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STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

COURT OF COMMON PLEAS
CASE NO. 2013-CP-18-00013

THE PROTESTANT EPISCOPAL)
CHURCH IN THE DIOCESE OF)
SOUTH CAROLINA, THE TRUSTEES)
OF THE PROTESTANT EPISCOPAL)
CHURCH IN SOUTH CAROLINA,)
A SOUTH CAROLINA CORPORATE)
BODY, ET AL.,)

PLAINTIFFS,)

vs.)

THE EPISCOPAL CHURCH, (A/K/A)
THE PROTESTANT EPISCOPAL)
CHURCH IN THE UNITED STATES)
OF AMERICA); THE EPISCOPAL)
CHURCH IN SOUTH CAROLINA,)

DEFENDANTS.)

TRANSCRIPT OF RECORD

JULY 10, 2014
ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
Official Court Reporter

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1 THE COURT: All right. Are the plaintiffs ready to
2 proceed?

3 MR. RUNYAN: We are, Your Honor.

4 THE COURT: And then the defendants, everybody ready?
5 Everybody ready? Great.

6 MS. GOLDING: May I present one matter to the Court,
7 Your Honor? About ten minutes ago Mr. Tisdale informed me
8 that he had served one of St. Luke's members with a subpoena
9 yesterday for documents relating to a search committee. I
10 have not seen the subpoena. And as has been, unfortunately,
11 the course of action by this defendant, they have not abided
12 by the South Carolina Rules of Civil Procedure, which
13 requires anytime a subpoena leaves an attorney's office, the
14 other attorneys are to receive that subpoena. Apparently,
15 from what Mr. Tisdale has told me, it was at least prepared
16 by Tuesday, if not earlier, and so Tuesday I should have
17 received the subpoena and have not. I'm going to, of course,
18 object to the subpoena, but I just wanted the Court to be
19 aware that the defendant association continues to be very
20 cavalier about the South Carolina Rules of Civil Procedure
21 and these court orders.

22 Thank you, Your Honor.

23 MR. TISDALE: Your Honor, the subpoena was issued
24 yesterday and it's to be provided to Ms. Golding today -- I
25 mean, this morning.

1 THE COURT: Okay. She still objects.

2 MR. TISDALE: It was yesterday.

3 THE COURT: Okay. I'll deal with it if need be.

4 MS. GOLDING: Thank you, Your Honor.

5 MR. TISDALE: Thank you.

6 THE COURT: As I understand it I'm just at this point
7 notified; there's no motion to quash at this point.

8 MS. GOLDING: I have not even seen the subpoena yet.
9 They still haven't given it to me, even though it, obviously,
10 was sent out at least by Tuesday.

11 THE COURT: Okay.

12 MR. TISDALE: Sent it out yesterday.

13 THE COURT: Okay. All right. Now are we ready to
14 proceed?

15 MR. PLATTE: Your Honor, one small housekeeping matter.
16 We had some issues with documents yesterday. I've gotten
17 clean copies. I've provided them to the defendants, at least
18 for Exhibits 4A -- E-4A, E-5, and E-6, and I'd like to go
19 ahead and swap out clean copies with the Court's.

20 MR. TISDALE: We agree and he has done that.

21 THE COURT: Very well. Once that's done, then the
22 admission of the exhibits conditionally will be removed and
23 they simply will come in as exhibits.

24 MR. TISDALE: We also will be getting a readable copy of
25 the charter?

1 MR. PLATTE: Correct, and also with E-1, the document
2 that was provided was small, we're going to work to get a
3 readable copy and swap that out as well.

4 THE COURT: Very well. Thank you so much.

5 And as I recall, the next parish is?

6 MS. GOLDING: Parish of St. Luke's, Your Honor.

7 THE COURT: Thank you very much.

8 MS. GOLDING: And we will call Ms. Conner to the stand.

9 THE COURT: Very well.

10 MS. GOLDING: And this is St. Luke's in Hilton Head,
11 Your Honor.

12 THE COURT: Yes.

13 (Plaintiff's Exhibits SL-1 through SL-15 premarked for
14 identification.)

15 BEVERLY CARLSON CONNER,
16 being first duly sworn, testified as follows:

17 THE COURT: Your witness.

18 MS. GOLDING: Thank you, Your Honor.

19 Your Honor, it's my understanding that St. Luke's,
20 Hilton Head's exhibits marked 1 through 15 have no objection
21 -- none of the defendants object to these, so we would like
22 to move to introduce St. Luke's Exhibits 1 through 15.

23 THE COURT: Very well. Is that correct?

24 MR. TISDALE: That is correct.

25 MS. KOSTEL: Yes, Your Honor.

1 (Plaintiff's Exhibits SL-1 through SL-15 admitted into
2 evidence.)

