

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

PLEASANT SPRING A.M.E. CHURCH AND  
AFRICAN METHODIST EPISCOPAL  
CHURCH, INC.,

Plaintiffs,

v.

PLEASANT SPRING CHURCH, JOHN N.  
CORLEY, JR., NORMA MACKIE, AND  
CHRIS NELLUMS, THE ESTATE OF ELLA  
SHULER, THE ESTATE OF MARY E.  
DAVIS, THE ESTATE RICHARD CORLEY,  
THE ESTATE WILLIE CORLEY, THE  
ESTATE THOMAS CORLEY, THE ESTATE  
OF PAUL CORLEY, THE ESTATE OF  
MARIAH ADDIE, THE ESTATE OF  
ANDREW CORLEY, THE ESTATE OF JOHN  
N. CORLEY, AND IF ANY OF THE  
INDIVIDUALLY NAMED PERSONS ARE  
DECEASED, THEN THEIR HEIRS OR  
DEVISEES AT LAW, AND ANY AND ALL  
OTHER PERSONS UNKNOWN CLAIMING  
ANY RIGHT, TITLE, ESTATE, INTEREST  
IN OR LIEN UPON THE REAL PROPERTY  
DESCRIBED HEREIN DESIGNATED AS A  
CLASS AS JOHN DOE AND JANE DOE.

Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE ELEVENTH JUDICIAL  
CIRCUIT

CASE NO.: 2014-CP-32-01612

**RECEIVED**

**Jan 05 2022**

**SC Court of Appeals**

**ORDER**

### **Case Summary**

This is a declaratory judgment action between Pleasant Springs A.M.E. Church and African Methodist Episcopal Church, Inc. (Plaintiff), Pleasant Springs Church, and John N. Corley, Jr. et al. (Defendants) regarding ownership of four parcels of church property. The parties tried this contested church quiet title action June 1-3, 2021. Both parties claim ownership of the sanctuary, church buildings, and real property on four parcels of land based upon record title, course of conduct/adverse possession, and church affiliation theories. Pursuant to post trial order, the parties submitted proposed Orders with findings of fact and conclusions of law to each other, and then to the court under trial submission Order.

Based on a review of the pleadings, the non-disputed facts, trial exhibits, trial notes, witness testimony, respective counsel arguments, proposed orders, and review of applicable law, the Court makes these findings of fact and conclusions of law. The Court finds Plaintiff is the rightful and exclusive owner of the property in dispute based upon record title, continuous affiliation with the A.M. E. Church, and adverse possession claims evidencing exclusive use and possession of the church property for respective periods of more than the 10, 20, and 40-year statutory requirements,.

### **Relevant Procedural and Pleading Information**

The Court has jurisdiction over the subject matter and the parties based on: (a) all parties are entities of or residents of Lexington County; (b) the four (4) disputed parcels of property are in Lexington County; (c) by Consent Order of Reference dated August 11, 2016, and (d) the October 15, 2020, Trial Scheduling Order.

Plaintiffs originally filed this action on May 1, 2014, seeking a declaratory judgment that Pleasant Spring A.M.E. Church is the legal and beneficial owner of the church property. Plaintiffs also sought injunctive relief, seeking to restrain the Defendants from use of the subject property to prevent Defendants from interfering, obstructing, and disturbing Plaintiff Pleasant Spring A.M.E. Church's worship services. The trial court (Hon. Thomas S. Russo) entered a Temporary Injunction against Defendants on May 22, 2014.

On June 2, 2014, Defendants answered and counterclaimed, seeking injunctive relief and a declaratory judgment from the Court alleging that Defendant Pleasant Spring Church is the successor to Pleasant Spring A.M.E. Church, having disaffiliated with the A.M.E. Church by a majority vote of the congregation, and that Pleasant Spring Church is the rightful owner of the church property.

On June 28, 2019, Plaintiffs filed a Second Amended Complaint seeking to quiet title to the property and reform the deeds, which did not include the full name Pleasant Spring A.M.E Church as the grantee. Additionally, Plaintiffs added as defendants the estates of various persons purporting to have an ownership interest in the property. The Court appointed Elnora J. Dean, Esquire, to serve as Guardian ad Litem to represent the unknown defendants.

### **Issue**

The dispositive issue before the court is to determine which party is the legal owner of the disputed church properties.

### Findings of Fact

1. This court has jurisdiction over this matter pursuant to their agreement to have matter referred.
2. Plaintiff's six (6) witnesses testified: Shirley Martin, a long-standing member of Pleasant Spring A.M.E. Church, Elder Rosalyn Coleman, an official in the A.M.E. Church, John N. Corley, Jr., Heather Cairns, Esquire, Walter Savage, an officer of Pleasant Spring A.M.E. Church and Reverend Marion F. Reeves, Sr., Pastor of Pleasant Spring A.M.E. Church. Attorney Cairns was qualified to testify as an expert witness without objection.
3. The Defendants' following six (6) witnesses testified: Norma Mackey, Tonneillis Hiller, Brenda Eichelberger, Patricia Corley, Darlene Rikard, and John N. Corley, Jr. At the trial, there were no other persons, beyond the named parties, seeking to assert any interest in the church property.
4. The parties stipulated to the admission of these exhibits :
  - a. Photograph of Church Sign
  - b. Photograph of Church Cornerstone/Plaque
  - c. Photograph of Church Remodeling Cornerstone/Plaque
  - d. Letter to Bishop Richard Franklin Norris, Rev. Sandy W. Drayton, Rev. Marion F. Reeves, Sr. dated April 23, 2014, Re: Pleasant Spring A.M.E. Church n/k/a Pleasant Spring Church with attached signature page
  - e. Statement of Shirley Martin
  - f. Deeds dated December 10, 1971
  - g. Deed dated December 16, 1873
  - h. Index of Estate for Henry J. Corley Probate Court, Lexington County, SC and Inventory and Appraisal of Real Estate
  - i. Henry J. Corley Grantee Deeds
  - j. Henry J. Corley Grantor Deeds
  - k. Key Deeds
  - l. Key Plats
  - m. Property Land Map of the Lands of Henry J. Corley
  - n. Excerpts from *The Doctrine and Discipline of the A.M.E. Church*, 2012: pages 53-54, 60-61, 72, 92, 115, 215, 218-219, 224, 518-519
  - o. 2013-14 Pleasant Spring A.M.E. Church Directory
  - p. Renunciation Statements

- q. Deed dated February 23, 1993
- r. Deed dated August 28, 2003
- s. Pleasant Spring Church Anniversary Program
- t. 2008 Affidavit of John N. Corley, Jr.
- u. 2014 Affidavit of John N. Corley, Jr.
- v. Irmo and Dutch Fork Legacy Article, p. 41
- w. Article, The State Newspaper, November 23, 1971
- x. Affidavit of Patricia Corley

### **Undisputed Findings of Facts**

5. The Court finds this case involves a schism between members of a local congregation regarding apportionments and operating the church. Plaintiff's church was established in or around 1869. At its inception, the church was a connectional member of the national African Methodist Episcopal Church ("the national A.M.E. Church"). The congregation originally held services in a "brush/bush/hush arbor."<sup>1</sup>
6. The Court finds the Corley Defendants are related to Mr. Henry J. Corley. Mr. Henry J. Corley (1851- 1949) was born a slave, was freed after the Civil War, lived and worked in his church community in an era encompassing two world wars, the creation of nearby Lake Murray, and all the societal struggles and changes of the times. Mr. Henry J. Corley acquired large land holdings and became operator of various businesses, including a sawmill. The family history and community reputation testimony illuminates Corley and his extended family's generational dedicated service commitment of time, talents and tithes to this church throughout the church's over 100 plus year existence.

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<sup>1</sup> A makeshift shelter, usually constructed from brushwood, used during antebellum America as a place where slaves could gather in secrete to practice religious traditions. Cornelius, Janet Duitsman (1999-01-01). [\*Slave Missions and the Black Church in the Antebellum South\*](#). Univ of South Carolina Press. [ISBN 9781570032479](#).

