

IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY  
AT DADEVILLE, ALABAMA

THE FIRST PRESBYTERIAN CHURCH \*  
OF TALLASSEE, ALABAMA, \*

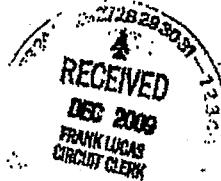
Plaintiff \*

vs. \*

PRESBYTERY OF SHEPPARDS AND \*  
LAPSLEY, \*

Defendant \*

CIVIL ACTION NO. CV-09-112



**ORDER**

CONSIDERING THE FOREGOING Application for Ex Parte Temporary Restraining Order filed herein by The First Presbyterian Church of Tallassee, Alabama, ("First Presbyterian"):

IT IS ORDERED that a Temporary Restraining Order be and is hereby issued as of this 28<sup>th</sup> day of December, 2009, at 1:00 p.m., which Temporary Restraining Order shall continue for ten (10) days hereafter from the date and time above indicated unless, prior to the time of expiration, it is extended by the court for good cause shown.

This Temporary Restraining Order shall be effective against the defendant, Presbytery of Sheppards and Lapsley (the "Presbytery"), its officers, agents, employees, and counsel, and any persons in active concert or participation with it, on its behalf or in its stead, restraining the Presbytery from filing any document in the Probate Court of Tallapoosa County, Alabama, to assert rights of ownership, or rights to determine ownership, to any property titled in the name of The First Presbyterian Church of Tallassee, Alabama (or its predecessors in interest) or to assert a trust on behalf of the Presbytery or other third party over property titled in the name of First Presbyterian (or

Exhibit 28 to  
Dardenne Petition

its predecessors in interest), the effect of which would be to place a cloud on the title of said property, or otherwise take any action to claim ownership of local church property, or a right to determine ownership of local church property, in the possession of, control of or owned by First Presbyterian (or its predecessors in interest), whether real or personal.

IT IS FURTHER ORDERED that the defendant, the Presbytery, and all persons in active concert or direct or indirect participation with them, on its behalf or in its stead, are temporarily restrained from taking any action that could affect the property and rights of First Presbyterian, whether real or personal, including, but not limited to: 1) seeking to change the locks of First Presbyterian; 2) initiating any disciplinary action against the minister or members of First Presbyterian; 3) appointing an administrative commission to assert original jurisdiction over First Presbyterian; 4) appointing a special administrative review committee or other committee to inspect, review, interrogate, admonish, or take any other similar actions against or with respect to First Presbyterian, its members, minister or records; or 5) seeking to interfere with First Presbyterian's control of any bank accounts in the name of First Presbyterian; or 6) otherwise interfering with the normal duties and responsibilities of the minister and other employees of First Presbyterian, the governing body of said local church, or the board of trustees, the governing body of the local church corporation.

IT IS FURTHER ORDERED, that First Presbyterian is required to furnish security as a condition to the issuance of this Temporary Restraining Order in the amount

of \$ 2,500.00

This Order is being granted without notice and hearing to temporarily preclude the Presbytery and PCLUSA from appointing an administrative commission to exercise original jurisdiction to replace the authority of the ordained clergy employed by First Presbyterian or the authority of the session or board of trustees of First Presbyterian prior to a determination by this Court of the rights and responsibilities of the parties.

IT IS FURTHER ORDERED that this Temporary Restraining Order be filed in the Clerk's Office and entered of record.

IT IS FURTHER ORDERED that the defendant, the Presbytery, show cause on the <sup>5</sup>~~1~~<sup>th</sup> day of January, 2010, at 9:00 a.m. why a preliminary injunction should not be issued and granted as prayed for by First Presbyterian.

DONE this 23<sup>rd</sup> day of December, 2009.

  
\_\_\_\_\_  
Ray P. Martin  
Circuit Judge

IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY  
AT DADEVILLE, ALABAMA

THE FIRST PRESBYTERIAN CHURCH \*  
OF TALLASSEE, ALABAMA, \*

Plaintiff \*

vs. \*

PRESBYTERY OF SHEPPARDS AND \*  
LAPSLEY, \*

Defendant \*

CIVIL ACTION NO. CV-09-112

RECEIVED  
FEB 2010  
FRANK LUCAS

PRELIMINARY INJUNCTION

On December 28, 2009, at 1:00 p.m., this Court entered a Temporary Restraining Order in the above noted case. The parties consented to an extension of said Temporary Restraining Order until January 28, 2010. Because of the Court's schedule a hearing could not be held on January 28, 2010, so for good and just cause, the Court further extended the Temporary Restraining Order to February 8, 2010.

On February 8, 2010, a Hearing was held on the Plaintiff's application for a Preliminary Injunction. After considering the submissions by Plaintiff and Defendant on the application, and hearing the arguments of counsel for Plaintiff and Defendant, the Court finds that a Preliminary Injunction is due to be issued.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that this Preliminary Injunction shall be effective against the Defendant, The Presbytery of Sheppards and Lapsley ("The Presbytery"), its officers, agents, employees, and counsel, and any persons in active concert or participation with it, or on its behalf or in its stead enjoining the Presbytery from filing any document in the Probate Court of Tallapoosa County, Alabama, to assert rights

of ownership, or rights to determine ownership, to any property titled in the name of the First Presbyterian Church of Tallahassee, Alabama (or its predecessors in interest) or to assert a trust on behalf of the Presbytery or any other third party over property titled in the name of First Presbyterian (or its predecessors in interest), the effect of which would be to place a cloud on the title of said property, or otherwise take any action to claim ownership of local Church property, or a right to determine ownership of local Church property, in the possession of, control of, or owned by First Presbyterian (or its predecessors in interest), whether real or personal.

IT IS FURTHER ORDERED that the Defendant, The Presbytery, and all persons in active concert or direct or indirect participation with them, on its behalf or in its stead, are enjoined from taking any action that could affect the property and rights of First Presbyterian whether real or personal, including, but not limited to:

- (1) Seeking to changing the locks of First Presbyterian;
- (2) Initiating any disciplinary action against the minister or members of First Presbyterian;
- (3) Appointing an administrative commission to assert original jurisdiction over First Presbyterian;
- (4) Appointing a special administrative review committee or other committee to inspect, review, interrogate, admonish, or take any other similar actions against or with respect to First Presbyterian, its members, minister, or records; or
- (5) Seeking to interfere with First Presbyterian's control of any bank accounts in the name of First Presbyterian; or

(6) Otherwise interfering with normal duties and responsibilities of the minister or other employees of First Presbyterian, the governing body of said local Church, or the board of trustees, the governing body of the local Church corporation.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in effect until the Plaintiff's Declaratory Judgment action is finally resolved, at which time it shall be determined whether or not a permanent injunction will issue.

IT IS FURTHER ORDERED that First Presbyterian's cash bond in the amount of \$2500.00 posted as a condition to the issuance of the Temporary Restraining Order shall remain in full force and effect, as a condition of the issuance of this Preliminary Injunction.

IT IS FURTHER ORDERED that this Order issuing a Preliminary Injunction be filed in the Clerk's Office and entered of record.

DONE this 18th day of February, 2010.

  
Ray D. Martin  
Circuit Judge

Copies to:  
Victor Price  
17 Slstrunk Street  
Tallassee, AL 36078

W. F. Hensley  
Samford & Denson, LLP  
P.O. Box 2345  
Opelika, AL 36803-2345

Frank James  
Attorney at Law  
Suite 1600  
420 20<sup>th</sup> Street North  
Birmingham, AL 35203-5202

IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY  
AT DADEVILLE, ALABAMA

THE FIRST PRESBYTERIAN CHURCH \*  
OF TALLASSEE, ALABAMA, \*

Plaintiff \*

vs. \*

PRESBYTERY OF SHEPPARDS AND \*  
LAPSLEY, \*

Defendant \*

CIVIL ACTION NO. CV-09-112

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MAR 2010  
HCAS

ORDER

This Court entered a judgment granting a preliminary injunction to the First Presbyterian Church of Tallassee, Alabama, against the The Presbytery of Sheppards and Lapsley on February 18, 2010. On February 26, 2010, The First Presbyterian Church of Tallassee, Alabama, filed its: "Motion to Substitute Preliminary Injunction," which the Court finds to be a motion under ARCP Rule 59(e) to amend said judgment.

The Presbytery of Sheppards and Lapsley filed a notice of appeal in this case on March 1, 2010. The appeal is from the judgment granting the preliminary injunction dated February 18, 2010. Under ARAP Rule 4(a)(5) a Notice of Appeal filed after the entry of Judgment, but before the disposition of all post-judgment motions shall be held in abeyance until the post-judgment motion is ruled upon. Therefore, the trial court finds that it still has jurisdiction to rule on the post-judgment motion to substitute preliminary injunction.

The Plaintiff's Motion to Substitute Preliminary Injunction is granted, and this Court amends its judgment dated February 18, 2010, to read as set out below.

**PRELIMINARY INJUNCTION:**

On December 28, 2009, at 1:00 p.m., this Court entered a Temporary Restraining Order in the above noted case. The parties consented to an extension of said Temporary Restraining Order until January 28, 2010. Because of this Court's schedule a hearing could not be held on January 28, 2010, so for good and just cause, the Court further extended the Temporary Restraining Order to February 8, 2010.

On February 8, 2010, a Hearing was held on the Plaintiff's application for a Preliminary Injunction. After considering the submissions by Plaintiff and Defendant on the application, and hearing the arguments of counsel for Plaintiff and Defendant, the Court found that a Preliminary Injunction was due to be issued, and Preliminary Injunction was, in fact, issued on February 18, 2010.

There is now before the Court a Motion by the Plaintiff to issue a Substituted Preliminary Injunction to include the reasons for the issuance of the Preliminary Injunction as required by ARCP Rule 65 (d)(2). The Plaintiff's motion is granted, and the Court issues this Substituted Preliminary Injunction with reasons as required by ARCP Rule 65 (d)(2).

At the Hearing on February 8, 2010, the Court considered the arguments of counsel, the affidavit of Pamela N. Price, and the affidavit of Beverly Dobson. Pamela N. Price is the Clerk of the Session of the First Presbyterian Church of Tallahassee, Alabama ("First Presbyecian"), the Plaintiff in this case. Beverly Dodson is the Stated Clerk of the Presbytery of Sheppards and Lapaley (the "Presbytery"), the Defendant in this case.

