4 exhibits bear your signature?

5 A. That's correct.

6 Q. And it reflects that at that time you served as senior
7 warden; is that correct?

8 A. That's correct.

9 Q. And is senior warden analogous to president of the
10 corporation as reflected by your bylaws?

11 A. Yes, sir, I believe it is.

12 Q. And is the vestry analogous to the board of directors?

13 A. Yes, sir, I believe they are.

14 Q. Do you remember when your church decided to incorporate
15 or when the vestry decided to incorporate the church?

16 A. That was in 2002. And it was a vestry decision along
17 with the rector.

18 Q. And when St. Paul's Bennettsville decided to
19 incorporate, did it seek the help of the national church to
20 determine how it should incorporate?

21 A. No, sir.

22 Q. Did it seek the help of the plaintiff diocese in
23 deciding how it should incorporate?

24 A. Yes, sir, we did.

25 Q. And was that help actually given by the plaintiff

1 diocese?

2 A. Yes, there was. We received assistance from the canon
3 at that time, which was Michael Malone.

4 Q. And did you also draw up some bylaws at that time?

5 A. Yes, sir, we began to do that.

6 Q. And do your bylaws cover how your annual meetings are
7 conducted?

8 A. Yes, sir.

9 Q. And what's a quorum under your bylaws?

10 A. At that time our stated quorum was 20.

11 Q. Do the bylaws also provide for notice of the meeting?

12 A. Yes, they do.

13 Q. And you've had some annual meetings recently. Were
14 quorums present at all meetings?

15 A. A quorum was present, annual meeting. We also have a
16 covered dish luncheon and that pretty much guarantees quorum.

17 Q. And was notice provided as required by your bylaws?

18 A. Yes, sir.

19 Q. And did you use different kinds of notice as well?

20 A. Yes, sir. We had, of course, the rector or the
21 appropriate officer, the senior warden, to stand in the
22 chancel and give notice at least seven days, but there were
23 also other notices in the parish hall, posted notices, email,
24 and the church bulletins, of course.

25 Q. I would direct your attention to Exhibit 17, please,

1 sir.

2 Are you there?

3 A. Yes, sir, I am there.

4 Q. What are these?

5 A. These are vestry minutes from August 27, 2003.

6 Q. Did the vestry take any action with regard to the
7 national church?

8 A. Yes, we did. The vestry voted to redirect monies from
9 the national church portion of our pledge, and we asked that
10 that be redirected to missions.

11 Q. All right, sir. And turn the page, please, sir. Did
12 St. Paul's Bennettsville notify the diocese of what action
13 the vestry took?

14 A. Yes.

15 Q. Okay. And what did the diocese -- and by "diocese" I
16 mean, well, which diocese?

17 A. The Protestant Episcopal Church in the Diocese of South
18 Carolina, the plaintiff diocese, yes, sir.

19 Q. All right, sir. What action did the plaintiff diocese
20 take?

21 A. They redirected the monies as we asked them and no
22 longer sent our portion of our pledge to them, to the
23 national church.

24 Q. Okay, sir. What action was taken by St. Paul's
25 Bennettsville at its 2012 annual meeting?

1 A. At our annual meeting in 2012 we received a report from
2 the delegates to the -- our delegates to the recent called
3 convention, and that report indicated that our delegates had
4 voted to remain aligned with the plaintiff diocese.

5 Q. All right, sir. And did your congregation, did your
6 parish, take any votes on that issue?

7 A. Yes. To ensure clarity we also had a ballot, balloting
8 vote, by our congregation, and by a majority they agreed also
9 to remain with the plaintiff diocese.

10 Q. And that was done in accordance with your bylaws?

11 A. Yes, sir, it was.

12 Q. Okay, sir. What happened after the new defendant
13 diocese was formed with regard to any meeting that the parish
14 may have had? Did you have a meeting in 2013, your annual
15 meeting?

16 A. Our annual meeting, yes, we did.

17 Q. What action did you take there?

18 A. During our annual meeting we took action as a vestry to
19 amend our bylaws to reflect our association with the
20 plaintiff diocese, and that was done in accordance with our
21 current bylaws.

22 Q. Okay. And did the congregation take a vote?

23 A. Yes.

24 Q. And what was the result of that vote?

25 A. It was unanimous.

1 Q. None opposed?

2 A. None opposed.

3 Q. Okay. And did you follow up that meeting with another
4 meeting?

5 A. Yes, we did. And that meeting confirmed our action and
6 that too was unanimous.

7 Q. Does St. Paul's Bennettsville have a continuing
8 relationship with the national church?

9 A. No, we don't.

10 Q. Does it have a continuing relationship with the
11 defendant diocese?

12 A. No, we do not.

13 Q. Did the parish send any delegates to the convention held
14 by the defendant diocese?

15 A. No, sir, we did not.

16 Q. To the best of your knowledge, since 1984 has St. Paul's
17 Bennettsville received any sort of payment or loan or grant
18 from the national church?

19 A. Not to my knowledge, no, sir.

20 Q. But you don't deny in the past that St. Paul's
21 Bennettsville had an Episcopal flag and we had directional
22 signs and we had -- we used the Book of Common Prayer? You
23 don't deny any of those things, do you?

24 A. No, sir.

25 Q. In fact, we still use the Book of Common Prayer?

1 A. We certainly do.

2 Q. But have we taken the other symbols and signs and flags
3 down?

4 A. We have. To the best of my knowledge, we have.

5 Q. Why are we taking these actions?

6 A. To be clear, to be as crystal clear as we can make it at
7 this time, our alliances and our allegiance to the plaintiff
8 diocese.

9 MR. EASTERLING: Please answer any questions that
10 opposing counsel may have.

11 THE COURT: Cross-examination?

12 MR. BEERS: No, Your Honor.

13 MR. TISDALE: I have some, Your Honor.

14 THE COURT: Mr. Tisdale, sure.

15 CROSS-EXAMINATION BY MR. TISDALE:

16 Q. Mr. Winburn, what is the name of the church? Is it
17 still St. Paul's Episcopal Church?

18 A. Well, it's St. Paul's Church. We have a sign out front
19 and it says St. Paul's Church and underneath that it says
20 Episcopal.

21 Q. Okay. So you're still using the name Episcopal?

22 A. Yes, sir.

23 Q. And to the extent that you are using that name, you
24 haven't severed your relationship with the Episcopal Church,
25 have you?

1 A. I believe we have, sir. We are aligned with the
2 plaintiff diocese, which also uses the name Episcopal.

3 Q. All right. And you're using the name Episcopal --

4 A. Yes.

5 Q. -- as part of your church name, right?

6 Now, you testified that, I think, the parish was founded
7 in around 1897?

8 A. Yes, sir.

9 Q. And, in fact, the building that the church is in was
10 consecrated -- and Mr. Easterling's produced this document
11 saying this, I'm not trying to trick you or anything, I just
12 don't have a copy of it with me right now, but that the
13 building was consecrated by Bishop Capers, Ellison Capers, on
14 June the 1st, 1898. Does the history reflect that?

15 A. I think that's correct, sir.

16 Q. I thought you would agree. And is it not a fact, Mr.
17 Winburn, that the document, and what is called the official
18 document, is called the sentence of consecration, meaning
19 when it was consecrated by Bishop Capers, that that document
20 provides, and I'm quoting now, for the sole use of the
21 Protestant Episcopal congregation in this place in -- excuse
22 me. Let me do that one more time.

23 The sentence of consecration, I'm representing to you,
24 says, quote, that the church that he just consecrated is,
25 quote, for the sole use of the Protestant Episcopal

1 congregation in said place, end quote. Do you have any
2 dispute or argument about that?

3 MR. EASTERLING: Your Honor, please.

4 THE COURT: Okay. Yes.

5 MR. EASTERLING: To the extent that we have a document,
6 it would be helpful to have that document here so that we
7 don't add or -- add to the language, take away from the
8 language.

9 THE COURT: In other words, you'd like for your client
10 to have the document --

11 MR. EASTERLING: Yes, ma'am.

12 THE COURT: -- of which Mr. Tisdale speaks?

13 MR. TISDALE: Your Honor, they have produced that
14 document, I just don't have it with me right now. So what I
15 would propose to do with regard to this is give it to Mr.
16 Easterling tomorrow to see if there's any disagreement about
17 it. And if there's no disagreement, we'll mark it for
18 identification. If there is a disagreement, we'll try and
19 work it out.

20 THE COURT: Okay.

21 MR. TISDALE: They produced it and I'm quoting from it.

22 THE COURT: I understand. My concern is that the rules
23 provide that if you are questioning the witness about a
24 document and he asks to see it, it must be provided to the
25 witness.

1 MR. TISDALE: I do not have it with me today.

2 THE COURT: If you wish to recall him, you can just
3 recall him when you have the document. How about that?

4 MR. TISDALE: I don't want to cause him to make a trip
5 here unnecessarily on another day, but I'd be glad to work
6 with Mr. Easterling on that.

7 (Attorneys confer.)

8 MR. TISDALE: Okay. I'm going to go ahead and question
9 him, and if we can pull it up, we'll pull it up.

10 THE COURT: Okay. So go on to something else and come
11 back to it.

12 MR. TISDALE: I'm satisfied with his answer as it is.
13 And if we could find the document now or later, we can
14 address it again.

15 THE COURT: Okay. That would be fine.

16 MR. EASTERLING: Thank you, Your Honor.

17 MR. TISDALE: Thank you, Mr. Easterling.

18 MR. EASTERLING: Yes, sir, Mr. Tisdale.

19 Q. When did St. Paul's Bennettsville Episcopal disaffiliate
20 from the Episcopal Church?

21 A. At our annual meeting in 2012 is my understanding.

22 Q. Okay. Now, Mr. Winburn, up until that time did St.
23 Paul's conform its activities to the constitution and canons
24 of the Diocese of South Carolina, now called the Episcopal
25 Church in South Carolina, for this proceeding and the

1 Episcopal Church in the United States?

2 A. Could you repeat that question, please, sir?

3 Q. Up until when you disassociated from the Episcopal
4 Church, did you all -- were you governed by the constitution
5 and canons of the diocese?

6 A. Our charter, if I recall, if that's your question, sir,
7 I think our purpose and our incorporation is to go by the
8 canons of the Protestant Episcopal Church in the Diocese of
9 South Carolina as amended from time to time.

10 Q. Right. And you did that, didn't you?

11 A. Our recollection is that we followed the plaintiff
12 diocese. We really at that point had no knowledge to speak
13 of of the national church.

14 Q. I was talking about before then, before you
15 disassociated. Weren't you governed by the constitution and
16 canons of the church?

17 A. We were, yes, of the Protestant Episcopal diocese,
18 Protestant Episcopal Church in the Diocese of South Carolina.

19 Q. Prior to 2012?

20 A. Yes, sir.

21 Q. Okay. Now, did the parish send delegates to the annual
22 convention of the diocese?

23 A. Of the plaintiff diocese? Yes, sir.

24 Q. Well, I'm not asking you about the plaintiff diocese,
25 I'm asking about before 2012.

1 A. Yes, sir.

2 Q. And did you ever attend conventions of the diocese
3 before 2012?

4 A. Yes, sir.

5 Q. And is it not a fact that that particular convention of
6 the diocese elected delegates, deputies they call them, to
7 the general convention of the Episcopal Church? Didn't it?

8 A. Never elected me, sir.

9 Q. I didn't ask you about that. I asked you didn't they
10 elect deputies to represent the diocese?

11 A. Yes, sir, I believe so.

12 Q. And they did that every three years, didn't they?

13 A. I don't know the rules on that.

14 Q. Okay. Does the parish have any trust that it's a
15 beneficiary of?

16 A. Not to my knowledge, sir. We have a -- we're a very,
17 very small, very poor church and we have a CD scholarship
18 fund of about \$11,000 and that pretty well covers it.

19 Q. Did someone contribute that?

20 A. Some time ago; yes.

21 Q. Who did that?

22 A. It's called the Jackson Scholarship. I don't know
23 exactly who the benefactor is.

24 Q. Do you know whether or not there are any conditions or
25 limitations on whether it has to be used for the Episcopal

1 Church?

2 A. No, sir.

3 Q. Do you have a copy of it?

4 A. I have not seen one. I live next door to the family
5 that is in charge of it.

6 Q. Okay. Up until 2012 did the parish participate in the
7 Church Pension Fund for its clergy and maybe other staff
8 people?

9 A. Yes. We made contributions up until that time.

10 Q. To the Episcopal Church Pension Fund?

11 A. Well, it was our Church Pension Fund.

12 Q. And how about did you ever receive any grants of any
13 sort from either the diocese or the Episcopal Church of
14 money?

15 A. Not that I recall, no.

16 Q. Had you looked into it for your testimony today?

17 A. No, sir.

18 Q. I don't think I asked you this, but I might have: Where
19 did the land come from that you built the church on in 1898?

20 A. From -- gosh. It was land given to us or given to
21 trustees. I'd have to go back and look at the deed, sir.
22 I'm not sure. But then we have about eight pieces of
23 property.

24 Q. Do you know whether the one where the church is, whether
25 you bought the land or was it a gift to you?

1 A. I think it was a gift.

2 Q. But you don't know from who?

3 A. I'd have to go back and look and see, sir, I really
4 don't know.

5 Q. Do you know whether there were any conditions on that
6 gift?

7 A. I don't know that.

8 MR. TISDALE: All right, sir.

9 Your Honor, I think that's it for me right now.

10 THE COURT: All right.

11 MR. TISDALE: We found the document that was in
12 question, Your Honor.

13 THE COURT: All right.

14 MR. TISDALE: It has the number St. Paul Bennettsville
15 73000579 I think. Save some time tomorrow with Mr. Winburn.

16 THE WITNESS: Thank you.

17 MR. TISDALE: Okay.

18 THE COURT: Mr. Tisdale --

19 MR. TISDALE: Yes, ma'am.

20 THE COURT: -- I'm going to hopefully be able to hand to
21 you a laser pointer.

22 MR. TISDALE: That would be good. But I think I can do
23 without it if you're having trouble.

24 THE COURT: Okay. You can go ahead.

25 Q. Mr. Winburn, this is the document here that I asked you

1 about, it's called "Sentence of Consecration," do you see at
2 the top?

3 A. Yes.

4 Q. That was made by Ellison Capers, Mr. Winburn --

5 A. Mm-hmm.

6 Q. -- in 1898. And you are looking at it I think on your
7 screen as well.

8 A. Yes, sir.

9 Q. And if you look at the place there, it says building by
10 the name of, and then it's written in hand St. Paul's Church
11 Bennettsville?

12 A. Yes, sir.

13 Q. Situated in Marlboro County?

14 A. Yes, sir.

15 Q. In the state aforesaid for the sole use of the
16 Protestant Episcopal congregation in said place, end quote.
17 Do you see that?

18 A. Yes, sir, I do.

19 Q. And so can we simply agree that when this building was
20 consecrated for the use of the church in 1898, it has the
21 language that you and I just read together?

22 A. It does have the language that you and I just read
23 together. I've got to submit to you, sir, I don't know a
24 heck of a lot about consecration.

25 Q. We'll leave it at that.

1 A. But --

2 Q. There are not many people that do.

3 A. That's right. But as I read it, it says the Protestant
4 Episcopal congregation.

5 Q. Right.

6 A. Which is -- sounds like the plaintiff diocese to me.

7 Q. I understand your position on that. And your position
8 is clear.

9 A. I want it to be.

10 Q. I simply wanted to get an agreement with you that that's
11 what it says.

12 A. Yes.

13 MR. TISDALE: Thank you very much.

14 Thank you, Your Honor.

15 THE COURT: Thank you. Redirect?

16 MR. TISDALE: Your Honor, I would just -- we can mark a
17 copy later, if I may just mark it for identification --

18 THE COURT: Please.

19 MR. TISDALE: -- Defendant's Exhibit.

20 THE COURT: Absolutely. What we can do is we can work
21 together and get it printed and we can e-mail that to Becky
22 and she can print it and we'll mark it. Very well.

23 MR. TISDALE: Thank you very much, Your Honor.

24 THE COURT: All right. No redirect?

25 MR. EASTERLING: No, ma'am.

1 THE COURT: You may come down, sir.

2 THE WITNESS: Thank you.

3 THE COURT: Call your next witness, please.

4 (Plaintiff's Exhibits SJ-1 through SJ-15 premarked for
5 identification.)