7. The Court finds credible witness testimony of family history that Mr. Henry J. Corley, in his sawmill, created the wood boards and planks used to build the first Pleasant Springs A.M.E. wood church.
8. The Court finds the earliest record of a church building on the property as shown on the 1914 church cornerstone.
9. The Court finds Plaintiff church existed as part of the community for nearly a century before this dispute about church operations.
10. The Court finds that roughly a century later in April of 2014, certain members of Plaintiff church were dissatisfied with the leadership and financial requirements of the national A.M.E. Church. These dissatisfied members held meetings to discuss separation from the national A.M.E. Church.
11. The Court finds certain members signed a document described as a petition that Defendants forwarded to the church leadership along with a letter, dated April 23, 2014, stating their decision to separate from the A.M.E. Church and declaring themselves members of an entity called Pleasant Spring Church. They claimed the right to the exclusive possession and use of the church property. The letter purported to terminate the services of the assigned pastor, Rev. Marion F. Reeves.
12. Two groups of people testified: those identifying themselves as members of Pleasant Spring A.M.E. Church and those identifying themselves as members of Pleasant Spring Church.
13. The two groups agree these facts are not in dispute and are established findings of fact:
  - a. The property belongs to the local congregation.
  - b. Plaintiffs do not assert that the property is held in trust for the national A.M.E. Church.
  - c. The property in dispute consists of four (4) tracts of land being described as:

- (i) a 2.0-acre tract located at 111 Pleasant Spring Court, Columbia, South Carolina, 29212 and used for the church sanctuary (hereinafter “Sanctuary Property”);
  - (ii) a 0.70-acre parcel of land containing the cemetery (“Cemetery Property”);
  - (iii) a .37-acre property deeded by general warranty deed to “Pleasant Spring A.M.E. Church” on February 23, 1993, and recorded on June 22, 1993, in the Lexington County Register of Deeds at Book 2628, pages 091 through 093 (“1993 Deed”), which is an unimproved lot adjacent to the property containing the church sanctuary (“Unimproved Property”); and
  - (iv) a 1.0-acre tract deeded by general warranty deed to “Pleasant Spring Church” on August 28, 2003, and recorded on August 29, 2003, in the Lexington County Register of Deeds at Book 8586, pages 334 and 335 (“2003 Deed”), which is a property that holds the church fellowship hall (“Fellowship Hall Property”).
- d. The 1993 Deed conveys the Unimproved Property to “Pleasant Spring A.M.E. Church.”
  - e. The 2003 Deed identifies the grantee of the Fellowship Hall Property as “Pleasant Spring Church.”
  - f. The Court finds that from approximately 1869 until 1969, the church was a connectional member of the national A.M.E. Church, a hierarchical church.
  - g. The Court finds there are no business records or other credible evidence of any entity operating as “Pleasant Spring Church” on the property at any time, including during 1969-1972.
  - h. The Court finds that from approximately 1972 until present, the church was/is a connectional member of the A.M.E. Church.
  - i. The Court finds during Defendants’ actions in 2014, the church was known as Pleasant Spring A.M.E. Church and operated as an A.M.E. Church.
  - j. The Court finds *The Doctrine and Discipline of the A.M.E. Church* (“*The Discipline*”) is the governing bylaws of the local A.M.E. congregation and provides a procedure for the calling of meetings to transact business.
  - k. The Court finds that in 2014, and at all times relevant to this action, Pleasant Spring A.M.E. Church was governed by *The Discipline*.

- l. The Court finds *The Discipline* provides a procedure for the withdrawal of membership by an individual church member and for bringing matters before the church body.
- m. The Court finds *The Discipline* does not provide a procedure for an entire church congregation to withdraw from the A.M.E. Church.
- n. The Court finds that currently there are members of Pleasant Spring A.M.E. Church; and Pleasant Spring A.M.E. Church conducts services and other activities as an A.M.E. Church on the property.
- o. The Court finds that some former members of Pleasant Spring A.M.E. Church, to include Defendants, hold services in multiple different locations as part of multiple congregations.

### **Record Title and Adverse Possession Disputed Findings of Facts**

- 14. Considering the credibility of the witnesses, particularly, the clear and convincing testimony of attorney Cairns regarding her title search process of reviewing deeds in, deeds out, surveys, plats, probate records, adjoining property research etc., the court finds, first that Plaintiff has proven paper title to each tract and second, that Plaintiff has proven adverse possession claims as they relate to the various tracts.
- 15. The Court finds the 2015 Church Historical Information was prepared after litigation began. The Court did not consider this document as valid evidence.
- 16. The parties present separate and distinct chains of title regarding the Sanctuary Property. This Order addresses each competing claim, including both paper title and the respective adverse possession claims of title. Plaintiff's witness attorney Heather Cairns qualified as an expert in title searching property and testified about the various tract's record history and her interpretation of the various record documents.
- 17. The court finds searching titles is the practice of law because a trained lawyer must not only have the knowledge to know how to search records, but also to discern the issues and inferences the documents raise. *Ex Parte Watson*, 589 S.E. 2d 760 (2003). Title searches can

- be very difficult, especially when the title records span back over a century when it was not uncommon to describe property by reference to adjoining property owners or landmarks.
18. The Court finds Cairns' methodical, logical, and credible testimony revealed this specialized knowledge. Claire T. Manning, Esquire, Handbook for South Carolina Dirt Lawyers 8-20. (2006).
  19. The Court has weighed Cairns' testimony just as it has with all other testimony and evidence in this trial. The Defendants' did not present an abstractor, an attorney, nor an expert to substantiate their oral family history ownership claim. Defendant Corley and others beliefs and basis about the disputed property ownership was not convincing since it was based not on record evidence of plats or deeds, but instead upon speculative theories based upon family oral stories of land ownership.
  20. The Court rejects Defendants' argument the Plaintiffs have to prove the disputed property did not come out of Henry J. Corley's properties surrounding the church. This argument is akin to requiring Plaintiff to disprove a negative. The Court recognizes the property descriptions drafted over 100 years ago that presumably made sense to the grantor and grantee at the time, are now difficult to discern once such a passage of time as here has occurred.
  21. The Court finds this type title search fact pattern is not uncommon. "The process can be frustrating for many reasons....Second, legal descriptions often change as the examiner moves back through the chain of title, and old descriptions can be extremely vague. The old legal description for a tract I once searched in Lexington County indicated only that the property was bounded now or formerly owned by Taylor to the north, Taylor to the south, Taylor to the east, and Taylor to the West...These frustrating situations require additional digging into the records, checking probate records for deaths of individuals in the chain,

reviewing old maps and plats and...other sleuthing methods. The pieces of the puzzle do not always fit together with ease. At some point, the title examiner...may have to take a ‘leap of faith’ that the proper chain has been pieced together.” Claire T. Manning, Esquire, Handbook for South Carolina Dirt Lawyers 9 (2006).

22. The Court further finds there is no credible evidence to suggest Henry J. Corley owned, but “dedicated” or allowed the property to be used permissively as A.M. E. Church property. The Defendants’ logic of (a) Henry J. Corley owned property surrounding the church location (b) Henry J. Corley’s sawmill built one of first church buildings on property (c) resulting Corley family belief that Henry J. Corley therefore must have owned the church property is flawed and not supported by record evidence.
23. The Court finds Plaintiff’s 1873 deed conveyed the Sanctuary Property to what is now known as Pleasant Spring A.M.E. Church. On December 16, 1873, John R. Shuler, who owned vast land acreage in Lexington County, conveyed a 2.0-acre parcel of land to certain named individuals “as officers of the A.M.E. Church” as recorded in the Lexington County Register of Deeds at Book 20Z, page 92 (“1873 Deed”). (See Trial Tr., Plfs. Exh.8).
24. The Court further finds there is no evidence to suggest John R. Shuler did not own the 2.0-acre tract when he conveyed it to the “officers of the A.M. E. Church.”
25. The Court finds this land is the Sanctuary Property at 111 Pleasant Spring Court in Lexington County. Heather Cairns, Esq. testified logically and thoroughly on both direct and cross- examination, that based on her search of the deed, survey, and probate/estate records of Lexington County, the property described in the 1873 Deed is the Sanctuary Property.