Based on the evidence presented to the Court at the hearing on February 8, 2010, and the arguments of counsel, the Court makes the following findings:



1. The Plaintiff seeks a Preliminary Injunction to prevent the Defendant from taking control of its real and personal property. The Court finds that there is a reasonable probability that the Defendant will attempt to take control of Plaintiff's real and personal property absent the issuance of a Preliminary Injunction;

2. Under the Defendant's constitution, the Presbytery is empowered to take over the Plaintiff's real and personal property if the Plaintiff is at risk of disaffiliating from the national organization known as Presbyterian Church (U.S.A.), and the Plaintiff has given the Presbytery notice that it does intend to disaffiliate and sever all ties with the Presbytery and with the Presbyterian Church (U.S.A.);

3. The Presbytery has received directions from its national organization, which is the Presbyterian Church (U.S.A.) to physically take control of the real and personal property of local churches who are at risk of disaffiliating from Presbyterian Church (U.S.A.);

4. Should the Presbytery take over the real and personal property of the Plaintiff, the Plaintiff would suffer irreparable injury and damage, in that it would not be able to continue its normal operations, such as worshiping in its Church building, or paying its employees.

5. The Court finds that the Plaintiffs have no adequate remedy at law, in that compensatory damages would not adequately compensate Plaintiff from its right to worship and continue its normal operations;

6. The Court finds that the Plaintiff has a reasonable chance of success in this matter, since none of the deeds to the real property mention the Presbyterian Church (U.S.A.) or the Presbytery, and one deed specifically excludes any national organization. Furthermore, the incorporation papers for the Plaintiff do not mention any national organization and provide that incorporation is for the purpose of creating a body with power to "acquire, hold, own, possess,

enjoy, use, mortgage and dispose of property, real or personal, in an unlimited amount . . . .”  
Furthermore, there is no trust created on behalf of the Presbyterian Church (U.S.A.) as required  
by Alabama law.;

7. The Court finds that the Presbytery is not presently exercising control over the  
real or personal property of the Plaintiff, so any hardship imposed on the Defendant by the  
issuance of a Preliminary Injunction is outweighed by the benefit to the Plaintiff of being  
allowed to continue its normal operations pending a final resolution of this case;

8. This Substituted Preliminary Injunction is issued based on the reasons set forth  
above.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that this  
Preliminary Injunction shall be effective against the Defendant, The Presbytery of Sheppards and  
Lapsley (“The Presbytery”), its officers, agents, employees, and counsel, and any persons in  
active concert or participation with it, or on its behalf or in its stead enjoining the Presbytery  
from filing any document in the Probate Court of Tallapoosa County, Alabama, to assert rights  
of ownership, or rights to determine ownership, to any property titled in the name of the First  
Presbyterian Church of Tallassee, Alabama (or its predecessors in interest) or to assert a trust on  
behalf of the Presbytery or any other third party over property titled in the name of First  
Presbyterian (or its predecessors in interest), the effect of which would be to place a cloud on the  
title of said property, or otherwise take any action to claim ownership of local Church property,  
or a right to determine ownership of local Church property, in the possession of, control of, or  
owned by First Presbyterian (or its predecessors in interest), whether real or personal.

IT IS FURTHER ORDERED that the Defendant, The Presbytery, and all persons in active concert or direct or indirect participation with them, on its behalf or in its stead, are enjoined from taking any action that could affect the property and rights of First Presbyterian whether real or personal, including, but not limited to:

- (1) Seeking to changing the locks of First Presbyterian;
- (2) Initiating any disciplinary action against the minister or members of First Presbyterian;
- (3) Appointing an administrative commission to assert original jurisdiction over First Presbyterian;
- (4) Appointing a special administrative review committee or other committee to inspect, review, interrogate, admonish, or take any other similar actions against or with respect to First Presbyterian, its members, minister, or records; or
- (5) Seeking to interfere with First Presbyterian's control of any bank accounts in the name of First Presbyterian; or
- (6) Otherwise interfering with normal duties and responsibilities of the minister or other employees of First Presbyterian, the governing body of said local Church, or the board of trustees, the governing body of the local Church corporation.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in effect until the Plaintiff's Declaratory Judgment action is finally resolved, at which time it shall be determined whether or not a permanent injunction will issue.

IT IS FURTHER ORDERED that First Presbyterian's cash bond in the amount of \$2500.00 posted as a condition to the issuance of the Temporary Restraining Order shall remain in full force and effect, as a condition of the issuance of this Preliminary Injunction.

IT IS FURTHER ORDERED that this Order issuing a Preliminary Injunction be filed in the Clerk's Office and entered of record.

This Preliminary Injunction is substituted for the Preliminary Injunction issued by this Court on February 18, 2010.

DONE this 10<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Ray D. Martin  
Circuit Judge

Copies to:  
Victor Price  
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Talladega, AL 36078

W. F. Horsley  
Samford & Denson, LLP  
P.O. Box 2345  
Opelika, AL 36803-2345

Frank James  
Attorney at Law  
Suite 1600  
420 20<sup>th</sup> Street North  
Birmingham, AL 35203-5202

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

COLONIAL PRESBYTERIAN CHURCH )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HEARTLAND PRESBYTERY )  
 )  
 )  
 Defendant. )

Case Number: 10 CV 7429  
Court Number: 3  
K.S.A. Chapter 60

EX PARTE RESTRAINING ORDER

Now on this 17<sup>th</sup> day of August, 2010, Plaintiff's Application for Restraining Order comes before the Court for hearing. Plaintiff appears by and through counsel, J. Brett Milbourn of Walters, Bender, Strobbel & Vaughan, P.C. and Ryan Terril of Terril Law Firm, LLC.

The Court having reviewed the *Verified Petition* of The Colonial Presbyterian Church ("Colonial"), along with the exhibits attached; having reviewed the Memorandum and authorities filed in support of the *Application for Restraining Order*; having heard the statements of counsel; and being otherwise informed regarding the merits and the law with respect to these matters, finds that the Plaintiff has met the preliminary requirements for the issuance of a Restraining Order, pursuant to K.S.A. § 60-903. Good cause having been shown.

IT IS ORDERED that Defendant Heartland Presbytery, as well as each of its members, officers, agents, servants, employees, attorneys, and persons acting in concert with it, including but not limited to Defendant Heartland's "Administrative Commission," is hereby restrained from:

1. exercising any purported power to interfere, dissolve, or assume jurisdiction over Colonial and The Colonial Church, including its Session and corporate trustees, or interfere in

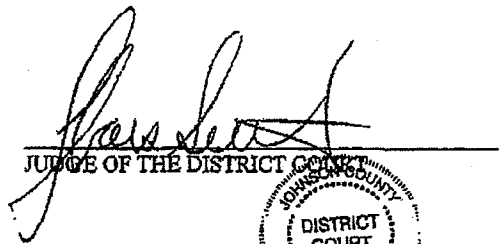
CLERK OF DISTRICT COURT  
JOHNSON COUNTY, KS  
2010 AUG 18 PM 4: 35 *Rb*

any way with Colonial's administration and operation, including its rights and responsibilities to its congregation, and its right to meet and conduct corporate and congregation business;

2. accessing Colonial Church's records, including membership rolls, corporate minutes, financial records, membership directories, other corporate records, and materials distributed for congregational information;

3. taking any action that would interfere with or place a cloud over the title on the Colonial Property as described in the *Verified Petition for Declaratory and Injunctive Relief and to Quiet Title*, or with Colonial's rights to the personal property thereon and all funds and other assets deposited with any financial institution titled in the name of Colonial.

This Restraining Order shall remain in effect until modified or superseded by further order of this Court.

  
\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

Dated this 17th day of AUGUST, 2010.



NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

CARROLLTON PRESBYTERIAN CHURCH NO: 565482

VERSUS SECTION: 26

THE PRESBYTERY OF SOUTH LOUISIANA  
OF THE PRESBYTERIAN CHURCH (USA) ORDER

CONSIDERING THE FOREGOING Amended Petition For Temporary Restraining Order, Preliminary Injunction, Permanent Injunction and Declaratory Judgment filed herein by Carrollton Presbyterian Church:

IT IS ORDERED that a Temporary Restraining Order be and hereby is issued as of this <sup>th</sup> 13<sup>th</sup> day of February, 2009, at 1:10 o'clock p.m., which Temporary Restraining Order shall continue for ten (10) days hereafter from the date and time above indicated unless, prior to the time of expiration, it is extended by the Court for good cause shown.

This Temporary Restraining Order shall be effective against the Presbytery of South Louisiana, its officers, agents, employees, and counsel, and any persons in active concert or participation with it, on its behalf or in its stead, restraining the Presbytery of South Louisiana from filing any documents in the mortgage and conveyance records of Orleans Parish to assert rights of ownership, use or control, or rights to determine ownership, use or control, to any property titled in the name of the Carrollton Presbyterian Church or to assert a trust on behalf of the Presbytery of South Louisiana or other third party over property titled in the name of the Carrollton Presbyterian Church, the effect of which would be to place a cloud on the title of said property, or otherwise take any action to claim ownership, use or control, of local church property, or a right to determine ownership, use or control of local church property, in the possession of, control of, owned by or titled in the name of Carrollton Presbyterian Church; and

IT IS FURTHER ORDERED that the Presbytery of South Louisiana and any persons in active concert or participation with it, on its behalf or in its stead, are temporarily restrained from taking any action that could affect the property and rights of the Carrollton Presbyterian Church, including but not limited to: 1) seeking to change the locks of Carrollton Presbyterian Church; 2) initiating any disciplinary action against the ministers or members of Carrollton Presbyterian

Church; 3) dissolving Carrollton Presbyterian Church or appointing an administrative commission to assert original jurisdiction over Carrollton Presbyterian Church to assume control over its local governance and/or control of the property at issue; or 4) otherwise interfering with the normal duties and responsibilities of the ministers and other employees of Carrollton Presbyterian Church, the governing body of said local church (the "session"), or the board of trustees, the governing body of the local church corporation.

IT IS FURTHER ORDERED that Petitioner/applicant is not required to furnish security as a condition to the issuance of this Temporary Restraining Order.

This Order is being granted without notice and hearing to temporarily preclude the Presbytery of South Louisiana from appointing an administrative commission to exercise original jurisdiction to replace the authority of the ordained clergy employed by Carrollton Presbyterian Church or the authority of the session or board of trustees of Carrollton Presbyterian Church, or taking any other action with respect to the property at issue, including but not limited to dissolving Carrollton Presbyterian Church, prior to a determination by this Court of the respective property rights and responsibilities of the parties.

IT IS FURTHER ORDERED that this Temporary Restraining Order be filed in the Clerk's Office and entered of record.

IT IS FURTHER ORDERED that the defendant The Presbytery of South Louisiana show cause on the 2 day of March, 2009, at 10:00 o'clock, a.m. why a preliminary injunction should not be issued and granted as prayed for by petitioner.