6 MARIANNE LEAL HOLMES,
7 being first duly sworn, testified as follows:

8 THE COURT: Thank you so much. If you would state and
9 spell your name for the record, please.

10 THE WITNESS: Marianne, M-A-R-I-A-N-N-E; Leal, L-E-A-L;
11 Holmes, H-O-L-M-E-S.

12 THE COURT: Very good. Your witness, Mr. Platte.

13 MR. PLATTE: Thank you, Your Honor. Andrew Platte on
14 behalf of St. Jude's Walterboro.

15 DIRECT EXAMINATION BY MR. PLATTE:

16 Q. Ms. Holmes, are you employed?

17 A. Yes, I am.

18 Q. Where do you work?

19 A. I work at the Veterans Victory Home in Walterboro.

20 Q. Are you a member of a parish?

21 A. I am.

22 Q. Which parish is that?

23 A. St. Jude's Church Walterboro.

24 Q. Where exactly is it located?

25 A. It's located on the corner of Fishburne and Wichman

1 Street in Walterboro.

2 Q. How long have you been a member of that parish?

3 A. Since 1992.

4 Q. Have you held any leadership positions?

5 A. I'm currently serving on vestry and I'm a member of the
6 altar guild.

7 Q. What other positions have you held?

8 A. I have served on vestry before and I have also been a
9 delegate to the diocesan convention.

10 Q. Have you been --

11 A. And senior warden right now.

12 Q. How long has St. Jude's Walterboro existed?

13 A. St. Jude's was established in 1850 as an expansion of
14 St. Bartholomew's parish, which was originated by the Church
15 Act of 1706, and became an independent parish in 1855.

16 Q. Has St. Jude's incorporated?

17 A. It is incorporated.

18 Q. When did that occur?

19 A. 1905.

20 Q. How large is the membership of St. Jude's?

21 A. We have 225 parishioners.

22 Q. Does the parish have a board of directors?

23 A. Yes; the vestry.

24 Q. Does it have officers?

25 A. It does; the rector, the wardens, and the treasurer.

1 Q. And through your positions on the vestry and your time
2 as a member of the parish have you -- you've learned about
3 the history and the corporate structure of the parish?

4 A. Yes.

5 MR. PLATTE: Your Honor, as part of agreement we have
6 Exhibits 1 through 15, which are trial exhibits. The
7 defendants have agreed to admit those. And then we also have
8 Exhibit SJ 15, which is a set of stipulations that also have
9 been agreed to be admitted into evidence.

10 THE COURT: All right.

11 Is that correct?

12 MR. TISDALE: Correct, Your Honor.

13 MR. BEERS: Yes, Your Honor.

14 THE COURT: Very well. Thank you.

15 (Plaintiff's Exhibits SJ-1 through SJ-15 admitted into
16 evidence.)

17 Q. Ms. Holmes, are you familiar with the stipulations that I
18 just spoke of, SJ 15?

19 A. Yes, mm-hmm, I am.

20 Q. If you were to testify at this Court about the items in
21 there, that would be your testimony?

22 A. Yes.

23 Q. Were all notices for the various meetings at St. Jude's
24 sent according to the bylaws?

25 A. Yes, they were.

1 Q. And was there a quorum present at all of those meetings?

2 A. Yes.

3 Q. And anything that gets voted on, does it pass by a
4 majority that was required by those bylaws?

5 A. Everything was passed by majority overwhelmingly.

6 Q. And in December 2013 St. Jude's changed its name to what
7 it currently is called, which is?

8 A. St. Jude's Church, which is the original name for St.
9 Jude's.

10 Q. And did St. Jude's send any letter requesting the
11 Episcopal Church in South Carolina to remove its name or
12 stating that it was using its name unauthorized?

13 A. Yes. Our rector sent a letter to sir or madam in I
14 think it was October 2012.

15 Q. Does St. Jude's Walterboro have a relationship with the
16 Episcopal Church or the Episcopal Church in South Carolina?

17 A. No.

18 Q. Has St. Jude's sent any delegates to the Episcopal
19 Church in South Carolina's meetings?

20 A. No.

21 Q. Is St. Jude's a parish in the Episcopal Church in South
22 Carolina?

23 A. No.

24 MR. PLATTE: That's all the questions I have.

25 THE COURT: Very well.

1 Cross-examination.

2 MR. BEERS: No, Your Honor.

3 THE COURT: Very well.

4 MR. TISDALE: A few questions, Your Honor.

5 THE COURT: All right.

6 MR. TISDALE: Just a few routine questions.

7 THE COURT: Sure.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Ms. Holmes, just got a few questions, I think. One is
10 that on January 13th, 2013, St. Jude's had a called vestry
11 meeting, didn't it?

12 A. No, sir. It was January 14th.

13 Q. I'm sorry?

14 A. It was January 14th. You said January 13th.

15 Q. I should have said that, January 14th, 2013.

16 A. Mm-hmm, yes.

17 Q. Looking at the minutes, which is Exhibit SJ 9, and
18 reading this paragraph, Jim Lewis stated that, quote, there
19 is a potential for vulnerability, end quote, if a parish
20 disassociates from TEC, the Episcopal Church, but is not
21 named in the lawsuit. He also said: The second window of
22 opportunity to join the lawsuit closes January 16th and that,
23 quote, there will most likely be a third window of
24 opportunity in February, end quote.

25 Now, did you understand or did the people understand

1 what vulnerability he was talking about?

2 A. Just that there was potential litigation that was going
3 to happen.

4 Q. Well, he was recommending you join this lawsuit, wasn't
5 he?

6 A. He was giving us information that would help us to make
7 a decision about what we were going to do.

8 Q. Right. But did you understand what he meant by you were
9 vulnerable?

10 A. Potentially losing our property if there was an
11 unfavorable ruling.

12 Q. An unfavorable ruling in what?

13 A. In the lawsuit.

14 Q. Well, that wouldn't possibly be able to happen if you
15 weren't a party to the lawsuit, would it?

16 A. I guess not.

17 Q. Ma'am?

18 A. I guess not.

19 Q. Okay. So does the parish use the word "Episcopal", the
20 "Episcopal Church" on any of its signs now?

21 A. No, it does not.

22 Q. Did you take them all down?

23 A. Yes, sir.

24 Q. All right. And does the parish have any -- is the
25 parish the beneficiary of any trusts?

1 A. We do receive a small amount of money from a trust, yes.

2 Q. And explain the nature of that trust for the Court, if
3 you will.

4 A. It's called the Living Waters Trust and we receive
5 monies for youth work, youth mission work.

6 Q. How was that trust first established, if you know?

7 A. I'm not familiar with how it's established.

8 Q. How much money is the body of the trust now?

9 A. \$43,000.

10 Q. And who administers that?

11 A. I'm not sure who's on that board. We just receive a
12 gift. It's an anonymous donation.

13 Q. Is it a donation that takes place from time to time or
14 it was just one donation?

15 A. It takes place from time to time if we continue with
16 youth work.

17 Q. Someone just makes a gift occasionally, so it's not a
18 trust in the sense that it was set up with a written document
19 with a contribution made at the beginning?

20 A. Right, right.

21 Q. Okay. Does the church owe any money on its buildings or
22 property?

23 A. No, it does not.

24 Q. Does not. I think you said you'd been involved in the
25 parish for a number of years?

1 A. Yes.

2 Q. And prior to the disassociation from the Episcopal
3 Church, did the parish send delegates annually to the annual
4 convention of the Diocese of South Carolina?

5 A. Yes.

6 Q. And did you ever do that?

7 A. Did I ever attend?

8 Q. Did you ever attend as a delegate?

9 A. Yes, I did.

10 Q. And that was something the parish did regularly, did it
11 not?

12 A. Yes.

13 Q. And as I've asked Mr. Winburn earlier, it is true, is it
14 not, that that convention of the diocese elects deputies on a
15 regular basis to the general convention of the Episcopal
16 Church?

17 A. It did until 2012.

18 Q. When you left, of course?

19 A. Yes.

20 Q. And it hadn't done it since then?

21 A. Not that I'm aware.

22 Q. Okay. Did you say that the vestry was the board of
23 directors of the corporation?

24 A. Yes.

25 Q. How did it get to be directors of the board of directors

1 of the nonprofit religious corporation?

2 A. Whenever we became an independent parish in 1855, when
3 we became independent of St. Bartholomew's parish.

4 Q. And it's been called the board of directors and not the
5 vestry ever since then?

6 A. It's been called the vestry of the wardens.

7 Q. The vestry of the wardens.

8 A. Yes.

9 Q. So my question to you, Ms. Holmes, was how did it get to
10 be the board of directors at any one time, if it did?

11 A. I'm assuming through our bylaws. Our bylaws stipulated
12 that that is the board of directors.

13 Q. And I'm sure your counsel would have produced the bylaws
14 that would reflect that?

15 A. Our bylaws are included in the stipulations.

16 Q. In the stipulations.

17 A. Yes, sir.

18 Q. Okay. We'll look at that.

19 Now, do you all or did you before the disassociation
20 make contributions to the Church Pension Fund for the clergy
21 in your parish?

22 A. We did.

23 Q. And did you also use the Church Insurance Company to
24 cover your property?

25 A. We did until 2012.

1 Q. Okay. And when, Ms. Holmes, did the parish disassociate
2 from the Episcopal Church?

3 A. St. Jude's is not a member of the Episcopal Church so we
4 didn't disassociate.

5 Q. So you didn't do anything?

6 A. Right. We confirmed our commitment to the diocese.

7 Q. But not to the Episcopal Church?

8 A. Exactly.

9 MR. TISDALE: All right. Thank you.

10 Thank you, Your Honor.

11 THE COURT: Very well. Any redirect?

12 MR. PLATTE: No, Your Honor.

13 THE COURT: You may come down. Call your next witness,
14 please.

15 (Plaintiff's Exhibits GS-1 through GS-18 premarked for
16 identification.)

17 SAMUEL PORCHER GAILLARD, IV,
18 being first duly sworn, testified as follows:

19 THE COURT: State your full name for the record for us
20 again and spell your last name. It's a sound check.

21 THE WITNESS: Samuel Porcher Gaillard, IV,
22 G-A-I-L-L-A-R-D.

23 THE COURT: Thank you so much. Your witness.

24 MR. WALL: Judge, John Wall for the Church of the Good
25 Shepherd.

1 THE COURT: Thank you.

2 DIRECT EXAMINATION BY MR. WALL:

3 Q. Father Gaillard, where do you live?

4 A. Charleston, South Carolina.

5 Q. And what do you do for a living?

6 A. I'm the rector of the Church of the Good Shepherd.

7 Q. And how long have you been rector?

8 A. I've been rector for -- it will be eight years in
9 January.

10 Q. And what are your duties as the rector?

11 A. As the rector I'm the pastor and spiritual leader of the
12 church and I also act as a leader of the corporation in terms
13 of convening and running vestry and congregational meetings.

14 Q. And when you came to Good Shepherd, what year was that?

15 A. I came to Good Shepherd in August of 2006.

16 Q. And are part of your duties to maintain the records?

17 A. To make sure that they are maintained, yes.

18 Q. Are you familiar with the stipulations that I filed on
19 behalf of Good Shepherd in Exhibits 1 through 16?

20 A. I am.

21 Q. Do you agree with those?

22 A. I do.

23 Q. Stipulations and the documents.

24 A. I do.

25 MR. WALL: Your Honor, we would offer into the

1 stipulations by agreement in Exhibits 1 through 16 for the
2 Church of the Good Shepherd.

3 THE COURT: Any objection?

4 MR. TISDALE: None.

5 MS. KOSTEL: No objection.

6 THE COURT: Thank you. So Exhibits 1 through 16, I
7 think you said, are in evidence without objection --

8 MR. WALL: Yes, ma'am.

9 THE COURT: -- together with the stipulation.

10 (Plaintiff's Exhibits GS-1 through GS-16 admitted into
11 evidence.)

12 THE COURT: You may proceed.

13 MR. WALL: May I approach the bench and give you those
14 exhibits and stipulation?

15 THE COURT: That would be wonderful. Thank you very
16 much.

17 MR. WALL: Your Honor, I also have two more exhibits,
18 Exhibits 17 and 18, which were not with the stipulations that
19 have been produced in this litigation.

20 THE COURT: So we're now talking about Exhibits 17 and
21 18 or 16 and 17?

22 MR. WALL: Excuse me. 17 and 18.

23 THE COURT: Yes, 17 and 18. All right.

24 MR. WALL: And the witness has copies of those and they
25 also have copies at the end of the stipulation.

1 MS. ST. AMAND: That's correct.

2 THE COURT: And are you moving those into evidence?

3 MR. WALL: I'd like to introduce them first through the
4 witness.

5 THE COURT: All right. Very well. In other words,
6 they're not agreed to at this point.

7 MR. WALL: Unless they go ahead and agree to 17 and 18.

8 MR. TISDALE: We have no objection.

9 MS. KOSTEL: No objection.

10 THE COURT: Very well. All right. They're in evidence
11 without objection, 17 and 18.

12 MR. WALL: Thank you, Your Honor.

13 (Plaintiff's Exhibits GS-17 and GS-18 admitted into
14 evidence.)

15 Q. Father Gaillard, how many members do you have at Good
16 Shepherd?

17 A. About 350 members.

18 Q. And when was Good Shepherd originally incorporated?

19 A. It was founded in 1833 as St. Peter's Church on Logan
20 Street.

21 Q. Tell us a little bit about Good Shepherd and how many
22 churches it has been and merged with, if you would, please?

23 A. It's a long history of four different churches in three
24 different locations all ended up in -- on 1393 Miles Drive.
25 That building was built in 1972. 1985 St. Peter's by the Sea

1 closed and merged in. And in 2003 St. John's came over, it
2 closed and merged in. The church became the Episcopal Church
3 of St. Peter and St. John's, and then that name was changed
4 to be the Church of the Good Shepherd on January 1st or
5 became active on January 1st, 2007.

6 MR. WALL: Thank you.

7 Thank you, Your Honor. No further questions.

8 THE COURT: Very well. Cross-examination.

9 CROSS-EXAMINATION BY MR. TISDALE:

10 Q. Good morning.

11 A. Good morning.

12 Q. One of the deeds that we have -- and we're going to pull
13 something up to help us identify it in a minute -- from Good
14 Shepherd is located in Charlestowne Estates. Are you
15 familiar with that property?

16 A. Yes, sir.

17 Q. And what is that property used for?

18 A. It's used for the functions of the church.

19 Q. I mean, is that where the church is?

20 A. Yes, sir; 1393 Miles Drive.

21 Q. All right. And that's the church building --

22 A. Right.

23 Q. -- on this tract of land in Charlestowne Estates?

24 A. The church building and the surrounding property, yes.

25 Q. Right. That's what I mean.

1 A. Yes. Okay.

2 Q. And so according to this deed that Ms. Kostel is going
3 to put up on the screen, it's a deed dated January 15th,
4 1996?

5 MR. WALL: Your Honor, was this in the stipulations or
6 is this a new document?

7 MR. TISDALE: This is a document that you all produced
8 that I'm asking him about.

9 MR. WALL: All right.

10 Q. And the deed, it says that the current senior warden of
11 St. Peter's confirmed title in St. Peter's of Charleston, St.
12 Peter's Church of Charleston, for property described as Lot
13 7, Block T, in Charlestowne Estates. That's the property
14 where the church is, as we agreed; right?

15 A. That is.

16 Q. Now, if I can find it in this deed, I just wanted to get
17 you to confirm that it contains a particular -- here it is
18 right here. No, that's not it, I don't think. Let's see.
19 Yes, this is it. And it's up on your screen as well. I just
20 wanted you to confirm, as we see in this deed, that it says
21 this, and I'm quoting from the document that we all are
22 looking at, and it doesn't have a quotation mark but I'm
23 quoting: This conveyance is made to the grantee, being the
24 church, upon the grantee's agreement that it is subject to
25 the constitution and canons of the Protestant Episcopal

1 Church in the United States -- it says State but I think an S
2 was supposed to be there -- and the Protestant Episcopal
3 Church in the Diocese of South Carolina as now, 1996, in
4 force or as may hereafter be amended, including but not
5 limited to, so forth and so on.

6 Do you agree with me that I've accurately recited/read
7 the content of that document?

8 A. I do.

9 Q. Thank you.

10 THE COURT: Mr. Tisdale, for my purposes, is this a
11 document that is currently in evidence?

12 MR. TISDALE: I would like to mark it for
13 identification. It's a document they produced.

14 THE COURT: I heard that.

15 MR. TISDALE: May I mark it for identification?

16 THE COURT: Of course.

17 MR. TISDALE: We'll get a copy of it for the record.

18 THE COURT: Should be mark for identification purposes.

19 MR. TISDALE: It would be our Exhibit No. 8 if it comes
20 in, I'm told. Mark it for identification No. 8.

21 MS. KOSTEL: Your Honor, may I speak to the exhibits?
22 When we get to our case-in-chief, we will have a number of
23 exhibits, including this one, that we'll submit to the Court
24 and this will be included. And all the ones actually that
25 we've shown on the screen that were not previously in

1 evidence will be included.

2 THE COURT: Got it. Let me ask your opinion, both of
3 you, just for clarity purposes, because your perspective is
4 going to be better than mine, do you think that as we mark
5 this exhibit, does it make sense to mark this exhibit with
6 numbers with the same prefix so that as I'm doing my review,
7 I can put this document with this particular parish or is it
8 such that you believe that these documents are going to be
9 more universal?

