

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 DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION**

INTRODUCTION

Plaintiff's Attorneys Kenneth A. Davis and Tierney F. Goodwyn and Defendant's Attorney Adrienne L. Turner, argued Defendants' Motion for Reconsideration November 29, 2021. Mr. Eric Glazier of Veritext (1-800-743-3376), served as the court reporter. The parties tried this contested church property quiet title action June 1-3, 2021.

Based upon the testimony, trial evidence, and the parties' proposed orders, on October 29, 2021, the Court entered an order declaring Plaintiff, Pleasant Spring A.M.E. Church the rightful, and exclusive owner of the church property based on record title and adverse possession of the church property for the requisite period. Then Defendants moved for Reconsideration on November 8, 2021, on these grounds:

- (1) The Order does not expressly address the current membership status of members of Pleasant Spring A.M.E. Church who petitioned to disaffiliate from the A.M.E. denomination. Specifically, the Order does not state whether the members who supported disaffiliation, but who uniformly denied having ever had any intention to withdraw their individual memberships from Pleasant Spring Church, remain members in good standing in light of the Court's decision and Order in this matter.
- (2) The Order inappropriately employs the "deference" approach in this matter despite the lack of doctrinal issues before the Court for determination.
- (3) The Court erred in failing to hold that the 1873 Deed is fatally defective and that the ambiguities present in the deed remained unresolved such that the 1873 Deed does not effectively convey legal title to the property.
- (4) The Court erred in finding that sufficient evidence exists to establish that John R. Shuler ever owned the church property that forms the basis of this dispute.
- (5) The Court erred in failing to find that Pleasant Spring Church regardless of its continued affiliation with the A.M.E. denomination is the rightful owner of the disputed property.
- (6) The Court erred in finding that there was insufficient evidence to establish that Henry J. Corley historically owned the disputed property.

At the hearing, counsel for the Defendants declined to address grounds three (3) through six (6) of Defendants' motion and instead relied upon the evidence presented by Defendants at trial. Defendants' counsel presented oral argument on grounds one (1) and two (2) to be addressed separately:

A. Defendants' Current Membership Status

Defendants argue that while Court's October 29, 2021 Trial Order declared Pleasant Spring A.M.E. Church the rightful owner of the church property, it failed to address the membership status of Defendants and other persons who petitioned to disaffiliate from the A.M.E. Church.

Defendants argue that the Court's ruling that the actions taken by Defendants to disaffiliate were ineffective to disaffiliate from the A.M.E. Church as they failed to follow the procedures in *The Discipline* operates to require strict adherence to the withdrawal of membership provisions in *The Discipline*. Therefore, since Defendants did not follow those procedures, the Order should find that Defendants membership status remains the same as it was before the litigation commenced.

This Court declines to determine Defendant's membership status since the specific matter was not before the court. The parties did not specifically argue, nor did the Court specifically find or rule on this issue. Defendant's individual membership status was not before the Court. Thus, the Court makes no finding as to the current membership status of Defendants in the church.

B. The Deference Approach

Defendants also argue that the Order inappropriately applies the "deference" approach in its findings. Specifically, Defendants contend that the Court's determination that Plaintiff owns the church property in contravention of the expressed will of the majority fails to follow neutral principles of law. Under neutral principles of law, Defendants assert that because *The Discipline* does not have a specific provision for disaffiliation, the Court should apply general corporate rules wherein a majority prevails. This Court disagrees.

The court notes the parties agreed that:

- (1) The property belongs to the local congregation and
- (2) Plaintiffs do not assert that the property is held in trust for the national A.M.E. Church.

{Trial Order Page Six- 13 (a) and (b).}

Based on the testimony and trial evidence, this Court found that contrary to Defendants' position, Defendants did not prove that that most members agreed to disaffiliate from the A.M.E. Church.

1. The Order stated while there was a specific method for an individual to withdraw, there was no specific method for a congregation to disaffiliate.
2. While there was no specific method to disaffiliate, the *Discipline* has a general method to raise any matter for discussion.
3. Defendants chose not to use this general method. Instead, Defendants obtained petition signatures.
4. The Petition signature list did not contain a cover sheet explaining what the person was signing.
5. Trial evidence revealed member confusion. Some members disavowed the petition once they learned it was for disaffiliation.
6. The trial evidence was inconclusive about how many signatures were obtained or what each signatory believed they were signing.
7. Here, the Court's finding was limited to (a) no specific process but a general process (b) insufficient evidence to determine how many signed and (c) most important, what they signed.
8. Further, the Court held that record legal title to the property was, and always had been in Plaintiff.
9. The trial court order did not address what authority the national A.M. E. Church body has in a church sitting upon property owned by a local church affiliated with the national A.M. E. Church.
10. Defendant's argument that lack of specific method leads to a court mandated simple majority vote does not comport with the evidence or legal authority.
11. The rule the Defendants suggest that the Court apply in this case would follow the deference approach, as the determination would be resolved by deferring to the majority of the congregation.

The Court appropriately applied neutral principles of law in determining whether the actions taken by Defendants were sufficient to disaffiliate from the A.M.E. Church as a church body. This Court found those actions did not.

Our Supreme Court has expressly stated that in applying neutral principles of law, a court may look to church governing documents to include church constitutions and bylaws to review the secular portions detailing how the church transacts business to resolve disputes of property. See Protestant Episcopal Church, 421 S.C. at 272, 806 S.E.2d at 114 (2017) (Toal, J., dissenting). In applying neutral principles of law, the Court examined the secular portions of *The Discipline* regarding the calling of meetings and transferring of property. It is undisputed that these procedures were not followed in taking action to disaffiliate. As such, Defendants actions were insufficient to prove disaffiliation of the church body.

CONCLUSION

For the above-mentioned reasons, Defendants' Motion for Reconsideration is denied.

AND IT IS SO ORDERED.

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

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