IT IS FURTHER ORDERED that the defendant file its response to the petitioner's request for a Permanent Injunction and a Declaratory Judgment within the delays allowed by law.

Baton Rouge, Louisiana, this 13<sup>th</sup> day of February, 2009. *@1<sup>st</sup> pr*

*[Signature]*  
JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

*for Judge KAY Botes*

PLEASE SERVE:

THE PRESBYTERY OF SOUTH LOUISIANA  
Through its agent for service of process:  
William H. Bottomly, III  
4800 Zenith St., Apt. 234  
Metairie, LA 70001

CERTIFIED  
TRUE COPY

FEB 13 2009

BY *[Signature]*  
DEPUTY CLERK



NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

CARROLLTON PRESBYTERIAN CHURCH NO: 565482

VERSUS

SECTION: 26

COST OK Amt. ✓

SEP 14 2008

BY CLERK OF COURT ✓

THE PRESBYTERY OF SOUTH LOUISIANA  
OF THE PRESBYTERIAN CHURCH (USA)

PRELIMINARY INJUNCTION

This matter came on for hearing on March 2<sup>nd</sup> and 3<sup>rd</sup>, 2009, on plaintiff's Amended Petition for Preliminary Injunction and defendant's Motion to Dissolve Temporary Restraining Order.

CONSIDERING the Amended Petition for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction and Declaratory Judgment filed by Carrollton Presbyterian Church against the Presbytery of South Louisiana and the Presbytery's Motion to Dissolve Temporary Restraining Order, and after considering the testimony, exhibits, and arguments of counsel, for Written Reasons assigned on August 18, 2009,

IT IS ORDERED that the Presbytery of South Louisiana's Motion to Dissolve Temporary Restraining Order is denied.

IT IS FURTHER ORDERED that a Preliminary Injunction be and hereby is issued herein, which Preliminary Injunction shall continue from the date hereof unless modified or amended by the Court for good cause shown following notice and hearing. This Preliminary Injunction shall be effective against the Presbytery of South Louisiana, its officers, agents, employees, and counsel, and any persons in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly (hereinafter "Presbytery of South Louisiana"). This Preliminary Injunction pertains to all property held by or for Carrollton Presbyterian Church, whether immovable (real) together with all buildings and improvements thereon, or movable (personal) or corporeal or incorporeal, wherever located, held by, for or in the name of Carrollton Presbyterian Church of New Orleans or its successor corporation Carrollton Presbyterian Church (collectively "Property"), which immovable Property is more

particularly described in Exhibits P-2 through P-5 which were introduced at the Preliminary Hearing on March 2, 2009. The Presbytery of South Louisiana is enjoined from filing any documents in the mortgage and conveyance records of Orleans Parish to assert ownership, use or control or rights to determine ownership use or control, to any Property titled in the name of the Carrollton Presbyterian Church or to assert a trust on behalf of the Presbytery of South Louisiana or other affiliated third party over property titled in the name of Carrollton Presbyterian Church, or otherwise held or controlled by Carrollton Presbyterian Church, the effect of which would be to place a cloud on the title of said Property. The Presbytery of South Louisiana is also enjoined from otherwise interfering in any way with or disturbing Carrollton's ownership, use, control, or disposition of local church Property, or interfering with Carrollton's right to determine the ownership, use, control, or disposition of local church Property held by or for Carrollton Presbyterian Church or held in the possession of, control of, or owned by or titled in the name of Carrollton Presbyterian Church.

IT IS FURTHER ORDERED that the Presbytery of South Louisiana, and any persons in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, is enjoined from taking any action that could affect the Property and rights of Carrollton Presbyterian Church, including but not limited to: 1) seeking to change the locks of Carrollton Presbyterian Church; 2) initiating any disciplinary action against the ministers or members of Carrollton Presbyterian Church which, directly or indirectly, arises from or is in respect to any property issue raised in, prompted by or related to the subject matter of this litigation; 3) dissolving Carrollton Presbyterian Church or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over Carrollton Presbyterian Church to assume control over its local governance of or control of the Property at issue; or, 4) otherwise interfering with the normal duties and responsibilities of the ministers and other employees of Carrollton Presbyterian Church, the governing body of said local church (the "session"), or the board of trustees, the governing body of the local church corporation, or any designees thereof, in any way that pertains to the ownership, control, use, or disposition of church Property.

IT IS FURTHER ORDERED that Carrollton Presbyterian Church is not required to furnish security as a condition to the issuance of this Preliminary Injunction.

IT IS FURTHER ORDERED that this Preliminary Injunction be filed in the office of the Clerk of Court and entered of record.

Baton Rouge, Louisiana, this 14 day of September 2009.

*Wayne Brees*

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

CERTIFIED TRUE COPY

160505

DEPUTY CLERK OF COURT

19th JUDICIAL DISTRICT COURT  
EAST BATON ROUGE PARISH, LA  
FILED

2009 SEP 14 PM 2:07

DEPUTY CLERK OF COURT  
DOUG WELBORN  
CLERK OF COURT E.B.R. PARISH

I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to: Lloyd Lunceford, Eugene Groves, John Dunlap, Russell Foster, E Wade Showl  
Done and signed on September 14, 2009  
*J. Anne Falgout*  
Deputy

CERTIFIED TRUE COPY

SEP 14 2009

BY *J. Anne Falgout*  
DEPUTY CLERK

IN THE CHANCERY COURT OF HANCOCK COUNTY, MISSISSIPPI

DIAMONDHEAD COMMUNITY CHURCH, INC.

PLAINTIFF

V.

FILED

CAUSE NO. 19-656(4)

NOV 08 2019

PRESBYTERY OF MISSISSIPPI

DEFENDANT

TIMOTHY A. KELLAR  
CHANCERY CLERK

By \_\_\_\_\_ D.C.

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING  
HEARING FOR PRELIMINARY INJUNCTION**

Diamondhead Community Church, Inc. ("Diamondhead") has filed a Complaint for Declaratory Judgment and Application for Temporary Restraining Order and Preliminary Injunction. In light of Diamondhead's verified pleading, factual allegations, certifications by counsel, and legal authorities, Diamondhead has adequately alleged its right to the requested temporary injunctive relief. MISS. R. CIV. PROC. 65.

Based upon the allegations in the Complaint, it appears sufficiently likely that the Presbytery of Mississippi ("Presbytery") may or will inflict immediate and irreparable injury if certain interferences with Diamondhead's property are not restrained. According to the verified Complaint, denominational authorities have generally empowered and instructed the Presbytery to secure Diamondhead's property in situations where property rights are at issue, particularly where a local church like Diamondhead has sought judicial intervention. Moreover, it is alleged that the Presbytery has recently and formally taken actions inconsistent with Diamondhead's continued and free use of its own property. It has further been demonstrated that any such interference with Diamondhead's property would cause irreparable injury to the congregation of Diamondhead, which depends upon the use of the church's property.

Taking due consideration of these concerns, the Court finds that a Temporary Restraining Order is needed to avoid the threatened harm and to preserve the status quo between the parties

until a hearing on Diamondhead's request for a preliminary injunction. The Court further finds that this Temporary Restraining Order is properly granted ex parte and without notice to the Presbytery. Because of the Presbytery's alleged incentive, ability, readiness, and directions to respond to litigation by seizing property, the TRO must be granted immediately.

IT IS THEREFORE ORDERED that a temporary restraining order be issued against the Presbytery of Mississippi, its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery, on its behalf, or in its stead. This temporary restraining order shall pertain to all Property held by or for Diamondhead, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of Diamondhead (collectively "Property").

IT IS FURTHER ORDERED that the Presbytery shall be restrained from filing any documents in the mortgage and conveyance records of Hancock County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of Diamondhead. The Presbytery shall also be restrained from asserting a trust on behalf of the Presbytery or other affiliated third party over real Property titled in the name of Diamondhead or otherwise held by or for Diamondhead, the effect of which would be to place a cloud on the title of said real Property. Nor shall the Presbytery otherwise: interfere with or disturb Diamondhead's ownership, use, control, or disposition of its Property; or interfere with Diamondhead's right to determine the ownership, use, control, or disposition of Property held by Diamondhead, held for Diamondhead, in the possession or under the control of Diamondhead, or owned by or titled in the name of Diamondhead.

IT IS FURTHER ORDERED that the Presbytery, and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be temporarily restrained from taking any action that could affect the property rights of Diamondhead, specifically including but not limited to:

- (a) seeking to change the locks of Diamondhead or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of Diamondhead which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving Diamondhead or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over Diamondhead in order to assume or effect control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of Diamondhead, the governing body of Plaintiff (the session), or any related designees or agents, in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for, or in the name of Diamondhead.

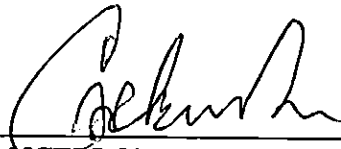
IT IS FURTHER ORDERED, however, that nothing in this Temporary Restraining Order shall preclude the Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that: is unrelated to this litigation or any property issue raised in, prompted by, related to this litigation; or that does not affect the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of Diamondhead.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall be conditioned upon the execution by Diamondhead of a proper bond in the amount of Five thousand and no/100 <sup>CB</sup> dollars (\$ 5000 .00).

IT IS FURTHER ORDERED that the Temporary Restraining Order shall be in place until a hearing has been conducted upon Diamondhead's request for a preliminary injunction, which

hearing shall not be more than ten (10) days from the hour and minute that this TRO is entered and signed by the Court. This matter is hereby set on the 18<sup>th</sup> day of November, 2019, at 9:00 a.m. p.m. in the Chancery Court of Hancock County, Mississippi, in Bay St. Louis, Mississippi, before the Honorable Carter Bise for return on this Order.

SO ORDERED this 8 day of November, 2019, at 1:30 a.m./p.m.

  
\_\_\_\_\_  
CHANCELLOR

Order prepared by:

**BP**

Bradley W. Rath, MS Bar No. 100102  
BRADLEY W. RATH, P.L.L.C.  
P.O. Box 4604  
232 Debuys Road  
Biloxi, MS 39531  
Tel: 228.206.1400  
brad@rathlawfirm.com

FIRST PRESBYTERIAN CHURCH OF GREENWOOD, INC.,

Plaintiff

v.