10 MS. KOSTEL: Well, I can answer that. Some of them will
11 be universal and some of them will be parish-specific, like
12 this one. And we will suggest a numbering convention for the
13 whole universe of them when we get to our case-in-chief. But
14 you're correct, Your Honor, this particular document would be
15 numbered in a way that it would mark out this parish.

16 THE COURT: So perhaps it makes sense for identification
17 purposes to mark this exhibit for identification purposes and
18 use the prefix and mark it 1. Does that make sense or is
19 that going to mess up your numbering system? Because I don't
20 want to do that.

21 MS. KOSTEL: It probably won't be 1 in our numbering
22 system. That's a good question.

23 THE COURT: Because, otherwise -- and I will yield to
24 whatever is best for you guys.

25 MS. KOSTEL: It might be that we mark it -- where are we

1 in our -- I think we've entered six or seven documents into
2 actual evidence and then we have several that we've marked
3 for identification. If we can keep with that numbering
4 system now and then when we get to the actual submitting them
5 as evidence, we refer back to the number that was marked for
6 identification.

7 THE COURT: And we may even put it in parentheses and
8 associate it with the parish.

9 MS. KOSTEL: Yes.

10 MR. TISDALE: If we continue on this, I'm told that this
11 would be Defendant's, this Defendant's Exhibit No. 8.

12 THE COURT: For identification purposes. Got it.

13 MR. TISDALE: Until our case, I guess, technically.

14 THE COURT: Yes, absolutely. Got it.

15 MR. TISDALE: So it would be No. 8.

16 THE COURT: No. 8. And, again, we'll just print it so
17 we've got a hard copy so that we can hold on to it.

18 MR. TISDALE: And we'll just move everything that's been
19 marked for identification into evidence at the appropriate
20 time, Your Honor.

21 THE COURT: Yes, absolutely. If you'll just email it,
22 what we'll do is mark this one for identification purposes so
23 we've got it.

24 (Defendant's Exhibit 8 marked for identification.)

25 Q. Just so we understand, Father Gaillard, the 1996 deed we

1 referred to was St. Peter's Church, but that is really now the
2 Church of the Good Shepherd the way it's named; right?

3 A. That's correct.

4 Q. Okay. And just to help us on the history just a little
5 bit, you said it was founded originally down on Logan Street
6 as St. Peter's Church; right?

7 A. Yes, sir.

8 Q. And then I think it moved up to Rutledge Avenue, didn't
9 it?

10 A. That's correct.

11 Q. Near Sumter Street?

12 A. That's right.

13 Q. Yes. And then from there it moved over to where it is
14 now; right?

15 A. That's correct.

16 Q. And it had different names then?

17 A. It was St. Peter's starting in 1930. When it moved to
18 Sumter, it took over Christ Church parish, they built a new
19 church. Christ Church vestry agreed that it would be named
20 St. Peter's.

21 Q. Where was that?

22 A. On Sumter Street.

23 Q. Right.

24 A. Right, yes, sir.

25 Q. And then from there it moved to where, where it is now?

1 A. Right. Yes, sir.

2 Q. And when it moved to its current location on Miles
3 Drive, Charlestowne Estates, what was its name?

4 A. It's called St. Peter's, as far as I know.

5 Q. St. Peter's?

6 A. Yes, sir.

7 Q. When did it get to be Good Shepherd after that?

8 A. It was -- the name change was voted on in October of
9 2006 at a parish meeting and it was made effective on the 1st
10 of the year 2007.

11 Q. So the last seven years or so it's been Good Shepherd
12 Church?

13 A. Yes, sir.

14 Q. All right. Have you all participated in the Pension
15 Fund of the Episcopal Church throughout?

16 A. No, sir.

17 Q. You have not?

18 A. No, sir. We stopped paying into the Pension Fund. We
19 had a crisis with cash flow and we stopped paying into the
20 Pension Fund I think sometime in 2008 or '09, and then we
21 didn't contribute any more after that.

22 Q. Up until then obviously you did?

23 A. Right, yes.

24 Q. And it stopped only because you didn't have the money to
25 pay in?

1 A. At some point it became a choice of conscience.

2 Q. Does the parish have any trusts that it is the
3 beneficiary of?

4 A. There's two old -- one older trust and one newer trust,
5 the small -- both Gadsden trusts.

6 Q. Gadsden?

7 A. Gadsden, as in G-A-D-S-D-E-N, Gadsden trust. And it was
8 established in the 1800s for the care of clergy and their
9 families.

10 Q. Do you have a written copy of the terms of the trust?

11 A. We do in our files, yes, sir.

12 Q. You do?

13 A. Mm-hmm.

14 Q. I don't know whether that's been produced or not, but
15 you can produce it to your lawyer if we need to see a copy,
16 can't you?

17 A. Yes, sir.

18 Q. And how much is the value of that, roughly?

19 A. It's approximately \$76,000.

20 Q. And what is the other trust?

21 A. It's called the Fabian trust.

22 Q. Yes?

23 A. And it was established sometime in the -- in the last 20
24 or 25 years.

25 Q. That was George Fabian?

1 A. Yes, sir.

2 Q. And did he fund the trust?

3 A. I think his family did. I'm not aware of exactly how.

4 Q. What is its purpose?

5 A. Its purpose is to benefit the parish. It doesn't have
6 any specific designation that I'm aware of.

7 Q. Is there a written document that tells us what the terms
8 of the trust are?

9 A. There is.

10 Q. And is it also in your files?

11 A. It is.

12 Q. What I'm going to ask you to do is give a copy of both
13 of these to your lawyer and we'll confer with him about
14 getting a copy.

15 A. All right.

16 Q. What's the value roughly of the Fabian trust?

17 A. 53, 54 thousand dollars, something like that.

18 Q. Okay. Now, up until late 2012 had the parish
19 participated in the conventions of the Diocese of South
20 Carolina on a regular basis?

21 A. We continue to, yes.

22 Q. And you, as the rector of the parish, did also; right?

23 A. Yes, sir.

24 Q. And sent delegates, four delegates, to each annual
25 convention of the Diocese?

1 A. Yes.

2 Q. And did you govern your parish consistently with the
3 provisions of the constitution and canons of the Episcopal
4 Church in the Diocese of South Carolina?

5 A. The Episcopal Church -- I'm sorry, I lost you. Which --

6 Q. The Diocese.

7 A. The Diocese of South Carolina's constitution and canons?

8 Q. Right.

9 A. Yes.

10 Q. And did you follow those for your governance of your
11 parish up until, say, late 2012?

12 A. I'm sorry, I didn't catch it.

13 Q. Did you follow the constitution and canons of the
14 Diocese of South Carolina in the governing of your parish?

15 A. Yes, sir, to the best of our ability.

16 Q. Tried to?

17 A. Yes, sir.

18 Q. Intended to?

19 A. Intended to, yes.

20 Q. Right. And, of course, through delegates elected at the
21 annual convention of the Diocese deputies were elected to the
22 general convention of the Episcopal Church, were they not?

23 A. That's correct.

24 Q. Do you still, does the parish still, use any of the
25 names Episcopal in its signs or advertisement?

1 A. The word "Episcopal" appears on our sign in this way, a
2 parish of the Episcopal Diocese of South Carolina.

3 Q. Okay. And are there any other signs that do that?

4 A. No, sir.

5 Q. Do you have any other indicia of connection to the
6 Episcopal Church, like flags, shields, and that sort of thing
7 that are used?

8 A. We do not.

9 Q. Do you know whether the Diocese of South Carolina or the
10 Episcopal Church has made grants or loans to the parish from
11 time to time in the past?

12 A. We've received no money from the national Episcopal
13 Church. We did receive a department of congregational
14 development grant in I believe 2006 and '07, I'm not exactly
15 sure, but it was early when I first got to Good Shepherd.

16 Q. What was the amount of that grant?

17 A. It was in the range of \$10,000, but I don't have the
18 exact amount.

19 MR. TISDALE: That's close enough. Thank you.

20 Just one second, please.

21 THE COURT: Sure.

22 Q. Tell me one more time, if you will, what the sign in
23 front of the church says that we talked about.

24 A. A parish of the Episcopal Diocese of South Carolina.

25 Q. And how long has that sign been there?

1 A. Since 2007.

2 Q. Do you recall what it was, if anything, before that?

3 A. It was prior to the name change, it said St. Peter and
4 St. John, but I don't remember the exact.

5 Q. You don't remember whether it said of the Diocese or
6 Episcopal Diocese?

7 A. I don't remember what was on the sign, no.

8 MR. TISDALE: Thank you.

9 Your Honor, thank you.

10 THE COURT: Redirect?

11 MR. WALL: No redirect.

12 THE COURT: Thank you. You may come down.

13 Call your next witness, please.

14 (Plaintiff's Exhibits OS-1 through OS-17 premarked for
15 identification.)

16 MICHAEL LIVINGSTON CLARKSON,
17 being first duly sworn, testified as follows:

18 THE COURT: Your witness.

19 MR. PLATTE: Thank you, Your Honor. My name is Andrew
20 Platte on behalf of the Church of Our Saviour.

21 DIRECT EXAMINATION BY MR. PLATTE:

22 Q. Would you please state your name for the record?

23 A. Michael Livingston Clarkson.

24 Q. Are you currently employed?

25 A. I am.

1 Q. And what are you employed as?

2 A. I am the rector of the Church of Our Saviour.

3 Q. Where is that located?

4 A. It's located on Johns Island out towards Kiawah and
5 Seabrook Islands.

6 Q. How long have you been the rector there?

7 A. I've been the rector there since 2008.

8 Q. About how long has that parish existed?

9 A. The parish was created in 1980 and incorporated in 1981.

10 Q. How large is the parish?

11 A. Geographically or numerically?

12 Q. Members.

13 A. It's about 200 members.

14 Q. Does the parish have a board of directors?

15 A. It does.

16 Q. That is who?

17 A. That would be the rector, the vestry, including the
18 senior, junior wardens, and the treasurer.

19 Q. And the senior and junior wardens and the treasurer
20 would be officers?

21 A. Yes, that's correct.

22 Q. And during your time as rector at Church of Our Saviour
23 you've learned about the history and the corporate structure
24 of the parish?

25 A. I have.

1 MR. PLATTE: Your Honor, we have Exhibits OS 1 through
2 17, OS 17 is the stipulations, and it's my understanding
3 those have been agreed upon and to be admitted into evidence.

4 MR. TISDALE: Correct, Your Honor.

5 THE COURT: Very well. Correct.

6 MS. KOSTEL: (Nodding.)

7 THE COURT: Thank you. Exhibits 1 through 17 are in
8 evidence without objection, including the stipulation.

9 You may proceed.

10 (Plaintiff's Exhibits OS-1 through OS-17 admitted into
11 evidence.)

12 Q. Mr. Clarkson, you're familiar with the stipulations that
13 I referenced as OS 17?

14 A. I am.

15 Q. And you had a chance to review those and that would be
16 your testimony if you were to testify to that today?

17 A. Yes, it is.

18 Q. What type of meeting was the December 9th, 2012, parish
19 gathering?

20 A. It was an opinion poll or referendum in order to
21 ascertain the thinking of the parish.

22 Q. What occurred during the February 17th, 2013, parish
23 meeting?

24 A. We amended our bylaws.

25 Q. And what occurred during the May 19th, 2013, meeting?

1 A. We amended our articles of incorporation.

2 Q. Were all notices for all meetings given according to the
3 bylaws?

4 A. They were indeed.

5 Q. Was there a quorum present at all meetings?

6 A. Yes, there was.

7 Q. And did all the votes, did all the items that were voted
8 on, pass with the required majority under the bylaws?

9 A. Yes.

10 MR. PLATTE: Your Honor, that's all I have.

11 THE COURT: All right. Cross-examination? Mr. Tisdale?

12 MR. TISDALE: Just a few, Your Honor.

13 THE COURT: Certainly.

14 CROSS-EXAMINATION BY MR. TISDALE:

15 Q. Father Clarkson, did the bylaw amendment that you
16 testified about a minute ago amend bylaws that were
17 originally enacted in 1981?

18 A. That's correct.

19 Q. And would you agree that the 1981 bylaws contained the
20 following language: This mission -- and then I want to ask
21 you about how it was amended, if it was. This mission, 1981
22 mission, is organized for the purpose of operating an
23 Episcopal Church mission pursuant to the constitution and
24 canons of the Protestant Episcopal Church in the Diocese of
25 South Carolina and of the Protestant Episcopal Church in the

1 United States now in force or hereafter may be adopted, end
2 quote.

3 Was that amended in the 2013 amendments?

4 A. Might I see that document?

5 Q. Of course. I'm going to show you the language, but we
6 can pull it up on the screen if we need to.

7 A. Okay.

8 Q. But I'm reading something that was taken from the --
9 it's this paragraph right here (indicating).

10 A. Thank you.

11 MR. PLATTE: Your Honor, we would just ask that he be
12 shown the document. He asked to see the document.

13 MR. TISDALE: If we have to take time to pull it up on
14 the screen, we can do that.

15 THE COURT: All right.

16 Q. While she's doing that, perhaps we can take care of a
17 couple other little --

18 A. Certainly.

19 Q. When did the Church of Our Saviour disassociate from the
20 Episcopal Church?

21 A. The Church of Our Saviour has never disassociated from
22 the Episcopal Church and in fact has never been a part of the
23 Episcopal Church.

24 Q. All right. Does the Church of Our Saviour benefit from
25 any trusts that have been bestowed upon it by others?

1 A. It does not.

2 Q. All right. Does the Church of Our Saviour have any debt
3 on its property?

4 A. It does not.

5 Q. Up until -- when did you say you became the rector of
6 the parish?

7 A. In 2008.

8 Q. To your knowledge has the parish participated in annual
9 convention of the Diocese?

10 A. It has.

11 Q. All right. And did you yourself attend conventions of
12 the Diocese of South Carolina?

13 A. Every year.

14 Q. All right. And you've heard me ask the same question of
15 others.

16 A. Yes, sir.

17 Q. You are familiar with the fact, are you not, that the
18 diocesan convention of which you participated elects deputies
19 to the general convention of the Episcopal Church?

20 A. That is correct.

21 Q. Okay. Now we're going to try to find the -- okay.
22 There we go. Do you see Article 1, the 1981 bylaws?

23 A. Yes, sir.

24 Q. And I read it earlier and you said you wanted to see a
25 copy, and that's a copy. And all that I really was

1 interested in getting you to do is agree with me that that's
2 what the bylaws said in 1981.

3 A. That is correct, that is what they say.

4 Q. All right. Well, thank you for that.

5 MR. TISDALE: Now, we will mark that for identification
6 as No. 9.

7 THE COURT: Mm-hmm.

8 (Defendant's Exhibit 9 marked for identification.)

9 Q. Now, Father Clarkson, was that amended in 2013 or
10 whenever?

11 A. Yes, it was.

12 Q. To the extent of doing what?

13 A. In 2013 we removed the language relating to the Diocese,
14 the Episcopal Diocese of South Carolina.

15 Q. All right. How about the Protestant Episcopal Church in
16 the United States?

17 A. We removed that in the amendment in 2009.

18 Q. All right. So it's been gone since 2009?

19 A. That's correct.

20 Q. Did you recommend that change in 2009 as rector of the
21 parish?

22 A. We took advice from counsel and removed it at that time.

23 Q. What counsel? I don't want you to tell me what the
24 lawyer told you necessarily right now, but what was the name
25 of the counsel, the lawyer?

1 A. His name was Buddy Lindsay.

2 Q. And did he advise you on the amendments and formulation
3 of other documents that governed the parish?

4 A. He did.

5 Q. And what other documents were involved, do you know?

6 A. He ran a complete evaluation of all of the documents,
7 the official legal documents, of the parish and then made
8 recommendations to us.

9 Q. Did the parish engage him to advise in order to prepare
10 for the departure of the parish from the Episcopal Church?

11 A. Sir, we did not leave the Episcopal Church. We were
12 never a member of the Episcopal Church.

13 Q. I understand you weren't a member.

14 MS. GOLDING: Your Honor, Mr. Tisdale is interrupting
15 this witness.

16 MR. TISDALE: I'm sorry.

17 MS. GOLDING: The witness did not complete the answer.

18 MR. TISDALE: I'm very sorry for interrupting. Finish
19 the answer if you wish.

20 THE WITNESS: He did not advise us to leave because we
21 were not part of.

22 Q. Did you say you were not a member of it?

23 A. Yes.

24 Q. But you did elect deputies to go to the general
25 convention of the Episcopal Church, didn't you?

1 A. The Diocese did, I believe.

2 Q. Well, weren't you a member of the convention that voted
3 to do that?

4 A. Yes, that's correct.

5 Q. So you participated --

6 A. I did.

7 Q. -- at least to that extent, didn't you?

8 A. Yes, sir.

9 Q. Okay. And in 2009 was it the -- we'll try another word
10 and see if it fits better. In 2009 was it the plan of the
11 parish to disassociate from any involvement in the Episcopal
12 Church?