26. Defendants' argument the property conveyed in the 1873 Deed is not the Sanctuary Property conveyed to Pleasant Spring A.M.E. Church does not withstand logical scrutiny. Defendants base this opinion on the language in the deed describing the property. The legal description of the property states:

“land containing two acres, lying and being on the road leading from the Broad River Road to Union Chapel Church in Fork Township, Lexington County.”

27. Defendants argue the description of the road describes the conveyance of property to another church and is not the Sanctuary Property. John Corley, Jr. testified his belief the road described in the deed is Wescot Road in Irmo, SC. Mr. Corley testified during his search to find Union Chapel Church, his research revealed Union Chapel Church was located at the corner of Wescot Road and Nursery Hill Road. In reaching this opinion, Mr. Corley relied upon a 2021 map of roads surrounding Bush River.

28. Defendants also presented an article from the Irmo and the Dutch Fork Legacy regarding the history of Union United Methodist Church. The article detailed that while the church now sits at the corner of Wescot and Nursery Hill Roads, this spot was not the original location of the church. The article stated the church moved from what is now Woodrow Street to its current location, the corner of Wescot and Nursery Hill Roads, in 1889 and the name was changed to Union Chapel Methodist Church.<sup>2</sup> John R. Shuler was listed as one of the trustees.

29. Mr. Corley's speculative testimony is neither reliable nor persuasive. Mr. Corley admitted he has no information regarding the design of the roads surrounding Bush River Road in 1873. And Mr. Corley testified that Coldstream Drive also runs from Bush River Road

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<sup>2</sup> As stated in the article, Union United Methodist Church was established in or around 1857. Then, the church was known as Kennerly Chapel.

leading to Nursery Hill Road. Pleasant Spring A.M.E. Church sits alongside Coldstream Drive. Mr. Corley admitted that in 1873, the road described in the deed could have been Coldstream Drive. Defendants offered no sufficient evidence showing any logical connection between Pleasant Springs A.M. E. and Union Chapel. Nor did Defendants explain why after the property was deeded to Plaintiff, Plaintiff built a church on the property, maintained and existed as the A.M.E, Church for nearly a century with no one or any other group disputing the location of their church.

30. Defendants' attempted to invalidate the 1873 Deed by offering the testimony of Mr. Corley that he could find no evidence that the named grantees on the 1873 Deed, who were trustees, were buried in the church cemetery. Therefore, Defendants contend that the property described in the 1873 Deed could not have been Pleasant Spring A.M.E. Church.

31. This trustee burial testimony is not persuasive. First, there is no evidence in the record that A.M.E. Church trustees must be buried in the church cemetery. Second, Mr. Corley testified there are many unidentifiable grave markers or headstones in the church cemetery. Mr. Corley admitted that while he could find no evidence of the named grantees being buried in the cemetery, it is possible that the named trustee grantees could be represented by an unmarked grave marker or headstone.

32. Defendants assert ownership of the Sanctuary and Cemetery Properties based on deeds dated December 10, 1971 ("1971 Deeds"). The 1971 Deeds purport to convey a 2.7-acre tract of land (comprising the Sanctuary and Cemetery Properties) to the "Trustees of Pleasant Spring Church" by certain heirs of Henry J. Corley.<sup>3</sup> The 1971 Deeds are recorded in the Lexington County Register of Deeds at Book 20Z, pages 92-111. (See

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<sup>3</sup> There are five (5) deeds dated December 10, 1971, signed by the following heirs of Henry J. Corley: Katie Bowman, John M. Corley, James Davis, Leroy Davis, and Clara Jackson

Trial Tr., Plfs. Exh. 7). Defendants argue Henry J. Corley owned the property. Henry J. Corley is the great grandfather of Mr. Corley, Ms. Mackey, Ms. Rikard, and other members of the church.

33. The Court finds Henry J. Corley owned significant property in Lexington County. Some of this property surrounded the church property on three sides, much as part of Calhoun County surrounds on three sides a portion of Swansea/Lexington County property.

34. However, the argument because Henry J. Corley owned property in the area does not mean he owned this property. Defendant's claim Henry J. Corley owned the church sanctuary property and donated the property to the church, is simply not based in the facts gleaned from the deeds, surveys, probate records and other matters described. Further, if he did donate or give the property to the church in the early 1900's, then his heirs later in 1971 could not have conveyed something that their grandfather had already donated.

35. The Court finds Attorney Cairns testimony crucial that she reviewed the property records where Henry J. Corley was either the grantor or grantee during his lifetime. In this search, Cairns testified in the deed indexing she did not find a deed before 1873 wherein Henry J. Corley acquired title to property; all of the deeds were after 1873. Attorney Cairns further testified there were numerous deeds wherein Henry J. Corley acquired and conveyed property; however, there was no evidence that Henry J. Corley ever owned the 2.0-acre parcel containing the Sanctuary Property.

36. The Court finds convincing Attorney Cairns' testimony that the 1971 Deeds are ineffective to convey title because there is no record of Henry J. Corley owning the Sanctuary Property.

37. The Court finds Cairns testimony these 1971 deeds are simply invalid to pass title because the grantors had no title to pass since Henry J. Corley never owned this property.

38. The Court further finds credible and instructive that Cairns based her opinion on numerous deeds and plats and property records in Lexington County. The Court finds it important to detail the deeds and plats it finds instructive relating to the conveyance of the Sanctuary Property.

39 .First, a 1926 plat with a transaction wherein Henry J. Corley conveyed property to one of his children, describes adjacent property as belonging to a church. (Trial Tr., Exh. 13, p. 3).

40. Second, Cairns testified regarding a 1932 deed from Henry J. Corley to a Mr. Bouknight conveying certain property. The legal description in the deed offers that the property conveyed is bounded on one side by a church. (See Trial Tr., Plfs. Exh. 12, p. 2).

41. Third, Cairns testified that had Henry J. Corley owned the land where the church sits, he would have said bounded by lands belonging to himself. Attorney Cairns testified to several other property transactions wherein Henry J. Corley referenced property as belonging to a church and not himself.

42 .Fourth, probate and post death transactions indicate that records regarding lands owned by Henry J. Corley at the time of his death and property transactions of his descendants after his death persuasive and compelling in supporting Plaintiffs' argument that Henry J. Corley did not own the Sanctuary Property. (Trial Tr., Plfs. Exh. 13, pp. 1-2).

43.Fifth, Henry J. Corley died intestate in 1949. His probate estate inventory identified 110 acres of property belonging to Henry J. Corley at the time of his death.

44.Sixth, in 1957, a plat prepared for John M. Corley, an heir of Henry J. Corley, references certain property as belonging to Pleasant Springs Methodist Church. (Trial Tr., Plfs. Exh. 13, p. 4).

45.Seventh, then in the 1960s, certain heirs of Henry J. Corley had plats prepared depicting the estate lands of Henry J. Corley. Neither plat show the Sanctuary Property as belonging to Henry J. Corley at the time of his death.

46. Eighth, in contrast to the compelling public record evidence, the court finds that John N. Corley, Jr., Norma Mackey, and Darlene Rikard, descendants of Henry J. Corley, testified that they believed that Henry J. Corley owned the Sanctuary Property based on stories passed down to them by family members; however, each testified that they had no independent knowledge regarding the property owned by Henry J. Corley.

47. While the court recognizes the sincerity of the Corley family member's belief, their belief does not allow them to convey property that Henry J. Corley did not own; Corley did not claim; his estate did not claim; and after death actions described above claimed no interest.