PRESBYTERY OF ST. ANDREW, PRESBYTERIAN CHURCH U.S.A., INC.,

Defendant

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IN THE CHANCERY COURT

LEFLORE COUNTY, MISSISSIPPI

CAUSE NO.: 615-0064

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

First Presbyterian Church of Greenwood, Inc. ("FPC Greenwood") has filed a Complaint for Declaratory Judgment and Application for Temporary Restraining Order and Preliminary Injunction. In light of FPC Greenwood's verified pleading, factual allegations, certifications by counsel, and legal authorities, FPC Greenwood has adequately alleged its right to the requested temporary injunctive relief. MISS. R. CIV. PROC. 65.

Based upon the allegations in the Complaint, it appears sufficiently likely that the Presbytery of St. Andrew, Presbyterian Church U.S.A., Inc. ("Presbytery") will inflict immediate and irreparable injury if certain interferences with FPC Greenwood's property are not restrained. According to the verified Complaint, denominational authorities have generally empowered and instructed the Presbytery to secure FPC Greenwood's property in situations such as this, particularly where a local church like FPC Greenwood has sought judicial intervention. Moreover, it is alleged that the Presbytery has recently and formally claimed possessory and use privileges inconsistent with FPC Greenwood's continued and free use of its own property. It has further been demonstrated that any such interference with FPC Greenwood's property would cause irreparable injury to the congregation of FPC Greenwood, who depends upon the use of the church's property.



Taking due consideration of these concerns, the Court finds that a Temporary Restraining Order is needed to avoid the threatened harm and to preserve the status quo between the parties until a hearing on FPC Greenwood's request for a preliminary injunction. The Court further finds that this Temporary Restraining Order is properly granted ex parte and without notice to the Presbytery. Because of the Presbytery's alleged incentive, ability, readiness, and directions to respond to litigation by seizing property, the TRO must be granted immediately.

IT IS THEREFORE ORDERED that a temporary restraining order be issued against the Presbytery of St. Andrew, its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery of St. Andrew, or acting by or through the Presbytery of St. Andrew, on its behalf, or in its stead. This temporary restraining order shall pertain to all Property held by or for FPC Greenwood, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of FPC Greenwood (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew shall be restrained from filing any documents in the mortgage and conveyance records of Leflore County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of FPC Greenwood. The Presbytery of St. Andrew shall also be restrained from asserting a trust on behalf of the Presbytery of St. Andrew or other affiliated third party over real Property titled in the name of FPC Greenwood or otherwise held by or for FPC Greenwood, the effect of which would be to place a cloud on the title of said real Property. Nor shall the Presbytery of St. Andrew otherwise: interfere with or disturb FPC Greenwood's

ownership, use, control, or disposition of its Property; or interfere with FPC Greenwood's right to determine the ownership, use, control, or disposition of Property held by FPC Greenwood, held for FPC Greenwood, in the possession or under the control of FPC Greenwood, or owned by or titled in the name of FPC Greenwood.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew, and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be temporarily restrained from taking any action that could affect the property rights of FPC Greenwood, specifically including but not limited to:


- (a) seeking to change the locks of FPC Greenwood or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of FPC Greenwood which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving FPC Greenwood or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over FPC Greenwood in order to assume or effect control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FPC Greenwood, the governing body of Plaintiff (the session), or any related designees or agents, in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for, or in the name of FPC Greenwood.

IT IS FURTHER ORDERED, however, that nothing in this Temporary Restraining Order shall preclude the Presbytery of St. Andrew from taking ecclesiastical action for non-pretextual ecclesiastical cause that: is unrelated to this litigation or any property issue raised in, prompted by, related to this litigation; or that does not affect the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of FPC Greenwood.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until FPC Greenwood executes and files with the clerk a bond in the amount of Five Thousand Dollars (\$ 5000 .00).

IT IS FURTHER ORDERED that the Temporary Restraining Order shall be in place until a hearing has been conducted upon FPC Greenwood's request for a preliminary injunction, which hearing shall not be more than ten (10) days from the hour and minute that this TRO is entered and signed by the Court. Hearing now set for Tuesday, May 26, 2015 at 10:30am. in chambers, Balcon County, N.C.

SIGNED this 14<sup>th</sup> day of May, 2015, at 10:56 A.M.

  
CHANCELLOR

**RECEIVED**

MAY 14 2015

SAM ABRAHAM, CHANCERY CLERK

BY Diane Kelly D.C.

I hereby Certify that the foregoing is a true and complete copy of the original thereof, as the same appears of record in my office.

Given under my hand and official seal this 14th day of May, 2015

Sam Abraham, Clerk of Chancery Court  
Leflore County, Miss.

By Diane Kelly D. C.





held by or for FPC Greenwood, both immovable (real) together with all building and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of FPC Greenwood (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto.

**IT IS FURTHER ORDERED** that the Presbytery of St. Andrew shall be enjoined from filing any documents in the mortgage and conveyance records of Leflore County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of FPC Greenwood. The Presbytery of St. Andrew shall also be enjoined from asserting a trust on behalf of the Presbytery of St. Andrew or other affiliated third party over real Property titled in the name of FPC Greenwood or otherwise held by or for FPC Greenwood, the effect of which would be to place a cloud on the title of said real Property. Nor shall the Presbytery of St. Andrew otherwise: interfere with or disturb FPC Greenwood's ownership, use, or control of its Property; or interfere with FPC Greenwood's right to determine the ownership, use, or control of Property held by FPC Greenwood, held for FPC Greenwood, in the possession or under the control of FPC Greenwood, or owned by or titled in the name of FPC Greenwood.

**IT IS FURTHER ORDERED** that the Presbytery of St. Andrew, and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be enjoined from taking any action that could affect the property rights of FPC Greenwood, specifically including but not limited to:

- (a) seeking to change the locks of FPC Greenwood or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of FPC Greenwood which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;

- (c) dissolving FPC Greenwood or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over FPC Greenwood in order to assume or effect control over the ownership, or use of the Property; or,
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FPC Greenwood, the governing body of Plaintiff (the session), or any related designees or agents, in any way that pertains to the ownership, control, or use of the Personal or Real Property held by, for, or in the name of FPC Greenwood.

**IT IS FURTHER ORDERED**, however, that nothing in this Preliminary Injunction shall preclude the Presbytery of St. Andrew from taking ecclesiastical action for ecclesiastical cause that: is unrelated to this litigation or any property issue raised in, prompted by, related to this litigation; or that does not affect the ownership, control, or use of the Personal or Real Property held by, for or in the name of FPC Greenwood. Nor shall anything in this Preliminary Injunction preclude the Presbytery of St. Andrew from making any statement or expressing any belief in a manner that does not affect or interfere with the ownership, control, or use of the Personal or Real Property held by, for, or in the name of FPC Greenwood.

**IT IS FURTHER ORDERED** that FPC Greenwood shall not alienate, dispose of, or otherwise permanently divest itself of any material assets other than in the ordinary course of its operations and ministries, taking due account of any extenuating or extraordinary circumstances.

**IT IS FURTHER ORDERED** that should the session of FPC Greenwood seek to explore membership in another Reformed body during the pendency of the preliminary injunction in this cause that FPC Greenwood will do so in full compliance with the Policy on Steps in Dismissal Process set forth in the Manual of Administrative Operations of the Presbytery of St. Andrew with the issue of the ownership, use and benefit of property being reserved until the final disposition of the litigation in this cause.

IT IS FURTHER ORDERED that this Preliminary Injunction shall not be effective unless and until FPC Greenwood executes and files with the clerk a bond in the amount of Five Thousand and No/100 Dollars (\$5,000.00).

IT IS FURTHER ORDERED that the Preliminary Injunction shall be in place until this Court has issued a final and binding judgment on the merits of the issues presented in FPC Greenwood's Complaint for Declaratory Judgment.

ORDERED this the 6<sup>th</sup> day of July, 2015.

  
CATHERINE FARRIS-CARTER, Chancellor

APPROVED:

PRESBYTERY OF ST. ANDREW, PRESBYTERIAN CHURCH U.S.A., INC.

BY: Harold H. Mitchell, Jr.  
HAROLD H. MITCHELL, JR., MSB NO. 3368  
P. SCOTT PHILLIPS, MSB NO. 4168  
One of the Attorneys for Presbytery of St. Andrew,  
Presbyterian Church U.S.A., Inc.

FIRST PRESBYTERIAN CHURCH OF GREENWOOD, INC.

BY: Ryan French  
RICHARD A. OAKES, MSB NO. 3894  
GLENN F. BECKHAM, MSB NO. 2309  
RYAN K. FRENCH, LAB NO. 34555  
One of the Attorneys for First Presbyterian  
Church of Greenwood, Inc.

RECEIVED

JUL - 7 2015  
SAM ABRAHAM, CHANCERY CLERK  
BY Liana Zella D.C.

I hereby Certify that the foregoing is a true and complete copy of the original thereof, as the same appears of record in my office. Given under my hand and official seal this 7<sup>th</sup> day of July, 2015  
Sam Abraham, Clerk of Chancery Court  
Leflore County, Miss.  
By Liana Zella D. C.







that this Temporary Restraining Order is properly granted ex parte and without notice to the Presbytery. Because of the Presbytery's alleged incentive, ability, readiness, and directions to respond to litigation by seizing property, the TRO must be granted immediately.

IT IS THEREFORE ORDERED that a temporary restraining order be issued against the Presbytery of St. Andrew, its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery of St. Andrew, or acting by or through the Presbytery of St. Andrew, on its behalf, or in its stead. This temporary restraining order shall pertain to all Property held by or for FPC Starkville, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of FPC Starkville (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew shall be restrained from filing any documents in the mortgage and conveyance records of Oktibbeha County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of FPC Starkville. The Presbytery of St. Andrew shall also be restrained from asserting a trust on behalf of the Presbytery of St. Andrew or other affiliated third party over real Property titled in the name of FPC Starkville or otherwise held by or for FPC Starkville, the effect of which would be to place a cloud on the title of said real Property. Nor shall the Presbytery of St. Andrew otherwise: interfere with or disturb FPC Starkville's ownership, use, control, or disposition of its Property; or interfere with FPC Starkville's right to determine the ownership, use, control, or disposition of Property held by FPC Starkville, held for FPC

Starkville, in the possession or under the control of FPC Starkville, or owned by or titled in the name of FPC Starkville.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew, and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be temporarily restrained from taking any action that could affect the property rights of FPC Starkville, specifically including but not limited to:


- (a) seeking to change the locks of FPC Starkville or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of FPC Starkville which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving FPC Starkville or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over FPC Starkville in order to assume or effect control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FPC Starkville, the governing body of Plaintiff (the session), or any related designees or agents, in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for, or in the name of FPC Starkville.