13 A. We approached our lawyer, Buddy Lindsay, and asked him
14 to evaluate all of our documents and prepare us as a
15 corporation to be as safe as possible from intrusion by
16 anyone from the outside.

17 Q. Did you have anyone particularly in mind who might
18 intrude on your organization?

19 A. We were operating in an environment which appeared to us
20 to be threatening. It was in the wake of the Pawleys Island
21 operation and we weren't sure from what direction an attack
22 might come. We understood that we were an independent
23 corporation and believed it to be our fiduciary duty to put
24 such protections as were possible in place.

25 Q. Has the parish ever been threatened with any sort of

1 notice from the Episcopal Church or anyone else that it had a
2 claim against its property?

3 A. Our parish has not.

4 Q. Have not. Okay. And later the parish decided to join
5 this lawsuit against the Episcopal Church, did you not?

6 A. That is correct.

7 Q. Yes. Up until 2012, 2013, did the parish participate in
8 the Church Pension Fund of the Episcopal Church?

9 A. It did.

10 Q. Did the parish carry insurance through that same
11 company, the Church Insurance Company?

12 A. That is correct.

13 Q. Have you received any grants from the Diocese of South
14 Carolina prior to 2012?

15 A. Not to my knowledge.

16 Q. How about from the Episcopal Church?

17 A. We have not.

18 MR. TISDALE: Thank you, Father Clarkson.

19 THE COURT: Thank you. Redirect?

20 REDIRECT EXAMINATION BY MR. PLATTE:

21 Q. Just one brief question, Father Clarkson. Were you
22 aware of any parish that actually received notice of interest
23 in property that was filed by the Episcopal Church or the
24 Diocese before they actually withdrew from the Diocese?

25 A. Yes. We are aware of an interest that -- and a filing

1 that was done regarding Pawleys, the Pawleys Island case.

2 Q. And that was done before they voted to withdraw from the
3 Diocese?

4 A. That is correct.

5 MR. PLATTE: Thank you. That's all.

6 THE COURT: All right. Any recross from the national
7 church?

8 All right.

9 And from Mr. Tisdale?

10 MR. TISDALE: Nothing, Your Honor.

11 THE COURT: Very well. You may come down.

12 Call your next witness, please.

13 (Plaintiff's Exhibits SMFM-1 through SMFM-18 premarked
14 for identification.)

15 WILLIAM DERIEUX CLARKSON,
16 being first duly sworn, testified as follows:

17 THE COURT: If you'd state your full name for the record
18 and spell your middle name.

19 THE WITNESS: William Derieux Clarkson, D-E-R-I-E-U-X.

20 THE COURT: Thank you.

21 Your witness.

22 MR. MACK: May it please the Court.

23 THE COURT: Yes.

24 MR. MACK: Frank Mack. I represent the Vestry and
25 Church Wardens of the Episcopal Church of the Parish of St.

1 Matthew's. We've been referring to it as St. Matthew's Fort
2 Motte to distinguish it from the church in Darlington by the
3 same name.

4 THE COURT: Got it.

5 MR. MACK: We have provided the defendants with a set of
6 exhibits numbered 1 through 17. These were provided on
7 Friday. It is my understanding that there is no objection to
8 these --

9 MR. TISDALE: No objection.

10 MR. MACK: -- exhibits.

11 MS. KOSTEL: No objection.

12 MR. MACK: In addition, we have a set of stipulations
13 which we've marked as SM-FM 18. And again, these were
14 previously provided to the defendants.

15 THE COURT: All right. Very well.

16 MR. MACK: And if I may approach, Your Honor, I have a
17 hard copy of our exhibits along with a flash drive --

18 THE COURT: Thank you kindly.

19 MR. MACK: -- for your use.

20 THE COURT: Thank you very much.

21 (Plaintiff's Exhibits SMFM-1 through SMFM-18 admitted
22 into evidence.)

23 DIRECT EXAMINATION BY MR. MACK:

24 Q. Mr. Clarkson, tell the Court just briefly about your
25 educational background.

1 A. I went to Sewanee. I have a Bachelor of Science in
2 natural resources. And then I went to the University of
3 Georgia and I have a doctorate in veterinary medicine.

4 Q. And do you practice as a veterinarian?

5 A. Yes, sir.

6 Q. Are you a member of the Parish of St. Matthew's in Fort
7 Motte?

8 A. Yes, sir.

9 Q. Have you held any positions in the parish over the
10 years?

11 A. Yes, sir.

12 Q. When did you first become a member of the parish and
13 what are some of the positions you've held?

14 A. May of 1994 I've been on the vestry, I've been the
15 treasurer, I've been the junior warden, and I have been the
16 senior warden.

17 Q. Have you been the senior warden a number of times?

18 A. Yes, sir.

19 Q. And as senior warden and your other positions and just
20 being a member of the parish are you generally familiar with
21 the history of the parish?

22 A. With a lot of it, yes, sir.

23 Q. Okay. About what is the average Sunday attendance at
24 the present time?

25 A. We're on a tremendous upswing. We're in the low 50s.

1 Q. And up until say a year, year and a half ago, about what
2 was the average?

3 A. We were in the 40 or so.

4 Q. Going back to the history of the parish, when was the
5 parish first formed?

6 A. 1765.

7 Q. And was that by the colonial assembly?

8 A. Yes, sir.

9 Q. And when was the parish incorporated?

10 A. 1788.

11 Q. And how was that incorporation done?

12 A. By the general assembly of the State of South Carolina.

13 Q. Was the name the vestry and church wardens of the
14 Episcopal Church of the Parish of St. Matthew's part of the
15 legislation that incorporated the parish?

16 A. Yes, sir.

17 Q. And that was in 1788?

18 A. Yes, sir.

19 Q. Now, when did the church move to its present location?

20 A. 1852.

21 MR. MACK: If I could have the first photo, please.

22 Q. Is this a picture of the church, St. Matthew's Fort
23 Motte?

24 A. Yes, sir.

25 Q. In the middle of the cotton field?

1 A. Beautiful, isn't it?

2 Q. And is that the entire campus of the church?

3 A. Yes, sir.

4 Q. And the campus is about 2, 2-1/2 acres. Are there deeds
5 to all of the property?

6 A. All except for the original acre that the church and
7 churchyard are on.

8 Q. So going back to 1852 there's not a deed for that
9 original?

10 A. No, sir.

11 Q. Okay. Did anything happen to the communion silver
12 during the Civil War?

13 A. It was misplaced thanks to soldiers of the northern
14 persuasion.

15 Q. Was it eventually returned to the parish?

16 A. There's a wonderful story of how the silver engraving
17 was noticed years later and was returned; yes, sir.

18 Q. And is that the communion silver that we currently use?

19 A. Not for every Sunday, no.

20 Q. It's the historic silver?

21 A. It's our historic silver, yes, sir.

22 Q. Now, since the parish was incorporated in 1788, has it
23 existed as a corporation since then?

24 A. Yes, sir.

25 Q. And has it continued as a parish or a mission

1 continuously since then?

2 A. Ever since then.

3 MR. MACK: If I could have the second photo, please.

4 Q. And what is this a picture of?

5 A. It's a miracle, it snowed in St. Matthew's, South
6 Carolina. It's the front of the church.

7 Q. Now, the sign in front of the church has the word
8 "Episcopal" on it; is that correct?

9 A. That is correct.

10 Q. And why is the church still using the name Episcopal
11 Church?

12 A. It's still the name of the parish.

13 Q. Has that changed since it was given that name by the
14 general assembly in 1788?

15 A. No, sir.

16 MR. MACK: Could I have the next photo, please?

17 Q. And what is this a photo of?

18 A. After church on Easter.

19 Q. And is this the entire congregation for the Easter
20 service?

21 A. It's wonderful, isn't it? Yes, sir.

22 Q. Now, did the parish have any signs out on Highway 601
23 regarding the parish?

24 A. Currently?

25 Q. In the past, prior to 2012.

1 A. Yes, sir.

2 Q. And were those signs the ones with the TEC or the
3 national church seal on them?

4 A. Episcopal Church welcomes you, yes, sir.

5 Q. Have those been removed?

6 A. Yes, sir.

7 Q. Now, has the parish used any other symbols relating to
8 the national church since 2012, 2013?

9 A. No, sir. They were all removed.

10 Q. Now, has the parish ever authorized TEC or the new
11 diocese TECSC to use the parish's names on any website or
12 other publications?

13 A. No, sir.

14 MR. MACK: Now, going back, I need one of the interior
15 photos.

16 Q. I notice in the right-hand corner or looking this way on
17 the right is the TEC flag. Do you see that?

18 A. I do.

19 Q. Has that been removed?

20 A. Yes, sir, it has.

21 Q. Was it removed at the same time the road signs were
22 removed?

23 A. Yes, sir.

24 MR. MACK: And, Your Honor, this is a photo of my
25 daughter's wedding. My wife wanted me to introduce another

1 two or three hundred photos into evidence, but I think that's
2 all I have.

3 THE COURT: Very well. All right.

4 Cross-examination.

5 MR. SMITH: Thank you, Mr. Clarkson.

6 CROSS-EXAMINATION BY MR. SMITH:

7 Q. Can you describe your involvement in amendments made to
8 I believe the bylaws and the constitution in 2010?

9 A. That's when we returned the bylaws. I was not on the
10 vestry at that point in time. I do believe those amendments
11 returned the bylaws to the condition they had been in prior
12 to 1986.

13 Q. So you weren't part of those amendments at all; is that
14 your testimony?

15 A. No, sir. I do not believe I was on the vestry at that
16 time.

17 Q. Have you ever served as a delegate for the diocese
18 convention?

19 A. Yes, sir, I have.

20 Q. Have you ever served as a delegate to the general
21 convention?

22 A. No, sir.

23 Q. Is the parish the beneficiary of any trusts?

24 A. No, sir.

25 Q. Are you aware of any grants, financial aid, or

1 assistance that the parish has received from the Diocese?

2 A. Yes, sir.

3 Q. Can you elaborate?

4 A. Yes, sir. We received three Builders of Christ grants
5 when we remodeled the parish house for landscaping and the
6 parking lot totaling around 67, 68 thousand dollars over
7 three years. And in the late '90s we received financial
8 assistance to help cover the costs of a priest of around 7 or
9 8 thousand dollars a year for three years.

10 Q. Does your parish -- or have they participated in the
11 Church Pension Fund?

12 A. Yes, sir, we have.

13 Q. And the Church Insurance Company, have you --

14 A. Yes, sir, we have.

15 Q. Earlier you spoke about the signage. Can you explain
16 why you changed the signs?

17 A. We removed the symbols that were symbols of the national
18 church.

19 MR. SMITH: Okay.

20 THE COURT: All right. Any questions?

21 No.

22 Any redirect?

23 MR. MACK: Nothing further, Your Honor.

24 THE COURT: Very well, you may come down.

25 Call your next witness, please.

1 (Plaintiff's Exhibits SMI-1 through SMI-27 premarked for
2 identification.)

3 MR. RUNYAN: The Protestant Episcopal Church of the
4 Parish of St. Michael's in Charleston in the State of South
5 Carolina, also known as St. Michael's Church, calls Ann
6 Hester Willis.

7 ANN HESTER WILLIS,
8 being first duly sworn, testified as follows:

9 MR. TISDALE: Your Honor, we're going in rapid fire
10 fashion here. It would save time if we could have just a few
11 minutes to get our papers together for this particular
12 examination.

13 THE COURT: All right. So, counsel, let me see you just
14 a second.

15 (The Court and attorneys confer.)

16 THE COURT: All right. We're going to take lunch now,
17 that just seems to make sense, and we will begin at 2:00.
18 We'll take our lunch now. I know that Ms. Willis has been
19 sworn in, but because her testimony has not begun, I'm not
20 going to keep her from discussing her testimony in the event
21 that that's requested because she certainly has not begun and
22 wouldn't have been sworn in if we had made that decision a
23 few moments ago.

24 So you are at liberty to discuss your testimony if you
25 all need to for whatever reason to further prepare.

1 I will see everyone at 2:00. Have a good lunch.

2 (Luncheon recess.)

3 THE COURT: All right. Mr. Runyan.

4 MR. RUNYAN: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. RUNYAN:

6 Q. Could you tell us one more time your name for the
7 record?

8 A. Ann Hester Willis.

9 Q. Where do you live?

10 A. In downtown Charleston.

11 Q. Do you have an occupation?

12 A. I do. My husband and I own a company that owns real
13 estate and we manage that real estate.

14 Q. Are you an attorney?

15 A. I am.

16 Q. Are you a member in good standing of the South Carolina
17 Bar?

18 A. I am.

19 Q. Are you active or inactive?

20 A. I'm an inactive member.

21 Q. Are you a member of a church in Charleston?

22 A. I am.

23 Q. Where are you a member?

24 A. The Protestant Episcopal Church.

25 Q. You can give us a shorthand version.

1 A. St. Michael's Church.

2 Q. How long have you been a member?

3 A. For 14 years.

4 Q. Approximately how many members does St. Michael's have?

5 A. We have about 1,460 active members. If you have total
6 active and inactive members, it's more like 1,850.

7 Q. Have you held any positions of leadership at St.
8 Michael's?

9 A. Yes, I have.

10 Q. Could you briefly tell us what those are?

11 A. I've been a member of the vestry, which is a three-year
12 term; I was junior warden, which is a two-year term; and I
13 was senior warden for two years.

14 Q. Ms. Willis, when was the first worship service in the
15 building that is now where it is located at the corner of
16 Meeting and Broad, I believe? When was the first worship
17 service?

18 A. The first worship service was held on February 1st,
19 1761.

20 Q. Is St. Michael's legislatively incorporated?

21 A. It is.

22 Q. In whom are the powers of the corporation legislatively
23 vested?

24 A. The vestry and church wardens.

25 Q. Do they sit in a civil capacity as well?

1 A. Yes, they do.

2 Q. What is that?

3 A. They are the board of directors. And the senior warden,
4 junior warden essentially act as chairman of the board and
5 vice chairman of the board.

6 Q. Has St. Michael's continuously carried out its religious
7 purposes since it was formed?

8 A. Yes, it has.

9 Q. Has St. Michael's ever been a member of the
10 unincorporated association known as the Protestant Episcopal
11 Church in the United States of America?

12 A. It has not.

13 Q. Did St. Michael's play any role in the formation of the
14 Diocese of South Carolina?

15 A. It did.

16 Q. Was it a signatory to the first constitution of the
17 diocese?

18 A. Yes, it was.

19 MR. RUNYAN: Would you put some pictures up, please?

20 Q. I've got a series of pictures I'm going to ask you
21 about. If we can go to the second picture. What is this a
22 picture of?

23 A. The front of St. Michael's Church.

24 Q. Next photograph. What is this?

25 A. That's the narthex of the St. Michael's Church, that's

1 looking toward the door that enters into the church.

2 Q. From the outside?

3 A. From the outside. But that is an enclosed narthex.

4 Q. Next picture. What is this picture?

5 A. That's the same narthex looking to the door that goes
6 outside to the sidewalk.

7 Q. Okay. Next.

8 A. That's looking from the balcony down into the church
9 toward the altar.

10 Q. Next photograph.

11 A. That's the altar at St. Michael's Church.

12 Q. What is that?

13 A. That's, again, a picture just on the ground level,
14 ground floor level, looking toward the altar down the center
15 aisle of St. Michael's Church.

16 Q. Next picture. What is that a picture of?

17 A. The congregation, members of the congregation.

18 Q. Next picture.

19 A. That's St. Michael's Church's clock. It's on the
20 steeple.

21 Q. That's pretty obvious.

22 Next picture. What is that?

23 A. Those are the bells of St. Michael's Church. They're
24 located in the steeple.

25 Q. Where did they come from?

1 A. England.

2 Q. Next picture.

3 A. That's another picture of the bells from a different
4 viewpoint.

5 Q. Next.

6 A. Another picture of the bells from up above.

7 Q. Looking down on them?

8 A. Looking down on them.

9 Q. Next picture. What is that monument?

10 A. That is a monument or it might be a tombstone for the
11 Reverend Frederick Dalcho, who was a rector at St. Michael's
12 Church.

13 Q. What is he known for?

14 A. He wrote a history of the church.

15 Q. Of which church?

16 A. St. Michael's and of the diocese actually.

17 Q. Next picture. Whose grave is that?

18 A. John Rutledge.

19 Q. Next photograph. Can you tell me if Mr. Rutledge, was
20 he a judge?

21 A. He was Chief Justice of the South Carolina -- Chief
22 Justice of the United States Supreme Court.

23 Q. And of the South Carolina Supreme Court?

24 A. And of the South Carolina Supreme Court.

25 Q. Did he have anything to do with the United States

1 Constitution?

2 A. He was a signer of the United States Constitution.

3 Q. And is this a picture of his grave on the grounds of St.
4 Michael's?

5 A. It is, in St. Michael's graveyard.

6 Q. Next picture. Who was Charles Cotesworth Pinckney?

7 A. He also was a signer of the US Constitution.

8 Q. Back up one, please. What is this a photograph of?

9 A. His gravestone, Charles Cotesworth Pinckney's
10 gravestone.

11 Q. Ms. Willis, in the exhibits that we'll mark in a moment
12 as Exhibit 17, with regard to that exhibit which contains
13 some service marks and applications, could you tell me who
14 signed the application for the St. Michael's service marks?