48. Further, the Defendants' testimony indicated that Henry J. Corley and generations of family and extended family were Pleasant Springs A.M.E. Church members who served as various officers in the church, tithed in the church, all with no evidence of any previous claim by any Corley heir they owned the described tracts of church land.

49. The Court finds that while there is evidence that Henry J. Corley operated a sawmill and provided wood and/or labor to build one of the first churches on site, constructing the church building does not transmute into ownership of the land beneath and surrounding the church.

50. Despite John N. Corley, Jr.'s belief his great-grandfather acquired land from the Shuler, Nunamaker, and Boughknight families, he did not present any record evidence to any property transactions by Henry J. Corley showing the acquisition of the Sanctuary Property. Defendants presented no evidence showing that Henry J. Corley owned the Sanctuary Property in contradiction of the 1873 Deed and records presented by Attorney Cairns.

51. The cornerstone at Pleasant Spring A.M.E. Church identifying the existence of a church building at that location since as early as 1914 supports the finding that the church described in the 1873 Deed is Pleasant Spring A.M.E. Church.

52.The Court finds further corroborative property record evidence shows that an A.M.E. Church existed on the property in 1926.

53. Further, there was extensive Defendants' testimony they attended Pleasant Spring A.M.E. Church as children and the church was in this same location. Defendants presented no evidence, beyond speculation, to contradict this fact. There is a credible preponderance of evidence establishing that the 1873 Deed conveyed the Sanctuary Property to Pleasant Spring A.M.E. Church.

54.The Court further finds the 1971 Deed conveyed cemetery title to the Pleasant Springs Church. The court finds telling evidence that the cemetery contained some head stones so worn by time as to be unreadable and that had been used as long as the present church members could remember. The Court further finds that the only Pleasant Springs Church ever at this location and using the cemetery was the Pleasant Springs A.M. E. Church.

55.The Court finds the 1993 deed conveyed the .37 unimproved tract to Plaintiff, a connectional A.M. E Church.

56.The Fellowship property, the court finds was deeded to Plaintiff in the 2003 deed.

### **Disaffiliation Disputed Findings of Fact**

57. While an individual church member may attend or not attend this church, the court finds that the entire church congregation as an entity did not disaffiliate from Plaintiff. The Court finds Plaintiff Church has existed for approximately 100 years. There has not been an independent Pleasant Springs Church existing or operating as a church on these properties.

58. Defendants assert from 1969 to 1972, Pleasant Spring A.M.E. Church severed its affiliation with the A.M.E. Church, which led to the execution of the 1971 Deeds.<sup>4</sup> Brenda Eichelberger

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<sup>4</sup> As previously stated, the 1971 Deeds are invalid as there is no evidence that Henry J. Corley ever owned the Sanctuary Property.

testified during this time, she was in college and would come home to attend church and meetings. Ms. Eichelberger testified during this period, the congregation voted to leave the A.M.E. Church for financial reasons. While there was testimony evidence of certain members withholding tithes and wishing to separate, no clear trial testimony indicate this separation occurred during this period.

59. Defendants introduced a *State* Newspaper article dated November 23, 1971, to support their assertion that from 1969 to 1972 the church was not affiliated with the A.M.E. Church. However, the article does not reference the separation from the A.M.E. Church. The article discusses a legal dispute between a former pastor of Pleasant Spring A.M.E. Church, Rev. Christopher Dixon, and the A.M.E. Bishop regarding Rev. Dixon's removal as pastor from the church.

60. The article does not reference a decision by the congregation to separate from the A.M.E. Church. Instead, the article referenced a petition signed by 62 out of about 150 members of the church rejecting the appointment of another pastor by the bishop and threatening to leave the A.M.E. Church if Rev. Dixon was not reappointed.

61. Defendants' other witnesses testified to the alleged disaffiliation. However, such testimony is unreliable as the witnesses did not have first-hand knowledge of the dispute and there is no persuasive evidence of church financial records, business records, or other documents noting a separation from the A.M.E. Church.

62. A photograph of a church cornerstone to commemorate the remodeling of the church in 1971 identified Rev. Dixon as the pastor.

63. It is undisputed that in May of 2014, The Discipline governed Pleasant Spring A.M.E. Church. Under *The Discipline*, there are two ways a local A.M.E. Church transacts business: the Church Conference and the Quarterly Conference. The Church Conference is a periodic meeting of "the members and minister residing and worshipping at a given place for the consideration and transaction of local church business, the minister in charge being the presiding officer."

64. The Quarterly Conference is a quarterly meeting of the leadership of a local church to discuss specific business issues relating to the administration and operation of a local church overseen by the Presiding Elder, a leader in the A.M.E. Church that oversees several local A.M.E. Churches within a particular geographical area.

65. Also, *The Discipline* contains provisions regarding the calling of meetings of a local A.M.E. Church. *The Discipline* provides that “[t]he pastor shall call and preside over all . . . meetings for the transaction of spiritual and temporal business . . .”

66. Pleasant Spring A.M.E Church held meetings of the Official Board, all of the officers in the Church, to transact business and held congregational meetings (i.e., the Church Conference). Meetings of Pleasant Spring A.M.E. Church were announced during service. (Trial Tr. p. 216).

67. Defendants do not contend that the disaffiliation meetings were announced during church service. Instead, persons were notified about the meetings by word of mouth via telephone, text message, or in person. The persons organizing the disaffiliation meetings did not attempt to call an official meeting of the church.

68. Defendants’ witnesses testified they did not attempt to have a Church Conference because they believed that no meetings regarding disaffiliation would be held at the church and that any attempt would have been futile. Ms. Mackey referenced a conversation, from many years before 2014, she overheard between Mr. Savage and a Presiding in the A.M.E. Church, Elder Smith. Ms. Mackey testified that Elder Smith indicated that the topic of disaffiliation would not be discussed and that persons desiring to do that should be thrown out the church; however, this conversation occurred before the year 2000.

69. And Mr. Corley testified when Rev. Reeves was first appointed pastor of Pleasant Spring A.M.E. Church in 2007, he asked Rev. Reeves his thoughts about disaffiliating from the A.M.E. Church. Mr. Corley testified that Rev. Reeves told him he would not be in favor of that action.

70. However, Mr. Corley testified in 2014, Defendants did not present their concerns to Rev. Reeves to be discussed and addressed or make a request for a formal meet of the church congregation.

71. Defendants' reliance on distant, remote, and unspecific conversations that occurred many years before the dispute involved is unpersuasive. As admitted by Defendants, they did not seek to hold a Church Conference or Quarterly Conference to discuss the concerns of the members and disaffiliation from the A.M.E. Church.

72. There was sufficient testimony by Elder Coleman and Rev. Reeves that Defendants could have made a formal request to have their concerns heard. These concerns would have been addressed under the procedures in *The Discipline*. However, Defendants did not try to follow and formal or customary procedures of Pleasant Spring A.M.E. Church.

73. Further, Defendants presented affidavit testimony as to these previously presented facts regarding meetings to disaffiliate to the Court:

Pleasant Spring Church was formally known as Pleasant Spring A.M.E. Church. On April 22, 2014, at a meeting of which all contactable members of Pleasant Spring Church's congregation were notified, 27 out of 29 members present voted to separate from affiliation with the A.M.E. Church and 63 out of 103 members of Pleasant Spring Church, representing the majority of the congregation signed a petition to separate as a church body from the A.M.E. Church. Thereafter, the A.M.E. Church Incorporated was made aware of Pleasant Spring Church's majority vote to disaffiliate as a single church body from the A.M.E. Church.

74. When asked about how Defendants confirmed that all the members were made aware of the disaffiliation meetings and who determined whom the "contactable members" were, Mr. Corley testified that the meetings were a "coalition of the willing," those interested in disaffiliation.

75. Defendants' witnesses presented testimony there were sign-in sheets at the meetings; however, there was no evidence presented verifying attendance at these meetings.

76. The Court finds there are no recorded minutes of these meetings or of the April 22nd meeting wherein a vote was purportedly held. Defendants established no rules of procedures to establish a

quorum or to act at the meetings. Based on the testimony Defendants followed no established procedure for calling meetings or taking any action on behalf of the congregation of Pleasant Spring A.M.E. Church.