IT IS FURTHER ORDERED, however, that nothing in this Temporary Restraining Order shall preclude the Presbytery of St. Andrew from taking ecclesiastical action for non-pretexual ecclesiastical cause that: is unrelated to this litigation or any property issue raised in, prompted by, related to this litigation; or that does not affect the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of FPC Starkville.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until FPC Starkville executes and files with the clerk a bond in the amount of five thousand dollars (\$5,000.00).

IT IS FURTHER ORDERED that the Temporary Restraining Order shall be in place until a hearing has been conducted upon FPC Starkville's request for a preliminary injunction, which hearing shall not be more than ten (10) days from the hour and minute that this TRO is entered and signed by the Court.

SIGNED this 23<sup>rd</sup> day of March, 2015, at 2:45 p.m.

  
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CHANCELLOR



commission could be exercised so that an injunction is necessary to prevent injury to FPC Starkville. The court does not see the immediate harm to either party of continuing the injunction on a preliminary basis. The Court further finds that the injunctive relief would support the public interest inasmuch as there was testimony regarding the dependence of a daycare center upon FPC Starkville and the substantial interest of the church in maintaining possession and control of its property.

Taking due consideration of these concerns, the Court finds that a Preliminary Injunction is needed to avoid the threatened harm and to preserve the status quo between the parties until this Court can render a final and binding judgment.

IT IS THEREFORE ORDERED that a Preliminary Injunction be issued against the Presbytery of St. Andrew, its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery of St. Andrew, or acting by or through the Presbytery of St. Andrew or on its behalf. This Preliminary Injunction shall pertain to all Property held by or for FPC Starkville, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of FPC Starkville (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew shall be enjoined from filing any documents in the mortgage and conveyance records of Oktibbeha County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of FPC Starkville, ~~except as through its dealings and positions taken in this litigation.~~ The Presbytery of St. Andrew shall also be enjoined from asserting a trust on behalf of the Presbytery of St. Andrew or other affiliated third party over real Property titled in the name

of FPC Starkville or otherwise held by or for FPC Starkville, the effect of which would be to place a cloud on the title of said real Property. Nor shall the Presbytery of St. Andrew otherwise: interfere with or disturb FPC Starkville's ownership, use, control, ~~or disposition~~ of its Property; or interfere with FPC Starkville's right to determine the ownership, use, control, ~~or disposition~~ of Property held by FPC Starkville, held for FPC Starkville, in the possession or under the control of FPC Starkville, or owned by or titled in the name of FPC Starkville.

IT IS FURTHER ORDERED that the Presbytery of St. Andrew; and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be enjoined from taking any action that could affect the property rights of FPC Starkville, specifically including but not limited to:

- (a) seeking to change the locks of FPC Starkville or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of FPC Starkville which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving FPC Starkville or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over FPC Starkville in order to assume or effect control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FPC Starkville, the governing body of Plaintiff (the session), or any related designees or agents, in any way that pertains to the ownership, control, use, ~~or disposition~~ of the Personal or Real Property held by, for, or in the name of FPC Starkville.

IT IS FURTHER ORDERED, however, that nothing in this Preliminary Injunction shall preclude the Presbytery of St. Andrew from taking ecclesiastical action for ~~non-textual~~ ecclesiastical cause that: is unrelated to this litigation or any property issue raised in, prompted by, related to this litigation; or that does not affect the ownership, control, use, ~~or disposition~~ of

the Personal or Real Property held by, for or in the name of FPC Starkville. Nor shall anything in this Preliminary Injunction preclude the Presbytery of St. Andrew from making any statement or expressing any belief in a manner that does not affect or interfere with the ownership, control, use, or ~~disposition~~ of the Personal or Real Property held by, for, or in the name of FPC Starkville.

IT IS FURTHER ORDERED that FPC Starkville shall not alienate, dispose of, or otherwise permanently divest itself of any material assets other than in the ordinary course of its operations and ministries, taking due account of any extenuating or extraordinary circumstances. ~~It shall be understood, however, that this provision shall not prevent FPC Starkville from exercising its constitutional right to discontinue its association with the Presbytery and PCUSA, associate with another religious group, and modify its corporate documents and documents of title accordingly.~~

IT IS FURTHER ORDERED that this Preliminary Injunction shall not be effective unless and until FPC Starkville executes and files with the clerk a bond in the amount of Thirty thousand dollars (\$ 30,000.00).

IT IS FURTHER ORDERED that the Preliminary Injunction shall be in place until this Court has issued a final and binding judgment on the merits of the issues presented in FPC Starkville's Complaint for Declaratory Judgment.

SIGNED this 7<sup>th</sup> day of May, 2015, at 3:15 p.m.

[Signature]  
CHANCELLOR



IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

Filed  
8/10/2015

Greene County Circuit Court  
Division 1

FIRST AND CALVARY PRESBYTERIAN )  
CHURCH, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOHN CALVIN PRESBYTERY, )  
 )  
Defendant. )

CASE NO. 1531-CC00924

PRELIMINARY INJUNCTION

Plaintiff's request for Preliminary Injunction came on to be heard on the 7<sup>th</sup> day of August, 2015. Evidence was presented by each Plaintiff, First and Calvary Presbyterian Church ("FCPC") and Defendant, John Calvin Presbytery ("Presbytery").

FCPC has filed a Petition seeking a Declaratory Judgment; Preliminary Injunction, Permanent Injunction; and a Judgment Quieting Title against Presbytery. After considering the evidence presented and argument of counsel, the Court finds that FCPC has established the probability of its right to the requested relief under the neutral principles of law approach adopted by the Missouri Supreme Court in *Presbytery of Elijah Parish Lovejoy v. Jaeggi*, 682 S.W. 2d 465 (Mo. banc 1984), *Heartland Presbytery v. Gashland Presbyterian Church*, 364 S.W. 3d 575 (Mo. App. W.D. 2012) (transfer denied) and *Colonial Presbyterian Church v. Heartland Presbytery*, 375 S.W. 3d 190 (Mo. App. W.D. 2012) (transfer denied). Based on the property deeds of FCPC, the terms of its corporate charter and by-laws, the provisions of the denominational constitution, and the generally applicable provisions of Missouri

law, FCPC has demonstrated the preliminary likelihood of its complete and exclusive ownership of any property held in its name, the probability of its success on the merits, and the absence of harm to the public interest.

The Court finds there is a reasonable likelihood that Presbytery may, on its own or upon direction of those superintending it in the Church hierarchy, take any one or more of the following actions:

- a. Presbytery may record documents in the Recorder of Deeds Office of Greene County, Missouri, placing a cloud on the title of FCPC's real estate located at 820 E. Cherry Street, Springfield, Missouri, by claiming, *inter alia*, that FCPC holds title to the said property in trust for the use and benefit of Presbytery or others;
- b. Presbytery may file with the Missouri Secretary of State financing statements attempting to claim an interest in and to the personal property of FCPC;
- c. Presbytery may change the locks on FCPC's church buildings, terminate employment of the ministers, employees and staff of FCPC, take over the books, records and bank accounts or other monetary assets of FCPC;
- d. Presbytery may attempt to dissolve FCPC, a Missouri nonprofit corporation, attempt to have a receiver appointed for FCPC, or take other action, to assume control over the ownership, use or disposition of the real or personal property of FCPC or attempting to gain control over FCPC as a nonprofit corporation;
- e. Presbytery may otherwise interfere with the normal duties and responsibilities of the officers, ministers and employees of FCPC, the governing body of FCPC, the Session, or its Board of Trustees, or any officer or designees thereof, as they pertain to the use, control, and disposition of the property at issue.

The Court finds based on the evidence presented that Presbytery has the means at its disposal, either on its own or in concert with others, to cause FCPC, immediate and irreparable harm. The Presbyterian Church USA ("PCUSA"), through its issuance of the "Louisville Papers" admitted into evidence, has outlined a course of action that, if carried out, may cause immediate and irreparable harm, loss or damage to FCPC in connection with the underlying dispute or FCPC filing this action. If the Court does not

issue the Preliminary Injunction, FCPC may be irreparably injured, because Presbytery has the authority, and may receive a mandate from the PCUSA to form an Administrative Commission and thereafter empower that Commission to seize control of FCPC property or its operations or both. Such conduct by Presbytery, whether on its own accord or upon the direction of others, would result in irreparable harm and would render FCPC without an adequate remedy at law, in that an award of monetary damages would not adequately compensate FCPC for the potential harm to its ability to conduct its ministries and other activities.

The Court finds that the equities favor the issuance of this Preliminary Injunction and that this Preliminary Injunction is necessary to preserve the status quo between the parties pending a full hearing on the merits.

IT IS THEREFORE ORDERED that a Preliminary Injunction be and is hereby issued enjoining John Calvin Presbytery, its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead. This Preliminary Injunction pertains to all property held by or for FCPC, both real and personal, together with all buildings and improvements thereon, corporeal or incorporeal, wherever located, whether held by, for or in the name of FCPC (collectively "Property"). The real property is more particularly described in the recorded deeds admitted into evidence. Presbytery is enjoined from filing any document with the Recorder of Deeds in Greene County, Missouri to assert ownership, use or control, or rights to determine ownership, use or control, to any real property titled in the name of FCPC or to assert a trust on behalf of the Presbytery or other affiliated third party over real property titled in the name of FCPC or otherwise held by or for FCPC the effect which would be to place a cloud on the title of said real property, or otherwise interfere with or disturb FCPC's ownership, use, control, or disposition of the property, or interfere with FCPC's right to determine the ownership, use, control, or disposition of property held by or for FCPC or held in the possession of, control of, or owned by or titled in the name of FCPC.

IT IS FURTHER ORDERED that John Calvin Presbytery, and any persons or entities acting in concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are enjoined from taking any action that could affect the property rights of FCPC, including, but not limited to :

- a. Seeking to change the locks of FCPC or any of its buildings;
- b. Initiating any disciplinary or other retaliatory action against the employees, officers, ministers, or members of FCPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- c. Dissolving FCPC or appointing or initiating processes leading to the appointment of an Administrative Commission to assert original jurisdiction, directly or indirectly, over FCPC in order to assume or effect control over the ownership, use, or disposition of the property, or;
- d. Otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FCPC, the governing body of FCPC, or the Session, it's Board of Trustees or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the personal or real property held by, for or in the name of FCPC.

**IT IS FURTHER ORDERED** that nothing in this Preliminary Injunction shall preclude John Calvin Presbytery from taking ecclesiastical action for any non-pretextual ecclesiastical cause that is unrelated to the property issues raised in this litigation. Nothing in this Injunction should be considered to preclude Presbytery from appointing an Administrative Commission specifically empowered to communicate with members of First and Calvary Presbyterian Church, and to facilitate a resolution of the underlying dispute.