15 A. I did.

16 Q. In what capacity did you sign?

17 A. Senior warden.

18 Q. Have you ever been to the website of the defendant, the
19 Episcopal Church in South Carolina?

20 A. Yes, I have.

21 Q. When you went to that website, could you tell us if you
22 observed anything with respect to St. Michael's?

23 A. Yes, I did. I observed that St. Michael's Church was
24 listed on that website and represented as a member of the
25 Episcopal Church in South Carolina.

1 Q. Did the Episcopal Church in South Carolina have
2 permission to put that name on the website?

3 A. No, they did not.

4 Q. And did St. Michael's notify them to that effect?

5 A. Yes, they did.

6 Q. Is that document Exhibit 26 in the packet that you have?

7 A. It is.

8 MR. RUNYAN: Your Honor, at this time I'd move into
9 admission the documents that are subject to the stipulation
10 of counsel. It would be St. Michael's Exhibits SMI 1 through
11 SMI 26, and the stipulation itself would be SMI 27.

12 MR. TISDALE: No objection, Your Honor.

13 THE COURT: Very well.

14 MS. KOSTEL: No objection.

15 THE COURT: Very well.

16 (Plaintiff's Exhibits SMI-1 through SMI-27 admitted into
17 evidence.)

18 MR. RUNYAN: Thank you, Ms. Willis.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION BY MR. TISDALE:

21 Q. Ms. Willis, good afternoon.

22 A. Good afternoon.

23 Q. There are a number of, at least two, bishops of the
24 Episcopal Church who either have been rector of St. Michael's
25 or memorialized at St. Michael's, aren't there?

1 A. At least two.

2 Q. Yes. And one of them would be Bishop Albert Rhett
3 Stuart, bishop of Georgia, no longer with us, who was a
4 rector of St. Michael's Church back in the 1940s, wasn't he?

5 A. Say that name again.

6 Q. Albert Rhett Stuart, S-T-U-A-R-T.

7 A. Possibly. I don't know.

8 Q. Right. So that would certainly be one connection
9 between St. Michael's and the Episcopal Church, wouldn't it,
10 as far as the clergy goes?

11 A. I don't understand the question.

12 Q. You said that St. Michael's didn't have any connection,
13 as I understood it, with the Episcopal Church.

14 MR. RUNYAN: I believe that misstates testimony.

15 MR. TISDALE: Well, I don't mean to misstate.

16 Q. But has St. Michael's been a constituent part of the
17 Episcopal Church in the past?

18 A. St. Michael's has never been a member of the national
19 Episcopal Church.

20 Q. I understand that, because the national Episcopal Church
21 is made up of dioceses, isn't it?

22 A. That's correct.

23 Q. And St. Michael's has been a part of the Diocese of
24 South Carolina throughout history, hasn't it?

25 A. It was obviously one of the parishes that helped form

1 the Diocese of South Carolina.

2 Q. Right. And it was one of the parishes that was involved
3 when it became a part of the Episcopal Church in the United
4 States, wasn't it, one of the original parishes?

5 A. It was one of the original parishes that helped the
6 Diocese -- participated in the formation of the Diocese of
7 South Carolina.

8 Q. Right. And there's another bishop of the Episcopal
9 Church who's memorialized in a plaque, at least one, maybe
10 two bishops who are memorialized in plaques in St. Michael's,
11 aren't there?

12 A. I don't know.

13 Q. Well, you know about Bishop William Alexander Guerry?

14 A. Yes, I've heard of Bishop Guerry.

15 Q. Have you seen his plaque memorialized in St. Michael's?

16 A. I don't mean to be difficult, but I'm not really sure.
17 We have several, we have a lot of plaques.

18 Q. So you don't know whether that's there or not?

19 A. I don't know.

20 Q. He was a bishop of the Episcopal Church, was he not?

21 A. He was.

22 Q. And he served in the Diocese of South Carolina, didn't
23 he?

24 A. Yes, he did.

25 Q. Okay. Have you been on the standing committee of the

1 diocese?

2 A. Yes, I have.

3 Q. When did you serve?

4 A. From 2010 until 2013.

5 Q. And did you hold any offices on the standing committee?

6 A. Yes, I did.

7 Q. What were you?

8 A. The secretary.

9 Q. Did you take minutes of all the meetings?

10 A. Yes, sir.

11 Q. Now, just to clear up the issue about the connection
12 between St. Michael's and the Episcopal Church, let me ask
13 you this. And if you've been in the courtroom, you've heard
14 these questions before of other witnesses. Does St.
15 Michael's send delegates to the annual and other conventions
16 of the Diocese of South Carolina?

17 A. It elects delegates, yes, and sends them to the Diocese
18 of South Carolina's conventions.

19 Q. Have you served in that capacity?

20 A. Yes, I have.

21 Q. How many times, if you can remember?

22 A. I believe it could be three, but I believe it's two or
23 three times.

24 Q. Several times anyway?

25 A. More than once.

1 Q. More than one?

2 A. Yes.

3 Q. And so it is true that the convention of the Diocese of
4 South Carolina elects deputies, they're called, to
5 participate in the general convention of the Episcopal
6 Church, doesn't it?

7 A. It has, yes.

8 Q. And throughout history it has, as far as you know,
9 hasn't it?

10 A. As far as I know.

11 Q. Yes. And the general convention of the Episcopal Church
12 meets every three years, doesn't it?

13 A. That's what I understand.

14 Q. In fact, Mr. Wade Logan, who testified in this case last
15 week, has served on more than one occasion as a deputy to the
16 general convention of the Episcopal Church, hasn't he?

17 A. Yes, he has.

18 Q. Do you know anyone else from St. Michael's who served in
19 that capacity?

20 A. I don't know of anyone else.

21 Q. Now, this might be a difficult question, but perhaps you
22 could help me about this: Is St. Michael's Church the
23 beneficiary of any trusts that have been left to benefit it
24 by various people and perhaps institutions?

25 A. There is a trust and the beneficiary of that trust is

1 St. Michael's Church.

2 Q. What is the name of that trust?

3 A. Declaration of trust of St. Michael's Church, I think.

4 Q. Well, who set up or organized that trust for St.
5 Michael's?

6 A. The vestry of St. Michael's Church.

7 Q. All right. How long ago was that done?

8 A. It was either in -- I believe it was in 2011. It could
9 have been 2012.

10 Q. Do you know roughly what the value of that trust corpus
11 is right now?

12 A. I do.

13 Q. What is it?

14 A. It's roughly 900,000.

15 Q. All right. But aside from that, are there any outside
16 individuals, I mean other than the parish itself, who has
17 bestowed trust benefits on the parish?

18 A. None that I know of that exist today.

19 Q. Has there been some in the past?

20 A. None that I know of.

21 Q. Do you recall whether or not St. Michael's Church was
22 the recipient of a quitclaim deed?

23 A. Yes, I do.

24 Q. When did that happen?

25 A. I believe the quitclaim deeds are part of the

1 stipulation, so the documents themselves are in evidence and
2 they're the best evidence, but I believe they were dated July
3 of 2011 and November of 2011.

4 Q. I'm not holding you to the date, I was just trying to
5 establish that it did happen.

6 A. Yes, sir.

7 Q. And I wanted to ask you, what did St. Michael's -- what
8 was conveyed to St. Michael's by those deeds or that deed?

9 A. Well, a quitclaim deed simply conveys/says if we have
10 any interest, we're saying we don't -- we're not claiming any
11 interest to the property.

12 Q. Well, did the person or institution who signed that deed
13 have any claim against St. Michael's to your knowledge?

14 A. Not to my knowledge.

15 Q. Well, what otherwise did it convey, if anything?

16 A. The purpose of a quitclaim deed is to say -- to
17 establish on the record that there -- that there is no
18 interest in the property that the party granting the
19 quitclaim deed has.

20 Q. Did St. Michael's request that deed?

21 A. I don't believe so.

22 Q. Just came in the mail one day gratuitously, as far as
23 you know?

24 A. I think we were informed that it was coming, but we did
25 not ask for it.

1 Q. Now, Ms. Willis, up until, say -- perhaps it was before,
2 but for purposes of my question up until -- Bishop Lawrence
3 departed the Episcopal Church, St. Michael's through the
4 years, was it governed and did it adhere to the constitution
5 and canons of the Diocese of South Carolina?

6 A. We in our -- in the time period I have been familiar
7 with the governance of St. Michael's, we did not refer to the
8 canons and constitution of either the diocese or the national
9 church.

10 Q. And why was that?

11 A. We had our own bylaws.

12 Q. But was not the parish a member of the Diocese of South
13 Carolina?

14 A. It was.

15 Q. And do you acknowledge that as a member of the Diocese
16 of South Carolina one would be required to adhere to the
17 constitution and canons of the church?

18 A. I didn't know that's a requirement and I don't know
19 that.

20 Q. Well, instead of using "adhere," did you follow the
21 canons and constitution of the church as it put requirements
22 upon the parish to be a member of the diocese?

23 A. We may have, but I don't think we did so purposefully.

24 Q. May have, though?

25 A. We may have.

1 Q. Okay. You certainly did not purposefully not -- you
2 didn't purposefully ignore them, did you?

3 A. We just -- we didn't adhere to -- we didn't specifically
4 adhere to them or ignore them, we just operated under our own
5 bylaws.

6 Q. Either one?

7 A. Either one.

8 Q. Right. And would the same be true of the canons and
9 constitution of the Episcopal Church during that same period
10 of time?

11 A. I don't know that anyone in leadership at St. Michael's
12 even has read the canons and constitution of the national
13 church.

14 Q. Right. Well, you said Mr. Logan had been a deputy to
15 general conventions.

16 A. Yes.

17 Q. He might have some familiarity with the governance?

18 A. He hasn't served on the vestry or been a warden for
19 quite some time. He has in the past, but it has been a long
20 time ago.

21 Q. Now, I wanted to ask you just a couple questions about
22 your service on the standing committee of the diocese during
23 the time that you were secretary. In reviewing those minutes
24 it seems that -- well, first of all, at the standing
25 committee meetings, did anybody attend those meetings other

1 than members of the committee and perhaps Bishop Lawrence?

2 A. Yes.

3 Q. For example, who attended?

4 A. Wade Logan and Alan Runyan.

5 Q. And Mr. Runyan being an attorney for the diocese; right?

6 A. That's correct.

7 Q. Mr. Logan being the chancellor?

8 A. That's correct.

9 Q. When you all had what, according to the minutes, were
10 frequent executive sessions, was there ever anybody else
11 there who had to leave the meeting during those executive
12 sessions?

13 A. No one else was there that wasn't a member of the
14 standing committee to my --

15 Q. And so why would it be necessary to go into an executive
16 session if there wasn't anybody else there except those who
17 were supposed to be there for the business of the committee?

18 A. We chose to go into executive session.

19 Q. For what reasons?

20 A. I can't remember. But we did that when we felt like it
21 was something I guess partially, some of the time, we were
22 getting advice of counsel, but may have been some other -- I
23 mean, I think even if it was a personnel matter or some -- I
24 don't know, but...

25 Q. I guess my question to you as a parliamentary matter is

1 if nobody else was present to hear what was being talked
2 about, why was the executive session necessary?

3 A. I don't know.

4 Q. Don't know. Did you or someone else keep minutes of
5 those executive sessions?

6 A. I did not.

7 Q. Did anyone?

8 A. No.

9 Q. And why was that?

10 A. I had understood that you don't need to take minutes
11 during the executive session.

12 Q. So as far as you know then, there's no written record
13 anywhere of what discussions the standing committee undertook
14 in the frequent executive sessions?

15 A. That's correct.

16 Q. Was there any reason why it shouldn't be known to
17 members of the church?

18 A. Well, there were -- I don't know. It depends upon the
19 reasons why we went into executive session.

20 Q. Okay. Typically what were some of the reasons that
21 you'd go into executive session. You mentioned employment
22 matters.

23 A. Well, I mean, if there was some issue that was
24 confidential with regard to a particular person. But I do
25 clearly remember that we would go into executive sessions

1 when we were getting advice from counsel.

2 Q. Advice from counsel, legal advice?

3 A. Legal advice.

4 Q. And I don't, of course, want to ask anything about what
5 kind of legal advice you were getting from your lawyer, but
6 what sort of -- well, I won't get into that. I think that
7 might be close to inappropriate.

8 MR. TISDALE: Excuse me just one minute. Let me check
9 with my colleagues.

10 THE COURT: Certainly.

11 Q. I asked you about trusts and so forth. Does St.
12 Michael's have any signs anywhere on the property that say
13 it's an Episcopal Church or using the word "Episcopal"?

14 A. Not that I'm aware of.

15 Q. Throughout the years, as far as you know, has the parish
16 contributed to the pension or toward the pension of the
17 clergy staff to the Church Pension Fund of the Episcopal
18 Church?

19 A. Our clergy have been participants in the Church Pension
20 Fund.

21 Q. And the parish contributes, makes contributions, to
22 that?

23 A. The parish did contribute as a benefit to the clergy.

24 Q. At I think perhaps 19 percent of the salaries?

25 A. I don't remember the percentage. It seemed -- I vaguely

1 remember it was something like 18 percent, but I'm not sure
2 if I'm remembering that clearly.

3 Q. If I'm saying 19, we're pretty close. But a percentage
4 of the income?

5 A. Yes.

6 Q. And that's a Church Pension Fund sponsored by the
7 Episcopal Church, is it not?

8 A. I don't know its -- I don't know whether it's correctly
9 stated that it's sponsored by the Episcopal Church. I
10 believe it has some relationship to the Episcopal Church.

11 Q. Connected to it in some way?

12 A. Yes.

13 Q. So all parishes of the Episcopal Church supposedly use
14 that Pension Fund if they are part of the Episcopal Church,
15 isn't that correct?

16 A. I don't know. But I don't believe you can participate
17 in that Pension Fund unless you are a member or you're a
18 member of a diocese that's part of the Episcopal Church.

19 Q. Exactly. And did St. Michael's then, not since,
20 recently, but did St. Michael's use the insurance company,
21 the Church Insurance Company, the Episcopal Church Insurance
22 Company, for its insurance?

23 A. We purchased our insurance, property insurance, from the
24 Church Pension Fund.

25 Q. And liability insurances --

1 A. Yes.

2 Q. -- things like that? Okay. When you were a member of
3 the standing committee of the diocese and served as
4 secretary, did you review and study and become familiar with
5 the constitution and canons of the Diocese of South Carolina
6 of which your committee was a part?

7 A. At a retreat I was given copies of the constitution and
8 canons, but I can't say that I studied them.

9 Q. Was that a retreat of the standing committee?

10 A. It was.

11 Q. And were all the members given copies of the
12 constitution and canons of the church?

13 A. At one of our retreats I believe we were given -- Wade
14 Logan as chancellor was there and gave us just a description
15 of what our duties and responsibilities were as the standing
16 committee.

17 Q. Under the constitution and canons, including other
18 things?

19 A. Under the constitution and canons of the Diocese of
20 South Carolina.

21 Q. Exactly. Now, Ms. Willis, were you involved in the
22 process of St. Michael's changing its bylaws and corporate
23 charter in recent years?

24 A. We did not change our corporate charter.

25 Q. Okay.

1 A. We changed our bylaws. I was in in recent years and I
2 was involved in that.

3 Q. Was that for the purpose primarily of removing any
4 mention in them of the relationship with the Episcopal
5 Church?

6 A. That wasn't its primary purpose.

7 Q. What was the primary purpose?

8 A. In 2010 we -- I became junior warden and I had been
9 aware that our bylaws were outdated and needed lots of
10 changes to bring them up to date, so I initiated the process
11 of discussing changing our bylaws for that reason.

12 Q. Right. Did the work end up including taking out any
13 reference to the Episcopal Church in there?

14 A. It included taking out two references that were in the
15 1989 bylaws.

16 Q. Regarding the Episcopal Church and the parish's
17 relationship to it?

18 A. Well, they -- it stated in I think it was the first
19 paragraph of the bylaws, it stated that Episcopal could be
20 added to our name for purposes of saying that we were a
21 member of the national church.

22 Q. Yes.

23 A. And that was incorrect.

24 Q. Right.

25 A. So that needed to be changed and removed. And then

1 there was a second paragraph that said that we acknowledged
2 the authority of the diocese and the national church. And I
3 didn't know what that really meant so it was -- I thought we
4 should take it out.