77. The Court finds uncertainty as to petition language. While Plaintiffs assert that the petition is blank and does not identify the purpose of the petition or explain how each person's signature would be used, Patricia Corley testified that attached to the signature sheet was a letter detailing the purpose of the petition. However, the court finds this letter is not a part of the record.

78. Shirley Martin, a long-standing member of Pleasant Spring A.M.E. Church testified she was uncertain as to the purpose of her signature. Ms. Martin testified she did not fully understand how her signature would be used until later. Thereafter, she signed a statement renouncing her signature.

79. At most, the petition can be construed as identifying persons in favor of disaffiliating from the A.M.E. Church. However, the lack of any evidence regarding a vote of such action by the entire membership of Pleasant Spring A.M.E. Church causes this Court to find the petition unreliable as evidencing the intent of the congregation.

80. Defendants did not prove a majority of the church congregation signed a petition to separate from the A.M.E. Church.

81. On April 23, 2014, Pleasant Spring A.M.E. church leadership, including Rev. Reeves, received a letter from persons identifying themselves as members of Pleasant Spring Church notifying them of the decision of certain members to separate from the A.M.E. Church. The letter included a list of signatures, which Defendants describe as a petition, of persons purporting to separate from the A.M.E. Church.<sup>5</sup>

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<sup>5</sup> Plaintiffs expressed concerns regarding the purpose of the list of signatures as it does not state as to how the signatures would be used.

82. Patricia Corley and Darlene Rikard, organizers of the disaffiliation meetings, attempted to testify that approximately 75 or 76 persons signed the petition; however, there is no evidence in the record to corroborate this testimony as admitted by these witnesses.

83. Ms. Rikard testified that she did not have the actual signatures beyond the petition submitted with the April 23rd letter, but just her notes of those who desired to separate from the A.M.E. Church. (Trial Tr. 459:8-15).

84. The only evidence in the record is the list of signatures sent with the April 23rd letter and testimony and affidavits of Mr. Corley, Ms. Corley, and Ms. Rikard that provided that 63 out of 103 members signed the petition. The Court accepts the corroborated testimony that the petition contained 63 signatures.

85. Rev. Reeves testified that after receiving the petition, several persons contacted him and told him they wished to withdraw their signature. These persons signed renunciation statements and presented them to Rev. Reeves, which were introduced into evidence as Plaintiff's Amended Exhibit 17 as a business record of Pleasant Spring A.M.E. Church, without objection.

86. Plaintiffs submitted 17 statements of persons withdrawing the signature. Additionally, Patricia Corley, one of the persons responsible for collecting signatures and taking an account of individuals in agreement with separating from the A.M.E. Church, while reviewing the church directory, identified approximately twenty (20) persons that retracted their signature.

87. The Court finds that by the testimony of Defendants' own witnesses and the renunciation statements admitted as evidence, a majority of the members did not agree to disaffiliate from the A.M.E. Church.

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**Conclusions of Law**

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1. This church land ownership dispute case is an action at law since it is a declaratory judgment action containing adverse possession claims. *Judy v. Martin* 674 S.E.2d 151, 153 (2009).

2. South Carolina has a statutory method where the grantor or owner of the property conveys the land or title to real estate to the purchaser or grantee. South Carolina Code 27-7-10 (1976 as amended). “It is true that a deed valid and regular on its face is clothed with the presumption of validity.” *Davis v Montieth*, 345 S.E.2d 724 (1986).
3. Plaintiffs have proven they possess valid superior record title to all 4-subject properties against Defendants’ oral history claims.
4. The Defendants did not prove record title to the sanctuary property since Henry J. Corley never owned the property. “It is an axiomatic principle of law that a person....must hold title in order to....transfer legal title.....” *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Dioceses of South Carolina*, 685 S.E.2d 163, 174 (2009)
5. Pursuant to the evidence, law and respective argument, the Defendants’ oral family history claim is legally insufficient. Several Defendant Witnesses testified regarding the belief in the community that Henry J. Corley owned the property and donated the property to the church. Specifically, John Corley, Jr., Ms. Mackey and Ms. Rikard, descendants of Henry J. Corley, testified that they were told all of their life that their great-grandfather owned the property and donated it to the church.
6. The Court concludes Defendants’ reputation testimony was not persuasive. While reputation testimony about family history is an exception to the hearsay under Rule 803(19), South Carolina Rules of Evidence, such testimony is limited to matters about birth, adoption, marriage, divorce, death, legitimacy or other fact related to a person’s family history. “To say that one is the reputed owner of a certain tract of land, is certainly no evidence of his title to such land.” *Sexton v. Hollis*, 26 S.C. 231, 235, 1 S.E. 893, 896 (1887); *see also County of Darlington v. Perkins*, 269 S.C. 573, 577, 239 S.E.2d 69, 71(1977) (noting that it is generally held that reputation is admissible to prove matter of general and public history).

7. The evidence showed that the Sanctuary Property existed as a separately owned parcel of land as shown by property transfers described by plats and deeds during Henry J. Corley's lifetime and after his death, prior to 1971.

8. Further, while Rule 803(20), SCRE, allows testimony as to reputation in the community, before a controversy, as to boundaries or customs and general history affecting lands in the community, it is not admissible evidence to establish ownership of property. This is not a boundary dispute, neither is it a dispute as to the general history of use of the land. "It is an axiomatic principle of law that a person or entity must hold title to property in order to. . . transfer legal title to [another]." *Protestant Episcopal Church*, 421 S.C. at 223, 806 S.E.2d at 88.

9. There was no evidence to establish that Henry J. Corley owned the Sanctuary Property. The 1971 Deeds do not transfer ownership of the Sanctuary Property to Pleasant Spring Church. Further, Defendants presented no reliable evidence to contradict the 1873 Deed. Plaintiff Pleasant Spring A.M.E. Church is the owner of the Sanctuary Property under the 1873 Deed.

10. Defendant argument the Plaintiff's 2002 Fellowship Hall deed fails due to insufficient description or mis-named grantee does not convince the court.

11. The 2003 Deed conveyed the Fellowship Hall Property to "Pleasant Spring Church." It is undisputed that in 2003, the church was called and operating as Pleasant Spring A.M.E. Church. Several witnesses testified the church has informally been called "Pleasant Spring" and "Pleasant Spring Church" by the community and members of the church. Notwithstanding, each witness acknowledged that the church's formal name was Pleasant Spring A.M.E. Church.

12. Court concludes Attorney Cairns' testimony recognized how names and locations are used in deeds and often used interchangeably with each other persuasive, especially given the time, location and nature of a church being the grantee.

13. The preponderance of the evidence shows that the name of the local congregation in 2003 was Pleasant Spring A.M.E. Church. There is no evidence of an entity operating as “Pleasant Spring Church.”

14. In 2009 during another legal proceeding, John Corley signed an affidavit to establish that in 2003 the church existed and operated as Pleasant Spring A.M.E. Church. Mr. Corley’s affidavit made the following statement: “I am a member in good standing of Pleasant Spring A.M.E. Church. I have been a Trustee of Pleasant Spring A.M.E. Church for approximately 10 years and am currently serving as a Trustee.”

15. Court concludes no persuasive evidence that any separate entity has ever existed or operated as “Pleasant Spring Church” until the Defendants’ April, 2014 actions.

16. To convey title by deed, “the grantee must have legal existence and be capable of taking and holding title.” *See Deeds of Conveyance*, Joby C. Castine, p. 37. The South Carolina Court of Appeals has held that a deed is void when it designates a grantee as representative of a non-existing legal entity. *See Foster v. Foster*, 384 S.C. 380, 384, 682 S.E.2d 312, 314 (Ct. App.2009).