The evidence presented did not demonstrate that Presbytery would be likely to suffer any monetary or financial hardship in the event it is later determined that this Preliminary Injunction was improvidently granted. Therefore, FCPC shall post a bond or cash deposit in the sum of \$100.00, as a mandatory condition to the effectiveness of this Injunction.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in full force and affect until superseded by further order of this Court.

SIGNED and DATED 8/10/2015.



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Michael J. Cordonnier, Circuit Judge  
Thirty-first Judicial Circuit  
Greene County Missouri

2015-CI-07858  
073RD JUDICIAL DISTRICT COURT  
FIRST PRESBYTERIAN CHURCH OF SAN ANTONIO  
DATE FILED: 05/12/2015

FIRST PRESBYTERIAN CHURCH                   §                   IN THE DISTRICT COURT  
SAN ANTONIO,                                   §  
Plaintiff,                                       §  
v.   §                   \_\_\_ JUDICIAL DISTRICT  
MISSION PRESBYTERY,                       §  
Defendants.                                     §                   BEXAR COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER**

First Presbyterian Church of San Antonio’s (“FPC”) has filed a Verified Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary and Permanent Injunction (“Petition”). After considering FPC's verified pleading and argument of counsel, the Court finds that FPC has established the probability of its right to the requested relief under the neutral principle factors set forth by the Texas Supreme Court in *Masterson v. Diocese of Nw. Texas*, 422 S.W.3d 594 (Tex. 2013); *Windwood Presbyterian Church, Inc. v. Presbyterian Church (USA.)*, 438 S.W.3d. 597 (Tex. App—Houston [1st Dist.] 2014). Based upon the property deeds of FPC, the terms of its corporate charter, the provisions of the denominational constitution, and the generally applicable provisions of Texas law, FPC has demonstrated the likelihood of its complete and exclusive ownership of any property held in its name.

The Court finds that it clearly appears that Mission Presbytery (“Presbytery”) has the means at its disposal to cause immediate and irreparable injury, loss or damage to FPC in connection with FPC filing this action and that, if the Court does not issue the Temporary Restraining Order, FPC will be irreparably injured because Presbytery will proceed to form an Administrative Commission to seize control of FPC property or its operations or both. Such conduct by Presbytery would cause immediate damage to the funding of FPC’s charities,

ministries, and scholarships and render FPC without an adequate remedy at law in that an award of damages would not adequately compensate FPC for the resulting harm to its ability to conduct its ministries.

The Court finds that the equities favor the issuance of this Temporary Restraining Order and that this Temporary Restraining Order is necessary to preserve the status quo between the parties pending a hearing on FPC's request for a temporary injunction.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery because of Presbytery's incentive, ability and directions from the Presbyterian Church (U.S.A.) to immediately form such an Administrative Commission and endeavor to seize control of FPC's operations.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against Mission Presbytery its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with Presbytery, or acting by or through Presbytery or on its behalf or in its stead. This Temporary Restraining Order pertains to all Property held by or for First Presbyterian Church of San Antonio, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for the benefit of, or in the name of First Presbyterian Church of San Antonio (collectively "Property"), which real Property is more particularly described in Exhibit 1 to the Petition. Presbytery is restrained from filing any documents in the mortgage and conveyance records of Bexar County to assert ownership, use or control, or rights to determine ownership, use or control, to any real Property titled in the name of First Presbyterian Church of San Antonio or to assert a trust on behalf of Presbytery or other affiliated third party over real Property

titled in the name of First Presbyterian Church of San Antonio or otherwise held by or for First Presbyterian Church of San Antonio the effect of which would be to place a cloud on the title of said real Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Property held by or for First Presbyterian Church of San Antonio or held in the possession of, control of, or owned by, for the benefit of, or titled in the name of First Presbyterian Church of San Antonio.

IT IS FURTHER ORDERED that Mission Presbytery, and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily restrained from taking any action that could affect the property rights of First Presbyterian Church of San Antonio, including but not limited to:

- (1) Filing any documents in the mortgage and conveyance records in Bexar County, or any County where FPC's property is located, the effect of which would be to place a cloud on the title of any property titled in the name of plaintiff;
- (2) Otherwise taking any action to claim or assert ownership, use, or control of the Personal and Real Property, or a right to determine ownership, use or control of the Personal and Real Property, in the possession or control of, owned by, titled in the name of or held for the benefit of First Presbyterian Church of San Antonio;
- (3) Asserting any rights to the property of First Presbyterian Church of San Antonio, including but not limited to seeking to change the locks of the church, initiating any disciplinary action against the ministers or members of the church, appointing an administrative commission with authority to assume "original jurisdiction" over FPC's local governance and control of local property possessed by or titled in the name of First Presbyterian Church of San Antonio or First Presbyterian Church of San Antonio Foundation, or otherwise interfering, by dissolution or otherwise, in any way with the property-related rights and responsibilities of the employees of FPC, the governing body of FPC (the session), its congregation, or the governing body of its local church corporation FPC (the board of trustees);
- (4) Contacting any financial institution to assert a claim of interest in any account, fund, stock or other asset held in the name or for the benefit of First



Presbyterian Church of San Antonio or First Presbyterian Church of San Antonio Foundation; or

- (5) Otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of First Presbyterian Church of San Antonio or the First Presbyterian Church of San Antonio Foundation or any designees thereof in any way that pertains to the ownership, control, use or disposition of the Real and Personal Property held by, for or in the name of First Presbyterian of San Antonio.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of San Antonio

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set before the Presiding District Court of Bexar County, Texas for the 26<sup>th</sup> day of MAY, 2015<sup>at 9:00 AM.</sup> The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five hundred dollars (\$ 500).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date it is entered, or until further order of this Court.

SIGNED this 12 day of May, 2015, at 11:16 A.M.

  
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JUDGE PRESIDING

CAUSE NO. DC. 13-10005

ORIGINAL

HIGHLAND PARK PRESBYTERIAN CHURCH INC.

Plaintiff,

v.

GRACE PRESBYTERY, INC.

Defendant.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

298 JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

After considering Plaintiff's Original Petition for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, and Declaratory Judgment filed by Highland Park Presbyterian Church, the Court finds there is evidence that harm is imminent to Plaintiff and if the court does not issue the temporary restraining order, Plaintiff will be irreparably injured. Further, an ex parte order, without notice to Defendant is necessary because there was not enough time to give notice to Defendant, hold a hearing and issue a restraining order before the irreparable injury or damage would occur as set forth in the Petition.

THEREFORE, IT IS HEREBY ORDERED, that this Temporary Restraining Order be and it is hereby issued against Grace Presbytery of the Presbyterian Church (USA), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead (herein "Presbytery"). This Temporary Restraining Order pertains to all property held by or for Highland Park Presbyterian Church and its civil corporation ("HPPC"), both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for, or in the name of HPPC. The Presbytery is enjoined from filing any documents in the deed and conveyance records of Dallas

County to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable property titled in the name of HPPC or to assert a trust on behalf of the Presbytery or other affiliated third party over immovable property titled in the name of HPPC, or otherwise held by or for HPPC, the effect of which would be to place a cloud on the title of said immovable property, or otherwise interfere with or disturb plaintiff's ownership, use, control, or disposition of plaintiff's personal or real property, or interfere with plaintiff's right to determine the ownership, use, control, or disposition of personal or real property held by or for HPPC or held in the possession of, control of, or owned by or titled in the name of HPPC.

IT IS FURTHER ORDERED that Grace Presbytery of the Presbyterian Church (USA), and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily enjoined from taking any action that could affect the property rights of HPPC, including but not limited to: 1) seeking to change the locks of HPPC; 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of HPPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation; 3) dissolving HPPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over HPPC in order to assume or effect control over the ownership, use, or disposition of the personal or real property; or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of HPPC, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.


Nothing in this Temporary Restraining Order shall preclude the Presbytery from taking ecclesiastical action for non-pretexual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for temporary injunction is set for 23 day of Sept, 2013, at 9:30 o'clock A.m. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five hundred and no/100 dollars (\$500.00).

IT IS FURTHER ORDERED, that this Temporary Restraining Order expires fourteen days hereafter from the date entered or until further order of this Court.

SIGNED this 10 day of September, 2013, at 12:45 o'clock P.m.

  
JUDGE PRESIDING  
JUDGE 134<sup>th</sup> JUDICIAL DISTRICT COURT SITTING FOR JUDGE  
298<sup>th</sup> JUDICIAL DISTRICT COURT OF DALLAS COUNTY, TEXAS

ORIGINAL SIGNED BY JUDGE

HIGHLAND PARK PRESBYTERIAN  
CHURCH INC.

Plaintiff,

v.

GRACE PRESBYTERY, INC.

Defendant.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

298<sup>TH</sup> JUDICIAL DISTRICT

TEMPORARY INJUNCTION

After considering Plaintiff Highland Park Presbyterian's Original Petition and Application for Injunctive Relief, the Court finds there is evidence that Plaintiff has a probable right to the relief it seeks on final hearing, that harm is imminent to Plaintiff and if the court does not issue the temporary injunction, Plaintiff will be irreparably injured. The Court finds that: (i) Plaintiff is a Texas not-for-profit corporation; (ii) Its primary purpose is not monetary but spiritual and philanthropic; and (iii) Plaintiff supports numerous ministries, missionaries, and charitable endeavors of wide-ranging civic and community impact, including but not limited to: Habitat for Humanity, Interfaith Housing Coalition, Dallas Pregnancy Resource Center, Presbyterian Children's Homes & Service, Salvation Army Partners, food banks, soup kitchens, childhood literacy education programs, prison ministries, adult job training services, and assisted living for the elderly. The Court further finds that absent a temporary injunction, the rights of Plaintiff and its ministry will be irreparably injured, as seizure of Plaintiff's property by Grace Presbytery will adversely impact donations and volunteer support by Plaintiff's congregants. The Court also finds that Plaintiff seeks protection of the ownership, possession and enjoyment of immoveable and personal property and that existing policy and prior action of Grace

Presbytery demonstrates that Plaintiff will suffer irreparable injury if injunctive relief is not granted and, thus, a monetary award is an insufficient remedy at law.