5 Q. When were the bylaws amended in the way that you just
6 described?

7 A. They were considered at one meeting of the vestry and
8 then voted on at the second meeting of the vestry that was
9 held on March 25th, 2010.

10 Q. 2010, so that was about four years ago, a little more
11 than four years ago; right?

12 A. That's correct.

13 Q. Now, do you know anything about the changes to the
14 corporate charter of the Diocese of South Carolina to change
15 the 1973 charter to something else?

16 A. I don't know anything about that.

17 Q. Don't know anything about amending the 1973 charter?

18 A. No, I do not.

19 Q. And I don't know whether I asked you this question or
20 not, I asked you about trusts, but does the parish from time
21 to time receive what we would say significant gifts from
22 individuals, both living gifts and a person's will?

23 A. Yes.

24 Q. And has the parish recently received a gift of a million
25 dollars or more from the estate of Mary B. Wilson?

1 A. No.

2 Q. Do you know anything about Ms. Wilson's death and what
3 she might have done with regard to St. Michael's?

4 A. Yes, I do.

5 Q. What did she do?

6 A. She left a bequest to St. Michael's Church.

7 Q. What was the value of that bequest?

8 A. My memory is it was, I want to say, 50,000.

9 Q. 50,000?

10 A. (Witness nods.)

11 Q. And was that last year?

12 A. Yes, sir.

13 MR. TISDALE: Thank you very much. I think Ms. Kostel
14 might have some questions, Your Honor.

15 Thank you. Thank you, Ms. Willis.

16 THE WITNESS: Thank you.

17 THE COURT: All right.

18 CROSS-EXAMINATION BY MS. KOSTEL:

19 Q. Good afternoon, Ms. Willis.

20 A. Good afternoon.

21 Q. Just a couple of follow-up questions. I'm showing on
22 the screen -- I think you spoke about the 1989 bylaws;
23 correct?

24 A. That's correct.

25 Q. Let's look at those. These will be marked, I believe,

1 as Defendant's Exhibit for identification No. 10.

2 (Defendant's Exhibit 10 marked for identification.)

3 Q. Read for us -- I think you referred to this, but read for
4 us Article 1, Section 1.1, of what the 1989 bylaws of St.
5 Michael's said.

6 A. Name, and that's underlined. The name of the church
7 shall be St. Michael's Church, parentheses, St. Michael's,
8 the church, or the parish. The designation Episcopal may be
9 used as part of the official name on printed material or as
10 otherwise needed for clarifying that St. Michael's is a
11 member of the Protestant Episcopal Church in the United
12 States (as read).

13 Q. Thank you. Now, you've testified that St. Michael's in
14 fact never has been a member of the Episcopal Church; is that
15 right?

16 A. That's correct.

17 Q. Now, were you involved in the adoption of 1989 bylaws?

18 A. I was not.

19 Q. Okay. So when you say that this was incorrect, you
20 don't know what was in the minds of the persons that adopted
21 this provision, do you?

22 A. No. I know the person that was involved in preparing
23 these amended bylaws and so I can sort of guess, but...

24 Q. Well, we're not asking you to guess. We're asking what
25 you know. And you were not involved in the adoption of these

1 bylaws, were you?

2 A. I was not.

3 Q. So all you know is what you know today, what you believe
4 about the membership of the parish?

5 A. That's correct.

6 MS. KOSTEL: Thank you. Nothing further.

7 THE COURT: All right. Redirect?

8 MR. RUNYAN: No, Your Honor.

9 THE COURT: All right. You may come down.

10 Call your next witness, please.

11 MR. RUNYAN: I do have one request to admit to read at
12 this time, to publish.

13 THE COURT: All right.

14 MR. RUNYAN: This is a request for admissions from St.
15 Michael's and others to the Episcopal Church dated October 8,
16 2013. It's Request for Admissions No. 2: Parish churches
17 are not members of the Episcopal Church.

18 Answer: Admitted.

19 MR. MCKENZIE: Your Honor, Stephen McKenzie here for St.
20 Matthias Church, Summerton. We call David Thurlow to the
21 stand.

22 DAVID WILLIAM TACKABERRY THURLOW,
23 being first duly sworn, testified as follows:

24 THE COURT: All right. If you'd please state your name
25 again for our record and spell your last name.

1 THE WITNESS: David William Tackaberry Thurlow.

2 Tackaberry is T-A-C-K-A-B-E-R-R-Y, Thurlow, T-H-U-R-L-O-W.

3 THE COURT: Your witness.

4 MR. MCKENZIE: Thank you, Your Honor. Your Honor, a bit
5 of housekeeping before we get started. Our stipulations have
6 not been marked as an exhibit. I want to just move to have
7 those marked. I think we're marking ours as STM, and it
8 would be STM 16, the stipulation page on the front page.

9 THE COURT: All right. Are there any other exhibits?
10 How about 1 through 15?

11 (Plaintiff's Exhibits STM-1 through STM-16 marked for
12 identification.)

13 MR. MCKENZIE: Yes, 1 through 15 are also contained in
14 our packet.

15 THE COURT: All right.

16 And is there any objection?

17 MR. TISDALE: No objection, Your Honor.

18 MS. KOSTEL: No objection.

19 THE COURT: Very well. Exhibits 1 through 16 are in
20 evidence without objection, STM 1 through 16.

21 MR. MCKENZIE: Thank you, Your Honor.

22 THE COURT: All right.

23 (Plaintiff's Exhibits STM-1 through STM-16 admitted into
24 evidence.)

25 DIRECT EXAMINATION BY MR. MCKENZIE:

1 Q. Your name is David Thurlow?

2 A. Yes, sir.

3 Q. And, Mr. Thurlow, tell us where you work.

4 A. I am the rector of St. Matthias in Summerton, South
5 Carolina.

6 Q. How long have you been there?

7 A. Since October 1st, 2001.

8 Q. And tell us where you -- you were ordained obviously.
9 And where were you ordained at?

10 A. I was ordained in Ottawa, Ontario, Canada as a deacon
11 and ordained as a priest at the Cathedral Church of St. Alban
12 the Martyr in Prince Albert, Saskatchewan.

13 Q. And you said you came to St. Matthias when?

14 A. I moved to South Carolina in September of 2001 and took
15 pastoral duties on October 1st of 2001.

16 Q. And prior to -- when you moved to St. Matthias of
17 Summerton, it is a small church, is it not?

18 A. Yes, sir. About 78, 80 people on the parish registry
19 and about 42 on Sunday attendance.

20 Q. When you first came to St. Matthias, it was not a
21 parish; is that correct?

22 A. That is correct. St. Matthias was a mission in union
23 with the convention of the Diocese of South Carolina until
24 March of 2005, when it applied for and was granted by
25 unanimous vote to be admitted as a parish.

1 Q. Tell us what your duties are at St. Matthias other than
2 the obvious.

3 A. Well, preaching and teaching and, as a small church,
4 photocopying 500 pages of exhibits for court cases. It's a
5 little bit of everything. If a light bulb goes out in the
6 church on a Sunday morning, I'll take care of that. And
7 really it's a small town, do what it takes to get the job
8 done.

9 Q. Are you familiar with other churches in the area?

10 A. Yes, sir, I am.

11 Q. Are you familiar with other churches in the area that
12 use the word "Episcopal" in their name?

13 A. There's approximately 50 in our county, in the area,
14 that use the word "Episcopal" in the name as well.

15 Q. And that would be churches that are not affiliated with
16 yourself?

17 A. That's correct, yes, sir.

18 Q. Are you familiar -- as you said, you copied most of
19 these exhibits. I think you copied all the exhibits; is that
20 correct?

21 A. Pretty much, yes, sir.

22 Q. And all the discovery, you did all that also?

23 A. Yes, sir. We have a part-time administrator who helped.

24 Q. So you're very familiar with the stipulation of facts
25 and the -- Exhibits 1 through 15 and stipulation of facts,

1 which are 16; right?

2 A. Yes, sir, I am.

3 Q. I think recently there was a parish hall that was built;
4 is that correct?

5 A. That is correct.

6 Q. Okay. And can you tell us when that was completed?

7 A. It was completed in 2011. We had approximately 3,800
8 square feet of space and we added and renovated, so we're
9 about 10,000 square feet of space now.

10 Q. Is there a debt owed on that parish hall?

11 A. Currently just under \$400,000, I believe, 390-some
12 thousand dollars yes, sir.

13 Q. Who helps pay for that debt?

14 A. Entirely the members of the congregation are paying the
15 debt.

16 Q. When you go to and you decide to build a fellowship hall
17 or parish hall, as you did, what do you do in regards to
18 borrowing that money? Do you have to call a meeting?

19 A. Yes, sir. The vestry, its board of directors was able
20 to go to the local bank and secure a loan, a construction
21 loan, which enabled us to undertake the project.

22 Q. Okay. And whenever you do something like that in this
23 situation with the parish hall, did you at some point in time
24 have a called meeting of the -- or an annual meeting, at your
25 annual meeting to decide whether or not to borrow the money?

1 A. Yes, sir, we did.

2 Q. And so is that how you operate normally?

3 A. Yes, sir.

4 Q. And so whenever you need to do something as far as a
5 corporate body, you have a meeting, an annual meeting, and
6 it's voted on?

7 A. Yes, sir, that's correct.

8 Q. Give you another example of that, I believe on January
9 13th, 2013, you had an annual meeting and there was a motion
10 of support for Bishop Lawrence; is that correct?

11 A. That is correct, yes, sir.

12 Q. And tell us who, if there was any dissenting votes on
13 that.

14 A. It was a unanimous motion of support for the bishop of
15 South Carolina, Mark Lawrence, and a motion of affiliation
16 with the diocese under his leadership.

17 Q. And, again, you have to notice that all the notice
18 provisions were done in regards to that?

19 A. That is correct, duly noticed.

20 Q. And any amendments to your bylaws. And you amended your
21 bylaws; is that correct?

22 A. Yes, sir, we did, we amended the bylaws at that same
23 annual meeting.

24 Q. And was proper notice and a quorum present for the
25 amendment and the vote on the bylaws?

1 A. Yes, sir.

2 Q. And do you recall when the bylaws that you were amending
3 were approved?

4 A. In January of 2006.

5 Q. Okay. And how about the latest amendment to the bylaws?

6 A. January of 2013.

7 Q. Okay. And you were amending what bylaws in 2006? The
8 1984 bylaws?

9 A. I can't recall.

10 Q. Okay. Who are the officers of the church?

11 A. The vestry is our board of directors and the officers
12 are the rector, the junior and senior warden, treasurer and
13 secretary.

14 Q. And so you are a member of that body?

15 A. Yes, sir; as the rector.

16 Q. Do you have a vote in that?

17 A. Yes, sir.

18 Q. Do you have any likenesses for the Episcopal Church or
19 any of the defendants in this matter in your sanctuary?

20 A. No, sir, we do not.

21 Q. How about out front?

22 A. No, sir, we do not.

23 Q. In your annual meeting in 2013 was there a vote of
24 affiliation with the plaintiff in this case?

25 A. Yes, sir, there was.

1 Q. And that was done, again, after due notice was given to
2 the congregation and a quorum was present for the vote?

3 A. That is correct.

4 MR. MCKENZIE: Thank you. That's all the questions I
5 have. Answer any questions the defendants may have.

6 THE COURT: Cross-examination.

7 MR. TISDALE: Mr. Smith, Your Honor.

8 THE COURT: All right.

9 CROSS-EXAMINATION BY MR. SMITH:

10 Q. Can you explain to me what, if any, corporate authority
11 you have as rector of your church?

12 A. I chair the vestry meetings that are held on a monthly
13 basis and I also chair the annual congregational meetings or
14 any special congregational meetings that might be called.

15 Q. Are you -- you chair those meetings?

16 A. Yes, sir.

17 Q. Do you sign corporate documents on behalf of the church?

18 A. I have.

19 Q. Have your bylaws recently been amended?

20 A. Yes, sir, they have.

21 Q. In what year?

22 A. 2013.

23 Q. And what were the -- what year were the previous bylaws?

24 A. 2006.

25 Q. Can you explain to me the differences?

1 A. They're before us in the -- they've been entered into
2 evidence and they're before us. And the differences, minor
3 changes I think in wording the first paragraph in the 2006
4 bylaws has a little more explanation that's simply been
5 abbreviated to say we were established in 1899. And there
6 is -- I believe there's other small issues like that that
7 were amended in 2013.

8 Q. Are there removals of references to the Episcopal Church
9 in the United States?

10 A. I believe there is one removal in the -- from the 2006
11 to 2013 of the Episcopal Church canons and constitutions of
12 the general convention.

13 Q. Okay.

14 A. And that had to do with voting members in 2006 there
15 was -- associated with voting members.

16 Q. When that amendment was made in 2013, did you review the
17 Episcopal Church's constitution and canons in that respect?

18 A. No, sir. We had no need to do so.

19 Q. Has your church sent delegates to the diocese
20 convention --

21 A. Yes, sir, we have.

22 Q. -- over the years?

23 And have delegates from that convention been elected to
24 go to the general convention of the Episcopal Church?

25 A. How do you mean?

1 Q. At the diocese convention are there delegates elected to
2 go to the convention, the general convention?

3 A. Yes, that's true.

4 Q. In any instance was a parishioner from your church
5 elected as a delegate to serve at the general convention?

6 A. To my knowledge no parishioners of St. Matthias have
7 attended general convention.

8 Q. In the history of the church?

9 A. To my knowledge that would be correct.

10 Q. Okay. Have you ever served in any capacity at the
11 general convention?

12 A. Yes, sir, I have.

13 Q. And how was that?

14 A. I was elected to represent as a deputy the Diocese of
15 South Carolina as one of the 110 autonomous dioceses that
16 gather every three years for general convention.

17 Q. When you attended that general convention, were you --
18 did you identify yourself in any respect as being rector of
19 St. Matthias?

20 A. No. I believe my name tag simply stated I was a deputy
21 for the Diocese of South Carolina.

22 Q. Is the church a beneficiary of any trust interest?

23 A. No, sir, it is not.

24 Q. Has it participated in the Church Pension Fund?

25 A. For some of its years as a mission and parish, yes, sir.

1 Q. Has it been insured by the Church Insurance Company?

2 A. It has in the past, yes, sir.

3 Q. I believe you -- we touched on the signage, but can you
4 explain exactly what the sign looks like in front of your
5 church?

6 A. We currently don't have a sign, actually, just the
7 church. There's a billboard, there's a marquee sign that we
8 can put sermon titles on and things like that out front, but
9 there is -- oh, actually on top of that engraved in metal
10 it's St. Matthias Episcopal Church.

11 Q. And that still stands today?

12 A. It's a cabinet that's affixed to the outside wall of the
13 church.

14 Q. Has your church ever used "Episcopal Church Welcomes
15 You" signs?

16 A. Yes, sir, they've been used in the past.

17 Q. And they're not used anymore?

18 A. No, sir, they are not.

19 Q. When did you stop using those?

20 A. Really I suppose we've never really used them per se,
21 there's some that have been up and taken down. We had some
22 that were taken down when the City of Summerton decided to do
23 a new streetscape and they removed signs, and other signs
24 were taken down as recently as this year.

25 Q. And why were they taken down?

1 A. They were taken down, I would say, in part to show in an
2 outward sign that we no longer desired to be associated or
3 affiliated with what would be known as the Protestant
4 Episcopal Church in the United States of America.

5 Q. Thank you. Have you ever served as a standing committee
6 member of the diocese?

7 A. Yes, sir, I have.

8 Q. What approximate timeframe was that?

9 A. I believe 2009 to 2012.

10 Q. When you were serving on the standing committee, did you
11 vote to approve bishops in other dioceses?

12 A. Yes, that would be one of the roles of the standing
13 committee.

14 Q. Did you vote on any other issues, any other national
15 issues?

16 A. Could you be more specific? I don't know what you're
17 asking.

18 Q. Did you vote on approval of ordination of clergy?

19 A. No, sir. The best of my knowledge ordination of clergy
20 is entirely a diocese by diocese decision with no external
21 influence from anyone beyond the diocese.

22 Q. Okay. Did you ever vote on allowing another diocese to
23 elect a bishop?

24 A. I don't know the answer to that.

25 Q. Did you have any involvement with changes made to the

1 diocesan corporation that was chartered in 1973?

2 A. I have no knowledge of that.

3 Q. Did you have any involvement in the changing of bylaws
4 that relate to that corporation?

5 A. If memory serves, I believe I was involved in part of
6 that, but I can't remember for certainty.

7 Q. Can you describe, to the extent you can, what your
8 involvement may have been?

9 A. I really can't recall. Not to be evasive, I just don't
10 recall the details.

11 Q. Did you understand what the purposes of those changes
12 were?

13 A. Again, I don't really remember the details.

14 Q. So you don't remember anything about those bylaws; is
15 that your testimony?

16 A. I believe that -- can you give me the date of when the
17 bylaw changes -- what bylaw changes you're referring to?

18 Q. I believe they start in 2010.

19 A. You believe or for certain? I'm just not sure of the
20 date.

21 Q. I'm for certain.

22 A. Okay. 2010. Well, then I would have been privy to some
23 of those.

24 Q. But you don't remember?

25 A. I don't remember. Again, all I could say is that the

1 standing committee acting as a board of directors is free to
2 amend bylaws under their purview, and so amendments made
3 would be consistent with the role and responsibility of that
4 committee. Without a copy of the changes, I can't speak to
5 it more definitively, I'm sorry.