17. Courts prefer to interpret a deed in a way that renders it valid whenever possible. *See* 23 Am. Jur. 2d Deeds §200; 26A C.J.S. Deeds §185. In such circumstances, the Court may reform the deed to effectuate the intent of the parties.

If there be no grantee, and the deed is to a mere fictitious name, it is obvious that it is a nullity. But if there be a person in existence and identified, and delivery is made to him, it makes no difference by what name he is called. He may assume a name for the occasion; and a conveyance to and by him under such name will pass the title.”

*Allgood v. Allgood*, 134 S.C. 233, 132 S.E. 48, 51 (1926).

18. To ascertain the intention of the parties, a deed must be construed and interpreted in its entirety, giving effect to every part if it can be done consistently with the law. *Bennett v. Invs. Title Ins. Co.*, 370 S.C. 561, 571, 635 S.E.2d 660, 665 (Ct. App. 2006); *see also First Carolinas Joint Stock*

*Land Bank of Columbia v. Ford*, 177 S.C. 40, 46, 180 S.E. 562, 565 (1935) (“Larger and more sensible rules of construction require that the whole deed should be considered together, and effect be given to every part, if all can stand together consistently with law....”).

19. Here, the legal description in the 2003 Deed describes the property as being the same property shown on a plat prepared by Richard M. Lee dated September 27, 1957, for John M. Corley. The plat references certain property as belonging to Pleasant Springs Methodist Church. The intention of the parties was to convey it to the local congregation existing at the time. It is undisputed that in 2003 the church operated as Pleasant Spring A.M.E. Church. The trial evidence satisfies the clear and convincing standard required for deed reformation. *Sims v. Tyler*, 276 S.C. 640, 642, 281 S.E.2d 229, 230 (1981). The 2003 Deed should be reformed to identify the grantee as “Pleasant Spring A.M.E. Church.”

20. The Court rules the Plaintiffs have established various adverse possession claims by clear and convincing evidence to each of the four tracts. *Davis v. Monteith*, 345 S.E. 2d 724 (1986).

21. The court recognizes this fact pattern is not a typical adverse possession action where one unrelated party seeks to claim property from another. Here a distinct group within the existing church attempted to wrest title from the Plaintiff through (1) the above discussed non-valid 1971 deed and (2) unsuccessful disaffiliation action

22. Plaintiff has existed and operated a church on the described properties, continuously, hostility, openly, notoriously and exclusively for the respective periods against the world and the Defendants.

23. Plaintiff has built and operated various churches on the property for over 100 years. They have a church cemetery. They have a Church sign proclaiming that their mission has sprung forth from this location since 1869. They have a 1914 cornerstone. They have been involved with litigation with the Coldstream neighborhood. They have operated as a church, as churches do, holding

services, fundraisers, and other typical church activities since well before the memories of any now living members.

24. There has been no time when the Defendants properly separated from or took control of Plaintiffs' property or church operations. The one attempt led to an injunctive Order against Defendants.

25. This Court also finds no credible proof that during the century long church existence, Henry J. Corley and his heirs who served as church officers, teachers, tithed, worked and supported the church, ever claimed they owned the church or any of the property, or that the church operated pursuant to their permission.

26. The Court rules Plaintiff Church has good title to the Sanctuary property based on its exclusive possession of the property for a 40- year period under S.C. Code Ann. § 15-3-380. This statute sets forth:

No action shall be commenced in any case for the recovery of real property or for any interest therein against a person in possession under claim of title by virtue of a written instrument unless the person claiming, his ancestor or grantor, was actually in the possession of the same or a part thereof within forty years from the commencement of such action. And the possession of a defendant, sole or connected, pursuant to the provisions of this section shall be deemed valid against the world after the lapse of such a period.

27. Plaintiff Church has possessed the land for over 40 years. Plaintiff exclusively possessed and used the property to satisfy the 40-year requirement of the statute. *See Woods v. Bivens*, 292 S.C.76, 354 S.E.2d 909 (1987) (finding that fee simple title vested in the original landowner's daughter-in- law under both the 40-year lapse statute and 20-year presumption of grant where the daughter-in- law controlled and enjoyed peaceful possession of the property for 45 years after the landowner's death).

28. Plaintiff is the lawful owner of the Unimproved Property under the 1993 Deed. It is undisputed that in 1993, the church was a connectional member of the A.M.E. Church and worshipped as a local congregation under the name Pleasant Spring A.M.E. Church. The 1993 Deed vests title to the Unimproved Property to Pleasant Spring A.M.E. Church.

29. As a separate and independent ground for ownership of the Unimproved Property, Plaintiff has an irrebuttable presumption of good title to the Unimproved Property based on its actual, hostile, exclusive, and continuous possession of the property for over twenty (20) years.

30. Under the common law in South Carolina, when a party shows actual, hostile, exclusive, and continuous possession of land for a period of at least twenty (20) years, a grant is presumed to exist. The 20-year presumption of grant rule is “a method for acquiring property through the passage of time.” *See Terwilliger v. White*, 222 S.C. 176, 72 S.E.2d 169 (1952). The presumption “rests upon the theory that after a long period of peaceful possession, the possessor, or those under whom the possessor hold will be presumed to have entered upon and possessed the property under a valid grant, now lost.” 8 S.C. Juris. Adverse Possession § 10. For the possessors to receive a presumption of grant, possession for the 20-year period and satisfaction of the elements of adverse possession must be proven with clear and convincing evidence.

31. To constitute adverse possession, the claimant must prove its possession of the property was continuous, hostile, actual, open, notorious, and exclusive for the statutory period by clear and convincing evidence. *McDaniel v. Kendrick*, 386 S.C. 437, 442, 688 S.E.2d 852,855 (2009); *see also All Saints Parish, Waccamaw v. Protestant Episcopal Church in the Dioceses of S.C.*, 358 S.C. 209, 229, 595 S.E.2d 253, 265 (Ct. App. 2004). “The claimant’s possession must be hostile to not only the true owner, but also to the rest of the world so as to indicate his exclusive ownership of the property.” *Lynch v. Lynch*, 236 S.C. 612, 115 S.E.2d 301 (1960). The hostility element of adverse possession may be established if the claimant occupies the property

under the mistaken belief that it belongs to him. *McDaniel*, 386 S.C at 442-43, 688 S.E.2d at 855.

32. Here again, it is undisputed that Plaintiff has possessed the property for over 20 years continuously. Defendants' witnesses testified that the property has been operated and used continuously and exclusively by Plaintiff.

33. There is no evidence of any other entity or person possessing or using the property. John Corley, Jr. testified that as far back as he could remember, the church was an A.M.E. Church under the name Pleasant Spring A.M.E. Church. The Court concludes Plaintiff has a presumption of grant of ownership regarding the Unimproved Property.

34. As an additional and independent ground for relief, Plaintiff has adversely possessed the property under a claim of right under a written instrument for more than the statutorily required ten (10) year period. The 10-year statutory period provided in S.C. Code Ann. § 15-67-210 sets forth:

In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have been possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title unless it appears that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such action.

Plaintiff has had sole possession and exclusive use of the Fellowship Hall property since its purchase in 2003.

35. There is no evidence that another entity has used the property. This Court finds that Plaintiff is the sole rightful owner of the Fellowship Hall Property and is entitled to exclusive use and possession of the property.

36. This Court rules Plaintiff is the rightful owner of the Cemetery Property based upon its exclusive possession and use for over 40 years.

37. The 1873 Deed only conveyed the 2.0-acre Sanctuary Property. Defendants presented the 1971 Deeds supporting their claim for both the Sanctuary and Cemetery Properties.

38. While the 1971 Deeds are ineffective to convey an interest in the Sanctuary Property, they did convey an interest in the Cemetery Property.

39. The Court finds merit in Cairns' opinion the individuals who signed the 1971 deeds as heirs of Henry J. Corley did have an interest in the cemetery. Attorney Cairns further testified that in her research, there was evidence to suggest Henry J. Corley owned the Cemetery Property because he reserved an interest in the property in a deed conveying property to one of his children (the Mary Davis deed). Thus, the 1971 Deed conveyed the interest in the Cemetery Property to Pleasant Spring Church.