THEREFORE, IT IS HEREBY ORDERED, that this Temporary Injunction be and it is hereby issued against Grace Presbytery of the Presbyterian Church (USA), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead (herein "Presbytery"). This Temporary Injunction pertains to all property held by or for Highland Park Presbyterian Church and its civil corporation ("HPPC"), both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for, or in the name of HPPC. The Presbytery is enjoined from filing any documents in the deed and conveyance records of Dallas County to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable property titled in the name of HPPC or to assert a trust on behalf of the Presbytery or other affiliated third party over immovable property titled in the name of HPPC, or otherwise held by or for HPPC, the effect of which would be to place a cloud on the title of said immovable property, or otherwise interfere with or disturb plaintiff's ownership, use, control, or disposition of plaintiff's personal or real property, or interfere with plaintiff's right to determine the ownership, use, control, or disposition of personal or real property held by or for HPPC or held in the possession of, control of, or owned by or titled in the name of HPPC.

IT IS FURTHER ORDERED that Grace Presbytery of the Presbyterian Church (USA), and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily enjoined from taking any action that could affect the property rights of HPPC, including but not limited to: 1) seeking to change the locks

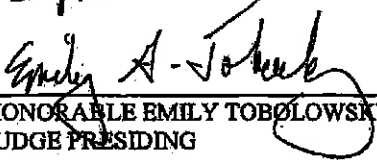
of HPPC; 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of HPPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation; 3) dissolving HPPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over HPPC in order to assume or effect control over the ownership, use, or disposition of the personal or real property; or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of HPPC, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.

Nothing in this Temporary Injunction shall preclude the Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.

IT IS FURTHER ORDERED that the trial on the merits is set for non-jury trial on ~~September 9,~~ <sup>March 10,</sup> 2014.

IT IS FURTHER ORDERED that the bond in the amount of Five Hundred Dollars (\$500.00) previously filed in support of the Temporary Restraining Order shall remain in effect and serve as bond for this Temporary Injunction.

SIGNED: October 14, 2013, at 3:53 pm

  
HONORABLE EMILY TOBOLOWSKY  
JUDGE PRESIDING

FILED

21-CV-2048  
CAUSE NO. \_\_\_\_\_

21 NOV 17 AM 8:51

TIKI ISLAND CHAPEL,

Plaintiff

v.

PRESBYTERY OF NEW COVENANT, INC.,

Defendant

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IN THE DISTRICT COURT

*John D. Koval*  
DISTRICT CLERK  
GALVESTON COUNTY, TEXAS

GALVESTON COUNTY, TEXAS

Galveston County - 212th District Court

\_\_\_\_\_ JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER and ORDER SETTING HEARING FOR  
TEMPORARY INJUNCTION**

Tiki Island Chapel ("TIC") has filed a Verified Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary Injunction. After considering TIC's verified pleading and exhibits, the Court finds that TIC has established the probability of its right to the requested relief under the neutral-principles analysis adopted by the Texas Supreme Court in *Masterson v. Diocese of Nw. Texas*, 422 S.W.3d 594 (Tex. 2013). See also *Windwood Presbyterian Church, Inc.*, 438 S.W. 3d 597 (Tex. App. – Houston [1st Dist.] 2014). Based upon the facts alleged, that is, TIC has sufficiently established that its property is not subject to a legally-cognizable trust in favor of the PCUSA.

The Court further finds that it clearly appears that the Presbytery of New Covenant, Inc. has threatened immediate and irreparable injury, loss, or damage to TIC in connection with TIC filing this action and that, if the Court does not issue the Temporary Restraining Order, TIC will be immediately and irreparably injured. The Court specifically finds that TIC has sufficiently proven that the Presbytery of New Covenant, Inc. will form an Administrative Commission to seize control of TIC property, or its operations or both. Such conduct by the Presbytery would deprive TIC of an adequate remedy at law, as an award of damages would not adequately





compensate TIC for the resulting harm to its ability to conduct its ministries and minister to its members.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery of New Covenant, Inc. because of Presbytery's demonstrable incentive, ability, and directions from the PCUSA to immediately form such an Administrative Commission and endeavor to seize control of TIC's operations.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against the Presbytery the Presbytery of New Covenant, Inc., its officers, agents, employees, counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf (collectively, the "Presbytery"). This injunctive relief pertains to all property held by or for TIC, both real, including any buildings and improvements, and personal, wherever located, whether held by, for, or in the name of TIC (collectively, "Property").

IT IS FURTHER ORDERED that the Presbytery shall be restrained from filing any documents in the mortgage or conveyance records of Galveston County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of TIC. The Presbytery shall be restrained from asserting a trust on behalf of the Presbytery of New Covenant, the PCUSA, or any other affiliated third party over Property titled in the name of TIC or otherwise held by or for TIC, the effect of which would be to place a cloud on the title of TIC's Property. The Presbytery shall be prohibited from otherwise: interfering with or disturbing TIC's ownership, use, control, or disposition of its Property; or interfering with TIC's right to determine the ownership, use, control, or disposition of Property held by TIC, held for TIC, or owned by or titled in the name of TIC.

IT IS FURTHER ORDERED that the Presbytery, and any persons or entities in active concert or participation with it, on its behalf, or in its stead, whether acting directly or indirectly, shall be temporarily restrained from taking any action that could affect the property rights of TIC, including but not limited to:

- (a) seeking to change the locks of TIC or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of TIC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving TIC or ordering or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over TIC, the effect of which would be to assume control over the ownership, use, or disposition of TIC Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of TIC, the governing body of TIC (the session or Board of Trustees), or any related designees or agents, in any way that pertains to the ownership, control, use, or disposition of TIC's property.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude the Presbytery of New Covenant, Inc. from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised therein; or from taking such ecclesiastical action which is not related to or does not affect the ownership, control, use, or disposition of the Property held by, for, or in the name of TIC.

IT IS FURTHER ORDERED that the clerk shall issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set for the 30<sup>th</sup> day of November, 2021, at 3:00 pm. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits and a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of one hundred dollars (\$ 100<sup>00</sup> ).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date and time it is entered, or until further order of this Court.

SIGNED this 17 day of November, 2021, at 8:40 PM a.m./p.m..

  
JUDGE PRESIDING

CAUSE NO. 2014- 30354

FIRST PRESBYTERIAN CHURCH OF HOUSTON,

Plaintiff

v.

PRESBYTERY OF NEW COVENANT, INC.,

Defendant

§ IN THE DISTRICT COURT

§ HARRIS COUNTY, TEXAS

§ 234 JUDICIAL DISTRICT

FILED  
CHRIS DANIEL  
District Clerk  
MAY 29 2014  
9:35 AM  
Harris County, Texas  
By SW  
Deputy

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

First Presbyterian Church of Houston ("FPC") has filed a Verified Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary and Permanent Injunction. After considering FPC's verified pleading and argument of counsel, the Court finds that FPC has established the probability of its right to the requested relief under the neutral principle factors set forth by the Texas Supreme Court in *Masterson v. Diocese of Nw. Texas*, 422 S.W.3d 594 (Tex. 2013). See also *Windwood Presbyterian Church, Inc.*, 2014 WL 47750 (Tex. App. – Houston [1st Dist.], Jan. 7, 2014). Based upon the property deeds of FPC, the terms of its corporate charter, the provisions of the denominational constitution, and the generally applicable provisions of Texas law, FPC has demonstrated the likelihood of its complete and exclusive ownership of any property held in its name.

The Court finds that it clearly appears that Presbytery of the New Covenant, Inc. ("Presbytery") has the means at its disposal and has indeed threatened immediate and irreparable injury, loss or damage to FPC in connection with FPC filing this action and that, if the Court does not issue the Temporary Restraining Order, FPC will be irreparably injured, because Presbytery will proceed to form an Administrative Commission to seize control of FPC property

or its operations or both. Such conduct by Presbytery would render FPC without an adequate remedy at law in that an award of damages would not adequately compensate FPC for the resulting harm to its ability to conduct its ministries.

The Court finds that the equities favor the issuance of this Temporary Restraining Order and that this Temporary Restraining Order is necessary to preserve the status quo between the parties pending a hearing on FPC's request for a temporary injunction.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery because of Presbytery's incentive, ability and directions from the Presbyterian Church (U.S.A.) to immediately form such an Administrative Commission and endeavor to seize control of FPC's operations.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against the Presbytery of New Covenant, Inc., its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead. This Temporary Restraining Order pertains to all Property held by or for First Presbyterian Church of Houston, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of First Presbyterian Church of Houston (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto. Presbytery is restrained from filing any documents in the mortgage and conveyance records of Harris County to assert ownership, use or control, or rights to determine ownership, use or control, to any real Property titled in the name of First Presbyterian Church of Houston or to assert a trust on behalf of the Presbytery or other

affiliated third party over real Property titled in the name of First Presbyterian Church of Houston or otherwise held by or for First Presbyterian Church of Houston the effect of which would be to place a cloud on the title of said real Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Property held by or for First Presbyterian Church of Houston or held in the possession of, control of, or owned by or titled in the name of First Presbyterian Church of Houston.

IT IS FURTHER ORDERED that the Presbytery of New Covenant, Inc., and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily restrained from taking any action that could affect the property rights of First Presbyterian Church of Houston, including but not limited to:

- (a) seeking to change the locks of First Presbyterian Church of Houston or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of First Presbyterian Church of Houston which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving First Presbyterian Church of Houston or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over First Presbyterian Church of Houston in order to assume or effect control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of First Presbyterian Church of Houston, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of Houston.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that

is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of Houston.

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set for the 9<sup>th</sup> day of June, 2014, at 3:00 PM. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits and a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five Hundred dollars (\$500).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date it is entered, or until further order of this Court.

SIGNED this 29 day of May, 2014, at 1:36 AM.

  
JUDGE PRESIDING





THEREFORE, IT IS HEREBY ORDERED, that this Temporary Injunction be and it is hereby issued against the Presbytery of the New Covenant, Inc. of the Presbyterian Church (USA), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead (herein "Presbytery"). This Temporary Injunction pertains to all property held by or for First Presbyterian Church of Houston and its civil corporation (herein "FPC"), both immovable (real) together with all buildings and improvements thereon, and movable, whether corporeal or incorporeal, wherever located, whether held by, for, or in the name of FPC. The Presbytery is enjoined from filing any documents in the deed and conveyance records of Harris County to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable property titled in the name of FPC or to assert a trust on behalf of the Presbytery or other affiliated third party over immovable property titled in the name of FPC, or otherwise held by or for FPC, the effect of which would be to place a cloud on the title of said immovable property, or otherwise interfere with or disturb plaintiff's ownership, use, control, or disposition of plaintiff's personal or real property, or interfere with plaintiff's right to determine the ownership, use, control, or disposition of personal or real property held by or for FPC or held in the possession of, control of, or owned by or titled in the name of FPC.