6 Q. Do you remember you voted on those issues or you don't
7 remember?

8 A. There was a period of time under which we were doing our
9 building program and we had a building project, and my
10 ability to attend all of those meetings was -- I was unable
11 to make all of the meetings so I can't say for certain.

12 Q. Do you remember reviewing and studying the constitution
13 and canons of the national church in relation to any of these
14 amendments?

15 A. To the best of my knowledge, as an autonomous diocese
16 that is not needed, that's not a --

17 Q. So you weren't concerned with what those constitution
18 and canons of the national church might have said?

19 A. No, sir. The best of my knowledge, as an incorporated
20 company, incorporated not-for-profit in the State of South
21 Carolina, we were more concerned about State law than what
22 someone outside the state might have directed us to do.

23 MR. SMITH: Thank you very much.

24 MS. KOSTEL: I don't have anything.

25 THE COURT: All right. Very well. Redirect?

1 MR. MCKENZIE: No redirect, Your Honor.

2 THE COURT: All right. You may come down.

3 Call your next witness, please.

4 (Plaintiff's Exhibits PG-1 through PG-17 premarked for
5 identification.)

6 WILLIAM DAVID STARNES,
7 being first duly sworn, testified as follows:

8 MR. OXNER: If it please the Court.

9 THE COURT: Yes, sir.

10 MR. OXNER: Harry Oxner for Prince George Winyah, and
11 Winyah is technically spelled with a W, W-I-N-Y-A-W.

12 THE COURT: Your witness.

13 MR. OXNER: We call Dave Starnes.

14 MR. TISDALE: How do you spell that last name, Harry?

15 MR. OXNER: S-T-A-R-N-E-S.

16 MR. TISDALE: Thank you.

17 DIRECT EXAMINATION BY MR. OXNER:

18 Q. Mr. Starnes, can you give us your full name, please?

19 A. William David Starnes.

20 Q. Where do you live?

21 A. Georgetown, South Carolina.

22 Q. How old are you?

23 A. 60.

24 Q. Can you give us a brief -- tell us your educational
25 experience?

1 A. I graduated from The Citadel in '76.

2 Q. And are you employed?

3 A. I am.

4 Q. Where do you work?

5 A. South State Bank.

6 Q. And that's formally SCBT?

7 A. That's correct.

8 Q. And how long have you been employed with SCBT?

9 A. Seven years, thereabouts.

10 Q. Prior to that were you at First Citizens?

11 A. I was.

12 Q. Have you generally been a banker your entire career?

13 A. I have.

14 Q. Do you attend church?

15 A. I do.

16 Q. Where do you attend?

17 A. I attend the vestry and church wardens of the Episcopal
18 Church of the parish of Prince George Winyah.

19 Q. How long have you attended Prince George Winyah?

20 A. 20-plus years.

21 Q. How many members does Prince George Winyah currently
22 have?

23 A. I think we have about 650 on roll probably.

24 Q. If we can at this time look at some photos of Prince
25 George, if you can describe for us very quickly as we go

1 through these what we're looking at?

2 A. The front of the church building.

3 Q. Next?

4 A. The parish hall.

5 Q. Next?

6 A. The rector doing baptism in the church building.

7 Q. That's Paul Fuener?

8 A. Paul Fuener.

9 Q. That's our current rector?

10 A. That's correct.

11 Q. This one?

12 A. A children's Christmas program.

13 Q. Next?

14 A. That's a memorial to the parishioners that have served
15 in the wars from I believe the Revolution to the Vietnam War.

16 Q. Next?

17 A. Graveyard.

18 Q. Next?

19 A. Interior of the church building.

20 Q. It's got the old pews?

21 A. Box pews.

22 Q. Those have been there since day one?

23 A. Since the church's construction in 1755.

24 Q. Next?

25 A. That's looking back towards the front door and the choir

1 loft.

2 Q. That's your organ up there at the top?

3 A. That's correct.

4 Q. Next?

5 A. Probably maybe confirmation class with the bishop.

6 Q. Next?

7 A. That is in the garden of the rectory, some church
8 function.

9 Q. All right.

10 A. Again, the garden of the rectory.

11 That is the parish hall.

12 And that is, we call it, the Bourne building,

13 B-O-U-R-N-E.

14 That is the dining room in the church rectory.

15 Q. That the ECW?

16 A. That's probably a gathering of ECW. No, that's probably
17 Prime Timers.

18 Q. Prime Timers. All right. Thank you.

19 Have you held any positions of authority with Prince
20 George Winyah?

21 A. I have.

22 Q. What positions have you held?

23 A. I've been on the vestry; I've been treasurer, first term
24 I think was about ten years; senior warden for two terms; and
25 I'm currently treasurer.

1 Q. So have you basically been in a position of authority
2 for the last 15 years?

3 A. That's correct.

4 Q. Does Prince George Winyah have a board of directors?

5 A. We do.

6 Q. Does it have officers?

7 A. We do.

8 Q. Who are the board of directors?

9 A. Board of directors are the vestry.

10 Q. And what type of officers does the church have?

11 A. Senior warden, junior warden, clerk, and treasurer.

12 MR. OXNER: Your Honor, at this time I'd like to -- I
13 think it's been agreed upon -- admit into evidence Exhibits 1
14 through 16, madam court reporter has, and No. 17, which is
15 the stipulations.

16 THE COURT: All right. Any objection?

17 MR. TISDALE: No objection, Your Honor.

18 MS. KOSTEL: No objection.

19 THE COURT: Very well. In evidence without objection.

20 (Plaintiff's Exhibits PG-1 through PG-17 admitted into
21 evidence.)

22 MR. OXNER: Thank you.

23 Q. Are you familiar with the corporate documents where
24 Prince George was founded and given its vested rights?

25 A. I am.

1 Q. What year was Prince George Winyah founded?

2 A. Well, the church established in 1721, which, of course,
3 predates the formation of the United States, the diocese, and
4 the national church.

5 Q. And when was it incorporated?

6 A. 1788.

7 Q. And that was done by the legislature?

8 A. Correct.

9 Q. Does the word "Episcopal" appear in your corporate
10 documents in 1788?

11 A. It does. Of course, Episcopal merely means we have a
12 bishop.

13 Q. Correct. And 1788 is prior to the formation of the
14 Episcopal Church?

15 A. That's correct.

16 Q. On all the deeds that Prince George Winyah has, was the
17 name put in there as it was given by the legislature, the
18 Vestry and Church Wardens of the Episcopal Church of the
19 Parish of Prince George Winyaw?

20 A. Correct, yes.

21 Q. And Winyaw being with a W?

22 A. With a W.

23 Q. Where it commonly now has an H most of the time?

24 A. That's right.

25 Q. Have the government documents ever had an abstention

1 clause, to your knowledge, in any documents that you've seen
2 for Prince George Winyah?

3 A. No, sir.

4 Q. Does the word "the Episcopal Church" or "the Episcopal
5 Church in South Carolina" ever appear in any corporate
6 documents of Prince George Winyah?

7 A. It does not.

8 Q. In regards to the Episcopal Church in South Carolina,
9 has Prince George Winyah ever sent delegates to their
10 convention?

11 A. We have not.

12 Q. Ever attended any meetings?

13 A. We have not.

14 Q. Ever authorized the use of Prince George Winyah on its
15 website or on any other document that they may have?

16 A. We have not.

17 Q. Has Prince George Winyah ever been a member of TECSC?

18 A. No, sir.

19 Q. Has Prince George Winyah ever had any relationship with
20 TECSC?

21 A. No, sir.

22 Q. Does Prince George Winyah currently have any
23 relationship with the Episcopal Church?

24 A. No, sir.

25 Q. To your knowledge has the Episcopal Church or the

1 Episcopal Church South Carolina ever helped pay for the
2 repair of the church or its pews?

3 A. No.

4 MR. OXNER: That's all the questions I have. If you'll
5 answer any questions defense counsel might have of you.

6 THE COURT: All right. Yes, sir, Mr. Tisdale.

7 MR. TISDALE: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Mr. Starnes, you have served on the vestry of the
10 parish?

11 A. Yes, sir.

12 Q. Senior warden?

13 A. Yes, sir.

14 Q. What are you presently serving as?

15 A. Treasurer.

16 Q. How long have you been treasurer?

17 A. This is my second year, my second term.

18 Q. And have you on occasion served as a delegate to the
19 convention of the Diocese of South Carolina prior to, say,
20 2012?

21 A. Yes, sir.

22 Q. And at those meetings, as you have heard questions to
23 other witnesses, would it be true that you have participated
24 in the election of deputies to the general convention of the
25 Episcopal Church?

1 A. Yes, sir; to represent the diocese.

2 Q. And what?

3 A. To represent the diocese, yes.

4 Q. Of course, represent the diocese. And Prince George is
5 a part of the diocese because you're at that convention; is
6 that correct?

7 A. That's correct.

8 Q. So it kind of goes up the ladder a little bit.

9 MR. OXNER: Object to the form.

10 Q. To get to the general convention, it's a higher level
11 than the diocesan convention, isn't it, in the order of
12 things.

13 MR. OXNER: Same objection. Object to the form of the
14 question. He's trying to imply some hierarchy level when
15 testimony all has been that Prince George Winyah is a member
16 of the Diocese of South Carolina. He's never said that it
17 has any relationship with the Episcopal Church or the
18 Episcopal Church in South Carolina.

19 MR. TISDALE: Right.

20 THE COURT: All right.

21 MR. TISDALE: I will not pursue that, Your Honor. I
22 think it's been made abundantly clear in the record in
23 previous testimony.

24 THE COURT: Okay.

25 Q. Mr. Starnes, have you served on any offices or

1 committees or positions in the Diocese of South Carolina?

2 A. No, sir.

3 Q. You have not?

4 A. Have not.

5 Q. Do you live in Georgetown, the town of Georgetown --
6 City of Georgetown?

7 A. Have I lived there?

8 Q. Do you live there now?

9 A. I do live there, yes.

10 Q. What is your residence address?

11 A. 935 Cuttino Street.

12 Q. Has Prince George ever received grants, loans, or gifts
13 from the Diocese of South Carolina?

14 A. No, sir.

15 Q. How about from the Episcopal Church?

16 A. No, sir.

17 Q. And may I ask, is any of the property owned by Prince
18 George mortgaged?

19 A. Yes, sir.

20 Q. Because of a debt?

21 A. Yes, sir. The rectory is and what we call the Freeman
22 House is.

23 Q. What is the Freeman House?

24 A. It's a youth house. It's contiguous to the church
25 property.

1 Q. Has there ever been a mortgage on the church?

2 A. Not since the mid-'80s probably.

3 Q. What was the situation in the mid-'80s?

4 A. We renovated the church building and obtained a
5 mortgage.

6 Q. What sort of debt was incurred for that?

7 A. I was the banker then, probably \$100,000 perhaps,
8 something like that.

9 Q. On the occasion of the mortgage on the church and on the
10 Freeman House and on the rectory -- and I understand there's
11 not one on the church now?

12 A. That's correct.

13 Q. -- on each of those occasions has the standing committee
14 of the Diocese of South Carolina been informed of those
15 arrangements and approved such indebtedness in accordance
16 with the constitution and canons of the Diocese?

17 A. I believe -- I know on the Freeman property and the
18 rectory we notified the standing committee. The mortgage in
19 the '80s, I don't believe the standing committee was
20 notified.

21 Q. You don't know of any consent by standing committee or
22 approval?

23 A. Yes; on the last two transactions.

24 Q. And the standing committee, of course, had to approve
25 that or you wouldn't be able to go forward with whatever the

1 money was for; is that correct?

2 A. Yes, sir.

3 Q. All right. But what did you say that you don't think it
4 was obtained in the --

5 A. In the mid-'80s, again, I was the banker on that
6 transaction and I don't remember obtaining, the church
7 obtaining, permission from the standing committee.

8 Q. You weren't representing the parish?

9 A. I was the parish's banker.

10 Q. So if the parish got approval from the standing
11 committee, you were not informed of it?

12 A. I don't know that they were informed. We would have as
13 a matter of -- on the banking side we would have required it
14 if it was needed. I don't remember it being required.

15 Q. Right. But the mortgage has been satisfied now?

16 A. Correct.

17 Q. So it's neither here nor there if it wasn't approved?

18 A. Correct.

19 Q. But am I correct, Mr. Starnes, that your understanding
20 was, as evidenced by the two that have been approved now,
21 that when a parish mission incurs debt that burdens the
22 property by way of a mortgage or something like that, you're
23 supposed to get consent permission from the standing
24 committee of the diocese? Is that correct?

25 MR. OXNER: I'm going to object to that question. He's

1 already answered that question in the fact that he said it
2 was not required for the mortgage in 1980's.

3 MR. TISDALE: He said he didn't know.

4 MR. OXNER: No. He said it wasn't required. He was the
5 banker, he said it wasn't required, therefore that's
6 inconsistent with his prior testimony.

7 MR. TISDALE: Let me ask the question again.

8 Q. Did the constitution and canons of the diocese require
9 approval when a parish mortgages a property or otherwise
10 encumbers it?

11 A. It's my understanding that it does require that.

12 Q. Thank you. Now, is Prince George a beneficiary of any
13 trusts that have been bestowed on it by others?

14 A. We are beneficiary of no trust.

15 Q. No trust?

16 A. No, sir.

17 Q. By any chance do you remember a deputy or delegate to
18 the convention of the Diocese of South Carolina in 1987?

19 A. No.

20 Q. Now, Mr. Starnes, Exhibits 9 and 10 before you there, I
21 think they're before you, are quitclaim deeds?

22 A. Yes, sir.

23 Q. I want to just ask you a couple questions about the
24 quitclaim deeds --

25 A. All right.

1 Q. -- 9 and 10. We'll look at 9 first.

2 A. Is that PG Exhibit No. 9?

3 Q. Exactly. And then we'll talk about 10 in a minute. PG
4 9 is a quitclaim deed to the parish, is it not?

5 A. It is.

6 Q. And who granted that deed? If you can look at the last
7 page, it's probably the easiest place to pick it up, the
8 second page.

9 A. Bishop Lawrence and Reverend Miller.

10 Q. Well, at the top, though, who is the grantor that they
11 were signing on whose behalf they were signing?

12 A. The Episcopal Diocese of South Carolina.

13 Q. Now, did Prince George request this deed be granted to
14 it?

15 A. We did not.

16 Q. How did you find out about it?

17 A. It was handed to me.

18 Q. It was what?

19 A. Handed to me.

20 Q. Who handed it to you?

21 A. I don't remember.

22 Q. Where were you when it was handed to you?

23 A. I was in the bishop's office.

24 Q. Bishop's office?

25 A. Yes.

1 Q. And was it explained to you what it was for?

2 A. It merely cleared up any question that any party might
3 have as to who had rights to the property.

4 Q. You mean so far as the Episcopal Diocese of South
5 Carolina was concerned?

6 A. As far as anyone was concerned.

7 Q. Anyone.

8 A. Yes, sir.

9 Q. So this deed, you were told, was if anyone anywhere had
10 any claim to your property, this was to clear it up?

11 A. We didn't feel anyone had a claim to our property except
12 for our parish.

13 Q. Of course not. But I was asking what was explained to
14 you.

15 A. That was not explained to us. This was our
16 understanding.

17 Q. That if anyone anywhere had a claim to your property,
18 this was intended to clear it up, Exhibit 9?

19 A. That would clear any questions to the title to the
20 property.

21 Q. As to what?

22 A. Any questions as to the true titleholder of the
23 property.

24 Q. True titleholder to the property?

25 A. Yes, sir.

1 Q. But you all at Prince George, it never occurred to you
2 that anybody would have a claim on the property, did it?

3 A. We felt we owned the property, yes, without any other
4 claim.

5 Q. Exactly. Did you ask why these were being granted?

6 A. No, sir.

7 Q. Did not. You just took it and --

8 A. Yes, sir.

9 Q. -- recorded it?

10 A. It was recorded later. I don't remember when it was
11 recorded.

12 Q. All right, sir. But subsequently at some point
13 recorded?

14 A. Yes.

15 Q. Now, look at 10 with me for a minute. Is this another
16 quitclaim deed?

17 A. It is.

18 Q. The first one you said was dated -- I don't know whether
19 you said, but --

20 A. I didn't.

21 Q. -- it says January 13th, 2010, on the first one, doesn't
22 it?

23 A. Yes, sir.

24 Q. And when is the second one, Exhibit 10, dated?

25 A. November 16th, 2011.

1 Q. So that's almost two years later, isn't it?

2 A. Almost, yes.

3 Q. Yes. And what were the circumstances that you received
4 this deed?

5 A. I don't know. I did not receive this deed.

6 Q. You don't know anything about it?

7 A. I know it because I see the document.

8 Q. Yes. But you did not have anything to do with
9 processing it or receiving it or anything?

10 A. No, sir.

11 Q. Well, it is a deed to the vestry and church wardens of
12 the Episcopal Church of the parish of Prince George Winyah,
13 isn't it?