40. While there was dispute about the church's affiliation during the period of 1969 to 1972, the court rules there is no persuasive evidence of a separate entity existing or operating as "Pleasant Spring Church" on the property. The undisputed evidence in the record is that Plaintiff has exclusively possessed and used the property for over 100 years collectively. Plaintiff is the owner of the Cemetery Property under the 40-year statute of repose in S.C. Code Ann. § 15-3-380 and adverse possession theories under the common law 20-year presumption of grant and 10-year statutory period.

41. The 1873 Deed conveyed the Sanctuary Property to certain named trustees of Pleasant Spring A.M.E. Church. The 1971 Deeds Defendants rely upon to claim ownership of the property for Pleasant Spring Church are invalid since that Henry J. Corley did not own the property conveyed by his heirs in the 1971 sanctuary deed.

42. Defendants presented the testimony of several witnesses regarding the belief in the community that Henry J. Corley owned the property and donated the property to the church. Specifically, John

Corley, Jr., Ms. Mackey and Ms. Rikard, descendants of Henry J. Corley testified that they were told all of their life that their great-grandfather owned the property and donated it to the church.

43. Defendants' testimony Henry J. Corley donated the property in the early 1900's is contrary to their later argument Henry J. Corley owned the property so the heirs could convey it in 1971. In addition, it contradicts their assertion that Corley and his heirs allowed 100 plus years of permissive use.

44. While the court respects their sincerity and family contributions to the church, the court gives cautious weight to their testimony since it is hearsay testimony and is generally not admissible unless an exception exists. While reputation testimony about family history is an exception to the hearsay under Rule 803(19), South Carolina Rules of Evidence, such testimony is limited to matters concerning birth, adoption, marriage, divorce, death, legitimacy or other fact related to a person's family history. "To say that one is the reputed owner of a certain tract of land, is certainly no evidence of his title to such land." *Sexton v. Hollis*, 26 S.C. 231, 235, 1 S.E. 893, 896 (1887); *see also County of Darlington v. Perkins*, 269 S.C. 573, 577, 239 S.E.2d 69, 71(1977) (noting that it is generally held that reputation is admissible to prove matter of general and public history). The evidence showed that the Sanctuary Property existed as a separately owned parcel of land as shown by property transfers described by plats and deeds during Henry J. Corley's lifetime and after his death, before 1971.

45. Further, while Rule 803(20), SCRE, allows testimony as to reputation in the community, before a controversy, as to boundaries or customs and general history affecting lands in the community, it is not admissible evidence to establish ownership of property. This is not a boundary dispute, neither is it a dispute as to the general history of use of the land. "It is an axiomatic principle of law that a person or entity must hold title to property in order to . . . transfer legal title to [another]." *Protestant Episcopal Church*, 421 S.C. at 223, 806

S.E.2d at 88. There was no evidence to establish that Henry J. Corley owned the Sanctuary Property. The 1971 Deeds do not transfer ownership of the Sanctuary Property to Pleasant Spring Church. Further, Defendants presented no reliable evidence to contradict the 1873 Deed. Court concludes Plaintiff is the owner of the Sanctuary Property under the 1873 Deed.

46. As a separate an independent ground of ownership, Defendants claims against Plaintiff failed because of the Statue of Repose. Plaintiff has good title to the Sanctuary property based on its exclusive possession of the property for a 40- year period under S.C. Code Ann. § 15-3-380. This statute sets forth:

No action shall be commenced in any case for the recovery of real property or for any interest therein against a person in possession under claim of title by virtue of a written instrument unless the person claiming, his ancestor or grantor, was actually in the possession of the same or a part thereof within forty years from the commencement of such action. And the possession of a defendant, sole or connected, pursuant to the provisions of this section shall be deemed valid against the world after the lapse of such a period.

47. Plaintiff has possessed the land for over 40 years. The parties agree that Plaintiff operating as Pleasant Springs A.M.E. Church has exclusively possessed and used the property from 1869-1969, a period of 100 years. Additionally, it is undisputed that Pleasant Spring A.M.E. Church has been in possession of the property from 1972-2014. Both of these periods satisfy the 40-year requirement of the statute. *See Woods v. Bivens*, 292 S.C.76, 354 S.E.2d 909 (1987) (finding that fee simple title vested in the original landowner's daughter-in- law under both the 40-year lapse statute and 20-year presumption of grant where the daughter-in- law controlled and enjoyed peaceful possession of the property for 45 years after the landowner's death).

48. Defendants did not ever separate formally from the Plaintiff church. Our Supreme Court has announced that in resolving property disputes among churches, courts are to apply neutral principles of law as outlined by the United States Supreme Court in *Jones v. Wolf*, 443 U.S. 595

(1979). See *Protestant Episcopal Church v. Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (2017); see also *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996), *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of South Carolina*, 385 S.C. 428, 685 S.E.2d 163 (2009). In resolving such disputes, courts are to take a holistic approach. The United States Supreme Court in Jones provided that it is necessary that civil courts look to religious documents such as church constitutions, deeds, corporate charters, or the constitution of the general church in resolving church disputes, though cautioning that “in undertaking an examination of religious documents, such as a church constitution, a civil court must take special care to scrutinize the documents in purely secular terms . . . .” *Jones*, 443 U.S. at 604.

49. Pursuant to the “neutral principles of law” approach articulated in the South Carolina Supreme Court’s decisions in *Pearson* and *All Saints*, “ownership of disputed property is determined by applying generally applicable law and legal principles. That application will usually include considering evidence such as deed to the properties, terms of the local church charter (including articles of incorporation and [bylaws], if any), and relevant provisions of governing documents of the general church.” *Protestant Episcopal Church*, 421 S.C. at 272, 806 S.E.2d at 114 (2017) (Toal, J., dissenting). An examination of the secular provisions of church documents is akin to examining a corporation’s bylaws to determine the legitimacy of a corporate action. *All Saints*, 385 S.C. at 450, 685 S.E.2d at 175. Accordingly, civil courts must take a comprehensive approach in resolving church disputes, to include a neutral examination of the secular and civil provisions of church documents such as the church constitution and bylaws. Id. Such examination does not require that courts resolve disputes of religious doctrine, but that courts consider the processes and procedures in which a church transacts business. Id.

50. However, under the First Amendment, “courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration; [however], courts cannot

avoid adjudicating rights growing out of civil law; [thus,] in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.” *Pearson*, 325 S.C. at 53, 478 S.E.2d at 854. As such, in resolving church disputes, when presented with questions of religious law, doctrine, or administration, courts must defer to the decision of the highest authority. *Id.*

51. Plaintiff and Defendant both agree in their proposed Orders that the local church owns the property. Neither Plaintiff nor Defendant argue that the national A.M.E. church either owns the property in fee or in trust.

52. The Court rules that for approximately 100 years there has been a Pleasant Springs A.M. E. Church existing and operating as detailed. There has never been an independent or a Baptist, or a Lutheran, or a Catholic or a Presbyterian or an Episcopal or a non-denominational or a United Methodist or a Color Methodist Episcopal or Southern Methodist Church or any other church other than the Pleasant Springs A. M. E. Church operating and existing here.

53. As a separate and independent ground for relief, Defendants failed to follow the procedures in *The Discipline* and, therefore, any action taken at any meeting to disaffiliate from the A.M.E. Church did not change the ownership of the church property.

54. The Court notes in general, congregational type churches resolve disputes usually based on simply majority vote, while hierarchal type churches such as A.M.E churches have a different hierarchal structure process. See 52 A.L. R. 3d 324 Determination of Property Rights Between Local Church and Parent Church Body: Modern view (originally published in 1973).