IT IS FURTHER ORDERED that the Presbytery of the New Covenant, Inc. of the Presbyterian Church (USA), and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily enjoined from taking any action that could affect the property rights of FPC, including but not limited to: 1) seeking to change the locks of FPC; 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of FPC which directly or indirectly

arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation; 3) dissolving FPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over FPC in order to assume or effect control over the ownership, use, or disposition of the personal or real property; or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of FPC, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of FPC.

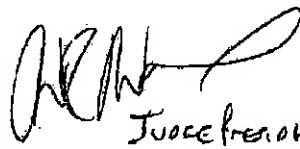
Nothing in this Temporary Injunction shall preclude the Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of FPC.

IT IS FURTHER ORDERED that the trial on the merits is set for jury trial on MARCH 23, 2014.

IT IS FURTHER ORDERED that the bond in the amount of Five Hundred Dollars (\$500.00) previously filed in support of the Temporary Restraining Order shall remain in effect and serve as bond for this Temporary Injunction.

SIGNED: 17 SEPT, 2014, at 9.15 AM pm.

SEP 17 2014

  
J. J. Freeman

P. 4  
TROX  
STBNX  
CASO

CAUSE NO. 2016-14517

MEMORIAL DRIVE PRESBYTERIAN CHURCH

IN THE DISTRICT COURT

*Plaintiff*

v.

HARRIS COUNTY, TEXAS  
**FILED**

PRESBYTERY OF NEW COVENANT, INC., and PRESBYTERIAN CHURCH (USA),

Chris Daniel  
District Clerk

MAR 07 2016

*Defendants*

Time: \_\_\_\_\_  
Harris County, Texas

113TH JUDICIAL DISTRICT  
By \_\_\_\_\_  
Deputy

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

Memorial Drive Presbyterian Church ("MDPC") has filed a Verified Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary Injunction. After considering MDPC's verified pleading and argument of counsel, the Court finds that MDPC has established the probability of its right to the requested relief under the neutral principle factors set forth by the Texas Supreme Court in *Masterson v. Diocese of Nw. Texas*, 422 S.W.3d 594 (Tex. 2013). See also *Windwood Presbyterian Church, Inc.*, 438 S.W. 3d 597 (Tex. App. – Houston [1st Dist.] 2014). Based upon the property deeds of MDPC, the terms of its corporate charter, the provisions of the denominational constitution, and the generally applicable provisions of Texas law, MDPC has sufficiently alleged the likelihood of its complete and exclusive ownership of any property held in its name.

The Court further finds that it clearly appears that Presbytery of New Covenant, Inc. ("Presbytery") has the means at its disposal and has indeed threatened immediate and irreparable injury, loss or damage to MDPC in connection with MDPC filing this action and that, if the Court does not issue the Temporary Restraining Order, MDPC will be immediately and

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irreparably injured, because Presbytery will proceed to form an Administrative Commission to seize control of MDPC property or its operations or both. Such conduct by Presbytery would deprive MDPC of an adequate remedy at law in that an award of damages would not adequately compensate MDPC for the resulting harm to its ability to conduct its ministries.

The Court finds that the equities favor the issuance of this Temporary Restraining Order and that this Temporary Restraining Order is necessary to preserve the status quo between the parties pending a hearing on MDPC's request for a temporary injunction.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery because of Presbytery's demonstrable incentive, ability and directions from the Presbyterian Church (U.S.A.) to immediately form such an Administrative Commission and endeavor to seize control of MDPC's operations.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against the Presbytery of New Covenant, Inc., its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead. This Temporary Restraining Order pertains to all Property held by or for Memorial Drive Presbyterian Church ("MDPC"), both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of MDPC (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto. Presbytery is restrained from filing any documents in the mortgage and conveyance records of Harris County to assert ownership, use or control, or rights to determine ownership, use or control, to any real Property titled in the name of MDPC or to

assert a trust on behalf of Presbytery or other affiliated third party over real Property titled in the name of MDPC or otherwise held by or for MDPC the effect of which would be to place a cloud on the title of said real Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Property held by or for MDPC or held in the possession of, control of, or owned by or titled in the name of MDPC.

IT IS FURTHER ORDERED that the Presbytery of New Covenant, Inc., and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily restrained from taking any action that could affect the property rights of MDPC, including but not limited to:

- (a) seeking to change the locks of MDPC or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of MDPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving MDPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over MDPC, the effect of which would be to assume control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of MDPC, the governing body of Plaintiff (the session), the board of trustees, or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of MDPC.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting

the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of MDPC.

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set for the 18<sup>th</sup> day of March, 2015, at 3:00 pm. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits and a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five hundred dollars (\$500.00).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date it is entered, or until further order of this Court.

SIGNED this 7<sup>th</sup> day of March, 2016, at 11:07 am.

Evin E. Luceford  
JUDGE PRESIDING

FILED FOR RECORD  
AT: \_\_\_\_\_ O'Clock \_\_\_\_\_ A.

CAUSE NO. 123, 183-P

JUN 10 2015

IN THE DISTRICT COURT  
County & County Courts at Law  
Wichita County, Texas

FIRST PRESBYTERIAN CHURCH OF  
WICHITA FALLS, §  
§  
§  
§  
§  
§  
§  
§  
§  
§

Plaintiff,

v.

PALO DURO PRESBYTERY,

Defendant.

WICHITA COUNTY, TEXAS

3<sup>rd</sup> JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER**

First Presbyterian Church of Wichita Falls ("FPC") has filed a Verified Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary and Permanent Injunction ("Petition"). After considering FPC's verified pleading and argument of counsel, the Court finds that FPC has established the probability of its right to the requested relief under the neutral principle factors set forth by the Texas Supreme Court in *Masterson v. Diocese of Nw. Texas*, 422 S.W.3d 594 (Tex. 2013); *Windwood Presbyterian Church, Inc. v. Presbyterian Church (USA.)*, 438 S.W.3d 597 (Tex. App—Houston [1st Dist.] 2014). Based upon the property deeds of FPC, the terms of its corporate charter, the provisions of the denominational constitution, and the generally applicable provisions of Texas law, FPC has demonstrated the likelihood of its complete and exclusive ownership of any property held in its name.

The Court finds that it clearly appears that Palo Duro Presbytery ("Presbytery") has the means at its disposal to cause immediate and irreparable injury, loss or damage to FPC in connection with FPC filing this action and that, if the Court does not issue the Temporary Restraining Order, FPC will be irreparably injured because Presbytery will proceed to form an Administrative Commission to seize control of FPC's property or its operations or both. Such conduct by Presbytery would cause immediate damage to the funding of FPC's charities,

ministries, and scholarships and render FPC without an adequate remedy at law in that an award of damages would not adequately compensate FPC for the resulting harm to its ability to conduct its ministries.

The Court finds that the equities favor the issuance of this Temporary Restraining Order and that this Temporary Restraining Order is necessary to preserve the status quo between the parties pending a hearing on FPC's request for a temporary injunction.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery because of Presbytery's incentive, ability and directions from the Presbyterian Church (U.S.A.) to immediately form such an Administrative Commission and endeavor to seize control of FPC's property or its operations or both.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against Palo Duro Presbytery its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with Presbytery, or acting by or through Presbytery or on its behalf or in its stead. This Temporary Restraining Order pertains to all Property held by or for First Presbyterian Church of Wichita Falls, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for the benefit of, or in the name of First Presbyterian Church of Wichita Falls (collectively "Property"), which real Property is more particularly described in Exhibit 1 to the Petition. Presbytery is restrained from filing any documents in the mortgage and conveyance records of Wichita County to assert ownership, use or control, or rights to determine ownership, use or control, to any real Property titled in the name of First Presbyterian Church of Wichita Falls or to assert a trust on behalf of Presbytery or any other affiliated third party over real Property titled in the name of First Presbyterian Church of Wichita Falls or otherwise held by or for First Presbyterian Church of Wichita

TEMPORARY RESTRAINING ORDER PAGE 2



Falls the effect of which would be to place a cloud on the title of said real Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Property held by or for First Presbyterian Church of Wichita Falls or held in the possession of, control of, or owned by, for the benefit of, or titled in the name of First Presbyterian Church of Wichita Falls.

IT IS FURTHER ORDERED that Palo Duro Presbytery, and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily restrained from taking any action that could affect the corporate rights and property rights of First Presbyterian Church of Wichita Falls, including but not limited to:

- (1) Filing any documents in the mortgage and conveyance records in Wichita County, or any County where FPC's property is located, the effect of which would be to place a cloud on the title of any property titled in the name of plaintiff;
- (2) Otherwise taking any action to claim or assert ownership, use, or control of the Personal and Real Property, or a right to determine ownership, use or control of the Personal and Real Property, in the possession or control of, owned by, titled in the name of or held for the benefit of First Presbyterian Church of Wichita Falls;
- (3) Asserting any rights to the property of First Presbyterian Church of Wichita Falls, including but not limited to seeking to change the locks of the church, initiating any disciplinary action against the ministers or members of the church, arising out of the subject matter of this litigation and as it pertains to or affects property use and control, appointing an administrative commission with authority to assume "original jurisdiction" over FPC's local governance and control of local property possessed by or titled in the name of First Presbyterian Church of Wichita Falls or First Presbyterian Church of Wichita Falls Foundation, Inc., or otherwise interfering, by dissolution or otherwise, in any way with the property-related rights and responsibilities of the employees of FPC, the governing body of FPC (the session), its congregation, or the governing body of its local church corporation FPC (the board of trustees);
- (4) Contacting any financial institution to assert a claim of interest in any account, fund, stock or other asset held in the name or for the benefit of First Presbyterian Church of Wichita Falls or First Presbyterian Church of Wichita Falls Foundation, Inc.;

- (5) Taking action to prevent FPC from exercising the rights granted to it by the Texas Business Organizations Code, including the right to sue in its name, to elect or appoint officers and agents, to adopt and amend governing documents or to otherwise conduct its business in accordance with Texas law; or
- (6) Otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of First Presbyterian Church of Wichita Falls or the First Presbyterian Church of Wichita Falls Foundation, Inc. or any designees thereof in any way that pertains to the ownership, control, use or disposition of the Real and Personal Property held by, for or in the name of First Presbyterian of Wichita Falls.


IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude Presbytery from taking ecclesiastical action for non-pretexual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of First Presbyterian Church of Wichita Falls

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set for the 21st day of June, 2015, at 11:00 A.M. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five Hundred dollars (\$ 500.00).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date it is entered, unless extended by agreement of the parties or until further order of this Court.

SIGNED this 10 day of June, 2015, at 2:10 M.

  
 \_\_\_\_\_  
 JUDGE PRESIDING