14 A. Yes, sir.

15 Q. And it is dated, as you said, November 2011. And who is
16 the grantor on this deed?

17 A. The Protestant Episcopal Church in the Diocese of South
18 Carolina.

19 Q. Basically the same grantor as the one before; right?

20 A. Yes, sir.

21 Q. Same one?

22 A. Well --

23 Q. I know the name is a little different, but --

24 A. The name is different, yes.

25 Q. -- the Diocese of South Carolina?

1 A. Correct.

2 Q. And who signed this deed?

3 A. Paul Fuener.

4 Q. Now, he was rector of Prince George, wasn't he?

5 A. Yes.

6 Q. Was and is now?

7 A. Correct.

8 Q. And did you ask Father Fuener what this was about?

9 A. No.

10 Q. Did not. And it says: Protestant Episcopal Church in
11 the Diocese of South Carolina by Paul C. Fuener as president.

12 Did you know he was president of the diocese?

13 A. He's president of the standing committee.

14 Q. President of the standing committee.

15 A. Yes, sir.

16 Q. Okay. And did the standing committee have any kind of
17 claim against your property as far as you knew?

18 A. No, sir.

19 Q. Did anybody in the parish ask anybody to give any
20 explanation as to why you all were getting these deeds
21 apparently conveying the same thing, which was nothing?

22 A. Not to my knowledge, no.

23 Q. Has Prince George used the pension facilities of the
24 Episcopal Church Pension Fund to get pensions for its clergy
25 staff?

1 A. From time to time.

2 Q. Right. And do you also use the Church Insurance
3 Corporation, Episcopal Church Insurance Corporation, to get
4 insurance for your property?

5 A. No, sir.

6 Q. You never have?

7 A. We have. We don't need to do it now.

8 Q. That's what I mean, in the past. I'm sorry.

9 A. In the past we have, yes.

10 Q. And don't do it now, though, because you're in a
11 different situation; correct?

12 A. We found another carrier.

13 Q. Found another carrier. And when did Prince George
14 disaffiliate from the Episcopal Church?

15 A. We never had an affiliation with the Episcopal Church.

16 Q. And we went through that thing about the general
17 convention and all of that, and that's the sort of
18 affiliation I was really kind of getting toward. But when's
19 the last time you had any connection at all to the Episcopal
20 Church?

21 A. I don't know of one.

22 Q. Ever?

23 A. Ever.

24 Q. Okay. Mr. Starnes, has Prince George in the past had
25 signs like one we've heard a good bit about in this

1 testimony?

2 A. We have.

3 Q. "The Episcopal Church Welcomes You"?

4 A. I don't remember that sign.

5 Q. What signs have you had that would identify you as an
6 Episcopal Church?

7 A. There was a directional sign, used to be a directional
8 sign, on 17 north of Georgetown and it deteriorated and never
9 was replaced.

10 Q. Are there any other signs that identify right now Prince
11 George as an Episcopal Church?

12 MR. OXNER: Your Honor, I'm going to object to that
13 question in the fact that he's characterized it as the
14 Episcopal Church, when we were Episcopal prior to the
15 Episcopal Church ever being Episcopal. So I want to make
16 sure that we understand what he's asking.

17 MR. TISDALE: Excuse me. I said an Episcopal church,
18 not the Episcopal Church.

19 THE WITNESS: Could you ask the question again, please.

20 Q. Do you have any signs anywhere now identifying printing
21 George as an Episcopal church?

22 A. I believe there's a sign on the church building, it's
23 more of a historic sign, it doesn't have the shield, it says
24 the word "Episcopal."

25 Q. Right. What does it say?

1 A. I can't recall. I mean, I see it every Sunday but I
2 don't recall what it says.

3 Q. See it too often?

4 A. Right.

5 Q. Any other signs?

6 A. Mr. Tisdale, I don't believe we do.

7 Q. Do you have any flags of the Episcopal Church --

8 A. No, sir.

9 Q. -- or shields exhibited anywhere?

10 A. No, sir.

11 MR. TISDALE: Thank you. Your Honor, I have nothing
12 further.

13 Thank you, Mr. Starnes.

14 THE COURT: All right. Very well.

15 Nothing from the national church?

16 MS. KOSTEL: Nothing. Thank you.

17 THE COURT: Redirect?

18 MS. GOLDING: I just have a question of Mr. Starnes.

19 THE COURT: Sure.

20 REDIRECT EXAMINATION BY MS. GOLDING:

21 Q. Do you recall in a notice that was filed in the public
22 records of Georgetown County in September 2000 that stated
23 that the national church had an interest in the Prince George
24 property?

25 A. I have a vague memory of a filing. It was by the bishop

1 at that time.

2 Q. And did you agree or do you know if your church agreed
3 that the national church had an interest in Prince George
4 property back in September 2000?

5 A. No. We would have not agreed to that, we'd never agree
6 to that.

7 MS. GOLDING: Thank you. No further questions.

8 THE COURT: All right. Redirect?

9 MR. OXNER: None, Your Honor.

10 THE COURT: All right. You may come down.

11 THE WITNESS: Thank you.

12 THE COURT: Call your next witness.

13 (Plaintiff's Exhibits SPS-1 through SPS-29 premarked for
14 identification.)

15 ROBERT LAWRENCE ARMSTRONG,
16 being first duly sworn, testified as follows:

17 MR. SHELBOURNE: Brandt Shelbourne, St. Paul's,
18 Summerville.

19 THE COURT: Can you state your full name for the record
20 again for me?

21 THE WITNESS: Robert Lawrence Armstrong.

22 THE COURT: Mr. Shelbourne, your witness.

23 MR. TISDALE: Your Honor, excuse me just a minute,
24 please. This one apparently is out of order, at least on my
25 list. Can you just give us a couple minutes to get the

1 paperwork straight?

2 THE COURT: Sure. We'll take our afternoon break. And
3 maybe if you could do this for the defendants, if we're
4 having an amended afternoon schedule, if you all could just
5 share that with them, that would be terrific. That would be
6 great. We'll take our 15-minute afternoon break.

7 (Recess held.)

8 MR. SHELBOURNE: Thank you, Your Honor. Brandt
9 Shelbourne on behalf of St. Paul's, Summerville. Your Honor,
10 we have marked as Exhibits 1 through 29, SPS 1 through 29. I
11 believe those are admitted --

12 MR. TISDALE: Yes.

13 MR. SHELBOURNE: -- without objection?

14 THE COURT: Very well.

15 (Plaintiff's Exhibits SPS-1 through SPS-29 admitted into
16 evidence.)

17 MR. SHELBOURNE: Your Honor, for purposes of the record,
18 29 is the stipulations. I have a copy of the stipulations,
19 which include actually the exhibits. There's some redundancy
20 to that. Plus -- because we have four other exhibits which
21 are part of 1 through 28. We have all copies and extras. We
22 erred on the abundance of caution. I also have a copy of a
23 zip drive that if the Court would have requested one, we have
24 as well, which is a lot easier to store, but it's up to the
25 Court.

1 THE COURT: Absolutely. I'll take the copies so I can
2 follow along. It's a little easier for me.

3 MR. SHELBOURNE: So I'll hand these up. May I approach?

4 THE COURT: Yes. Thanks.

5 MR. SHELBOURNE: Your Honor, these are the stipulations
6 with exhibits. They're all in here. And I'll be referring
7 to the exhibits.

8 THE COURT: Thank you so much.

9 DIRECT EXAMINATION BY MR. SHELBOURNE:

10 Q. Mr. Armstrong, your name's Bob Armstrong?

11 A. My name's Robert Armstrong. Most folks call me Bob.

12 Q. You go by Bob at church?

13 A. Correct.

14 Q. Where do you go to church?

15 A. St. Paul's Summerville.

16 Q. How long have you been a member there?

17 A. 13 years.

18 Q. And do you live in Summerville?

19 A. I live in North Charleston in the Archdale subdivision.

20 Q. And is that in Dorchester County?

21 A. Yes, it is.

22 Q. And what do you do for a living?

23 A. I'm a manager at a defense contractor.

24 Q. And you served in the service?

25 A. Yes, sir. I was in the Navy for 12 years.

1 Q. And in St. Paul's have you had any positions of
2 authority over those years that you've been a member?

3 A. I was elected to vestry, I served a three-year term on
4 vestry. During that period for two years I was the senior
5 warden.

6 Q. What is the role of the vestry at St. Paul's?

7 A. We're essentially the board of directors. We handle all
8 the business functions and non-liturgical management for the
9 church.

10 Q. How about the role of senior warden?

11 A. I'm essentially the chairman of the board of directors.

12 Q. And is there another kind of warden? Is there a junior
13 warden?

14 A. There is a junior warden, yes.

15 Q. What's that role?

16 A. To act in my absence in any meetings I'm not able to
17 attend. He is also a -- he or she is also allowed to sign
18 documents, the junior and senior warden sign the church
19 documents.

20 Q. And where is St. Paul's?

21 A. We're in the heart of Summerville. We're on west
22 Carolina between Waring and Gadsden.

23 Q. Do you know in the course of your service on the vestry
24 have you come to know any of the history of St. Paul's?

25 A. Both as a member of the vestry and as a general

1 parishioner we have a history that's available, and I
2 familiarized myself with that before joining St. Paul's and
3 had occasion to refer to it since then.

4 Q. And that history is marked as an exhibit. Do you have
5 those exhibits in front of you?

6 MR. SHELBOURNE: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. I'm going to hand you what's been marked as Exhibit 1
9 through 29. Does that history appear as Exhibit 1?

10 A. Yes, it does.

11 Q. Does that appear to be accurate, as far as you know?

12 A. This is the one that I'm familiar with, yes.

13 Q. You have no reason to doubt its authenticity?

14 A. No.

15 Q. Or its accuracy?

16 A. No.

17 Q. Do you know when St. Paul's first came into being? Can
18 you tell the Court briefly what its history is?

19 A. St. Paul's was a parish formed out of earlier parishes.
20 The first of those was St. Paul's Stono, which was formed in
21 the early 1700s. The practice at the time was for folks to
22 take their summer retreats out in what later became known as
23 Summerville, so parishioners began to meet in Summerville
24 throughout the 1700s. We were recognized by the legislature
25 of South Carolina in 1855. We had actually been in existence

1 for a bit prior to that, but that's the first formal
2 governmental recognition of the parish.

3 Q. I'm going to direct your attention to Exhibit 24. Could
4 you tell me what that is?

5 A. This is a plaque to commemorate Reverend Gadsden who was
6 the first rector of our church.

7 Q. Does that have some dates on there?

8 A. It has a number of dates on there. I think the date of
9 interest might be that St. Paul Summerville was built in
10 1829, the second St. Paul's which was -- reconstruction was
11 in 1857.

12 Q. And are you aware whether St. Paul's has existed and
13 continuously carried outside its religious purposes since
14 then?

15 A. I believe that it has been uninterrupted since then.

16 Q. What, if any, other ministries or organizations use St.
17 Paul's campus?

18 A. We host a number of ministries on our campus. Among
19 them are the Boy Scouts of America. We have a troop that we
20 sponsor. There's a Meals on Wheels which provides food for
21 folks that are unable to conveniently get to it. We have a
22 Medical Outreach Clinic. There is a Salvation Army
23 administrative office located on our campus. We have Impact.
24 There are several ministries we support. Alcoholics
25 Anonymous has several sessions that meet weekly on our

1 campus.

2 Q. What, if any, other ministries -- does St. Paul
3 contribute to other ministries financially?

4 A. We do. It's a notable point about St. Paul's, is that
5 we're very ministry-focused. We have some international
6 ministries, such as there's a parish in Wahoo Bay, Haiti,
7 that we support along with other churches, some other
8 denominations that support that. The LAMB Institute in
9 Honduras, which provides an orphanage and home for children
10 of sex workers, provides ministry to them as well as housing
11 for them. A number of other domestic and international
12 ministries. There's some churches in Kenya that we support,
13 for example.

14 Q. Over the last ten years are you aware of approximately
15 how much money St. Paul's has given away?

16 A. We have given over a million dollars to external
17 ministries in the past ten years.

18 Q. What, if any, ownership interest does St. Paul's
19 Summerville claim in those ministries to which its given over
20 a million dollars?

21 A. None.

22 Q. And what, if any, of that money, that million dollars,
23 came from the national church?

24 A. None.

25 Q. How about the Episcopal Church in the Diocese of South

1 Carolina?

2 A. None. This was all from parishioners donation.

3 Q. Does the corporation have any bylaws?

4 A. Yes, we do.

5 Q. And do you have a copy of those in front of you?

6 A. Yes, I do.

7 Q. Is that at Tab 17, Exhibit 17?

8 A. Exhibit 17 are our current bylaws.

9 Q. And when are the first bylaws that the church can find?

10 Do you know how far back they go?

11 A. I personally have seen bylaws from the -- during World
12 War II, I believe in 1941. There may be bylaws earlier than
13 that, but I'm personally aware of the ones from the '40s.

14 Q. And have you had a chance to review those bylaws in
15 1941?

16 A. 1941 bylaws, yes, I have looked at them.

17 Q. What, if any, reference did they have in them to the
18 Episcopal Church in the United States?

19 A. None that I'm aware of.

20 Q. Do you know when the first -- were they ever amended?

21 A. The bylaws have been amended a number of times, yes.

22 Q. When did the first reference to the Episcopal Church in
23 the United States first appear to your knowledge?

24 A. I recall it was sometime in the 1990s. I don't know the
25 exact year.

1 Q. And what, if anything, did the church do with regard to
2 the bylaws and revising the bylaws in 2011-2012?

3 A. The vestry met to review some changes to the bylaws.

4 Q. When was that?

5 A. That was in either November or December of 2011,
6 possibly late October of 2011.

7 Q. Would there have been minutes with that?

8 A. There would have been minutes from this, yes.

9 Q. And would that be Exhibit 16?

10 A. Yes.

11 Q. Then what happened?

12 A. So there was discussion during the vestry meeting
13 regarding proposed changes to the bylaws. We reviewed the
14 process by which the bylaws are amended, determined that we
15 needed to notify the parish.

16 Q. Let me ask you about the vestry meeting. Was there a
17 vote by the vestry?

18 A. There was a vote by the vestry, yes.

19 Q. What was the vote?

20 A. The vote was to adopt some changes to the bylaws.

21 Q. And how many members of the vestry?

22 A. I believe that it was a unanimous vote. There may have
23 been one abstention. I would have to refer to the minutes in
24 more detail.

25 Q. But the minutes would say what it says, what happened?

1 A. Yes.

2 Q. Was there a vote by the members of the church?

3 A. There was a vote held during an annual meeting in
4 January.

5 Q. Do you remember when that was?

6 A. Towards the end of January.

7 Q. If I gave you the date of January 29th, 2012, would that
8 sound accurate?

9 A. That sounds accurate.

10 Q. Do you know if notice was given?

11 A. Notice was given by a variety of communication channels:
12 Electronic, oral. Notice was given from the pulpit during a
13 service, email communications. There may have been a letter
14 sent to parishioners; I'm not certain of that.

15 Q. Did that notice include the proposal to amend the
16 bylaws?

17 A. Yes, it did.

18 Q. Are those marked as exhibits in this case?

19 A. They may be marked as exhibits. I'd have to see which
20 ones they were.

21 Q. If you look at Exhibit 18, does that look like it?

22 A. Yes. That looks like the electronic communication that
23 would have provided one of the means to provide notice of
24 this.

25 Q. And how many members, active members, voting members,

1 are at St. Paul's approximately?

2 A. Approximately 650 communicants in good standing would
3 have been eligible to vote on this issue.

4 Q. Do you know whether there was a quorum present?

5 A. There was a quorum present, there was a count taken, it
6 was certified.

7 Q. What's a quorum required of the membership?

8 A. 10 percent of the communicants in good standing.

9 Q. So it was required to have 65?

10 A. About 65, yes.

11 Q. And were there more than 65?

12 A. I believe there were in excess of 200 present.

13 Q. How was that determined?

14 A. The members would self-certify on a sign-in roster.
15 That roster was then checked against the church records to
16 determine if they were communicants in good standing.

17 Q. And was there a determination as to whether those people
18 who signed in were members in good standing?

19 A. There was, yes.

20 Q. What, if any, certification was done?

21 A. Our parliamentarian would have certified them.

22 Q. And who was that?

23 A. John Frampton.

24 Q. He's a lawyer?

25 A. I'm not certain if he's a lawyer or not. I don't know