55. Under “neutral principles of law,” a court in resolving church property disputes is to apply generally applicable law and legal principles, to include considering evidence such as deed to the properties, terms of the local church charter (including articles of incorporation and [bylaws],

if any), and relevant provisions of governing documents of the general church.” *See Protestant Episcopal Church*, 421 S.C. at 272, 806 S.E.2d at 114 (2017) (Toal, J., dissenting). A neutral examination of the secular and civil provisions of church governing documents as to the process and procedures regarding the transaction of church business is relevant to resolving property disputes.

56. The parties agree that *The Discipline* is the governing authority of local A.M.E. churches, to include Pleasant Spring A.M.E. Church. *The Discipline* contains provisions regarding the calling of meetings and transferring of property. *The Discipline* provides that “[t]he pastor shall call and preside over all . . . meetings for the transaction of spiritual and temporal business . . .”

57. As to the transfer of property, *The Discipline* procedures provide that the church trustees must acquire approval from the Quarterly Conference before property can be transferred. Defendants seek to assert ownership over church property based on the petition and purported vote at the April 22nd meeting.

58. The disaffiliation meetings were convened by telephoning, emailing, or conducting face-to-face conversations with various persons and were not announced during service, as was the custom of Pleasant Spring A.M.E. Church. Defendants do not purport to have followed the provisions in *The Discipline* or practices of Pleasant Spring A.M.E. Church in holding a church meeting.

59. Rather, Defendants assert that such action would have been futile based on their belief that Rev. Reeves would not meet to discuss disaffiliation. Defendants’ belief is based on a certain conversation held with an A.M.E. Church official over 20 years ago and a discussion with Rev. Reeves in 2007 regarding his personal agreement or disagreement with disaffiliation.

60. Defendants’ witnesses admitted that at no point in 2014 did they seek to have their concerns addressed during the Church Conference or Quarterly Conference. Mr. Corley testified that he did

not request that Rev. Reeves call a meeting of the church congregation to discuss these concerns.

Ms. Mackey, who was a steward did not request a meeting.

61. While Defendants contend the request would have been futile, there was testimony in the record by Elder Coleman and Rev. Reeves that Defendants could have submitted a formal, written, appeal regarding the request should the request been denied.

62. Defendants failed to avail themselves of this process to have the matter of disaffiliation addressed.

63. Defendants argue they did not have to follow the meeting or property transfer procedures because there is no provision in *The Discipline* for how an entire church congregation may disaffiliate from the A.M.E. Church. This argument is unpersuasive and the Court declines to adopt the rationale presented by Defendants.

64. *The Discipline* has a provision regarding how a person may withdraw their membership in an A.M.E. Church. (See Trial Tr., Plfs. Exh. 15, p. 3). A member may withdraw his membership in a local A.M.E. Church by stating such in writing and submitting it to the pastor. *The Discipline* contains provisions regarding the calling of meetings, which applies to any meeting, to include a meeting to disaffiliate. The A.M.E. Church is not required to have a process or provision to effectuate the desires of persons wishing to separate from the church.

65. As in all churches and voluntary associations, membership is voluntary. A person is not compelled to maintain membership in a church and may leave at any time. Defendants, by organizing themselves as Pleasant Spring Church, seek to assert a right to the property of the church.

66. Again, the A.M.E. Church recognizes the individual withdrawal of members. *The Discipline* provides that such individual does so on a purely individual basis and as a personal right. Upon the withdrawal of membership, “[a] member has no right or title to the personal or real property of the [church].”

67. Defendants, by organizing themselves as Pleasant Spring Church, obtain no right to ownership of the church property. While members may withdraw their membership in the church, the A.M.E. Church does not have to recognize and grant an interest in church property to a group of persons desiring to withdraw their membership.

68. This case involves a church schism relating to certain actions, deeds and words expressed by various church officials that caused the defendants to believe they were being disrespected, ignored and overburden with an unrealistic apportionment.

69. The Court does note, there was testimony that the current relationship with the members of the local church has improved since the new official(s) listen to their concerns.

70. The entire congregation of Pleasant Spring A.M.E. Church did not vote to disaffiliate. Defendants contend that a majority of the membership signed a petition or voted to leave. While the number of members who agreed to disaffiliate has been disputed, this fact is not material and irrelevant to resolving the ownership of property.

71. Notwithstanding the above, the Court will address Defendants' argument. Pleasant Spring A.M.E. Church is a connectional member of the national A.M.E. Church a hierarchical body. It has been long-standing law in this State that:

When a division occurs in a church congregation. . . the question as to which faction is entitled to the church property is answered by determining which of the factions is the representative and successor to the church as it existed prior to the division or schism, and that is determined by which of the two factions adhere to or is sanctioned by the appropriate governing body of the denomination. It is a question of identity.

*Adickes v. Adkins*, 264 S.C. 394, 401, 215 S.E.2d 442, 444 (1975); *see also Bramlett v. Young*, 229 S.C. 519, 538, 93 S.E.2d 873, 883 (1956).

72. There was ample and sufficient testimony not every member of Pleasant Spring A.M.E. Church agreed to disaffiliate from the A.M.E. Walter Savage, an official in the church, testified that he

initially agreed with certain of Defendants' concerns and sought out information regarding how a church might disaffiliate. However, upon realizing that 100% of the congregation would not support disaffiliation, Mr. Savage testified he ceased to look into the matter.

73. The court finds there are members who have never stopped worshipping and who are currently worshipping as the Pleasant Spring A.M.E. Church congregation as a part of the connectional A.M.E. Church. The church congregation continues to exist with the same identity. Plaintiffs, representing those members currently worshipping as Pleasant Spring A.M.E. Church, maintain the same identity as the congregation before the schism. Regardless of whether that group comprises the majority or minority, they are the true congregation of Pleasant Spring A.M.E. Church and are entitled to the church property.

74. This case illustrates the challenging task of the fact finder. While all witnesses appeared to testify to what they believed was true, mere belief does not make a fact true. Separating belief and fact is challenging, and often difficult, especially given the time period and case subject matter. If a deed of this property into Henry J. Corley exists, Defendants have not produced it. There is no credible evidence Henry J. Corley acted as if he owned it. Therefore, this Court cannot order it so for the Defendants.

75. The Court rules Plaintiff Church has established rightful ownership to the disputed church property. Defendants failed to prove record title or any other basis of ownership to the disputed land. Finally, none of Defendants' efforts to separate from the Plaintiff Church divested Plaintiff Church of its ownership or operation of the church and its property.

**Wherefore, it is Ordered and adjudged that:**

1. Plaintiffs' Second Amended Complaint's First (Declaratory Judgment/Adverse Possession) and Third (Record Title) Causes of Action are granted. This Court issues

a Declaratory Judgment declaring Plaintiff as the legal and beneficial titleholders to the subject church properties. All property that is the subject of this action, real and personal, is fully and exclusively owned by Plaintiff Church.

2. Plaintiff Church is entitled to the exclusive use and possession of all real and personal property that is the subject of this action.
3. Plaintiff's Second Cause of Action seeking deed reformation is granted. The deed dated August 28, 2003, and recorded on August 29, 2003, in the Lexington County Register of Deeds at Book 8586, pages 334-335 shall be reformed to identify Plaintiff Church as the grantee.
4. Defendants' Counterclaim for Declaratory Judgment is denied. The Court further finds The *Discipline* was and is the sole governing authority for Plaintiff Church and Defendants' attempted disaffiliation failed to comply with The *Discipline*
5. The Register of Deed Office shall notate this Order and Judgment Index filing information on the deeds dated December 10, 1971, and recorded on January 6, 1972, in the Lexington County Register of Deeds in Book 20Z, at pages 92-111.

**IT IS SO ORDERED.**

James O. Spence  
Master-in-Equity, Lexington County

Lexington, South Carolina

**Judge's signature page to follow**



Lexington Common Pleas

**Case Caption:** Pleasant Spring AME Church , plaintiff, et al VS Pleasant Spring Church , defendant, et al  
**Case Number:** 2014CP3201612  
**Type:** Master/Order/Other

AND IT IS SO ORDERED.

S/JUDGE JAMES O. SPENCE-3068