3 DIRECT EXAMINATION BY MS. GOLDING:

4 Q. For the record, please state your full name.

5 A. Beverly Carlson Conner.

6 Q. And, Ms. Conner, where do you live?

7 A. In Hilton Head.

8 Q. Okay. And how long have you lived in Hilton Head?

9 A. Hilton Head, about two years.

10 Q. Okay. And how long have you lived in the state of South
11 Carolina?

12 A. 12 years.

13 Q. With respect to St. Luke's, Hilton Head, can you tell us
14 your association with that church?

15 A. I've been a member since September of 2002, and I have
16 been secretary to the finance committee, secretary to the
17 vestry and corporate secretary.

18 Q. And just for our purposes, with respect to St. Luke's
19 Church in Hilton Head, how many members does it currently
20 have?

21 A. At the last meeting I'd say 600-and-some people.

22 Q. And to your knowledge, when was St. Luke's incorporated?

23 A. In 1969.

24 Q. And at that time, did it become a South Carolina
25 nonprofit corporation?

1 A. Yes, it did.

2 Q. Did it exist prior to 1969?

3 A. Yes.

4 Q. Okay. And with respect to the property owned by
5 St. Luke's, can you tell us the property -- describe it just
6 in general, the property, the four pieces of property that's
7 owned by St. Luke's, Hilton Head?

8 A. Three pieces were given to us in '77, I can't remember
9 the date.

10 Q. September 9, 1970?

11 A. Yes, September 9, 1970; June 11, 1993; and June 6th of
12 1996.

13 Q. And look at Exhibit 15, is that also a fourth piece of
14 property?

15 A. Yes, it is.

16 Q. And Exhibits, then, 2, 3, 4, and 15 represent the real
17 property owned by St. Luke's, Hilton Head?

18 A. Yes.

19 Q. Thank you. Now, with respect to St. Luke's bylaws,
20 Exhibit No. 5, are those the bylaws that were existing as of
21 September 7 -- excuse me -- December 7, 1973?

22 A. Yes.

23 Q. Okay. And were those bylaws, then, amended in the
24 calendar year 2000?

25 A. Yes, they were.

1 Q. And the amended are Exhibit No. 6; is that correct?

2 A. Yes.

3 Q. Okay. And then there was another amendment shown on
4 Exhibit 7, and what year was that amendment?

5 A. That was January 2009.

6 Q. Now, at some point in time did St. Luke's, Hilton Head
7 make a decision to further amend its bylaws?

8 A. Yes, it did.

9 Q. Okay. And when did that occur?

10 A. That was in 2009, the end of the year, December.

11 Q. Okay. And did the vestry meet in November of 2009 with
12 respect to amending its bylaws?

13 A. Yes, it did.

14 Q. And can you tell us what the vestry did in November of
15 2009 with respect to amending its bylaws?

16 A. There were resolutions brought up before the vestry and
17 voted on unanimously.

18 Q. Okay. And was there notice of the vestry meeting in
19 November of 2009 with respect to that meeting and the
20 amending of bylaws?

21 A. Yes, there was.

22 Q. And the minutes of the vestry meeting in November 7 --
23 17, reflect the proceedings that occurred with respect to the
24 vestry?

25 A. That's correct.

1 Q. And those minutes are set forth as St. Luke's, Hilton
2 Head Exhibit No. 8; is that correct?

3 A. Yes.

4 Q. Okay. As a result of the vestry unanimously voting to
5 amend its bylaws and amend its articles of incorporation, was
6 there a special congregational meeting held?

7 A. Yes, there was.

8 Q. And when was that special meeting?

9 A. On December 1st, 2009.

10 Q. And tell the Court how the congregants or members of
11 St. Luke's, Hilton Head were notified of that meeting.

12 A. There was a mailing -- and I believe that was part of
13 discovery -- there was a mailing and also our rector talked
14 about it from the pulpit.

15 Q. Okay. And do you recall the date of the mailing that
16 was sent to all the parishioners?

17 A. November 19.

18 Q. And that's 2009?

19 A. Correct.

20 Q. With respect to the special meeting that occurred on
21 December 1, 2009, did you attend that meeting?

22 A. I did.

23 Q. And are the minutes set forth of that meeting, is that
24 Exhibit 11?

25 A. Yes.

1 Q. And can you tell us, what was the vote with respect to
2 the resolutions to amend the bylaws and the -- amend the
3 articles of incorporation?

4 A. On Resolution 1, there were 310 that voted yes and 22
5 no; and Resolution 2, 309 yes and 22 no.

6 Q. And the resolutions, are they set forth as St. Luke's,
7 Hilton Head Exhibit No. 9?

8 A. Yes.

9 Q. As a result of the vote and the resolutions that were
10 passed on December 1, 2009, did St. Luke's, Hilton Head amend
11 its articles of incorporation?

12 A. Yes, it did.

13 Q. Okay. And can you look to Exhibit No. 12, please?

14 A. Yes.

15 Q. Does Exhibit No. 12 reflect the amendments that were
16 made to the articles of incorporation?

17 A. Yes, it does.

18 Q. Okay. And look at the third page of Exhibit 12.
19 Amendment 1, what was the first amendment to the articles of
20 incorporation?

21 A. The name of the corporation has been changed to
22 St. Luke's Church, Hilton Head.

23 Q. And Amendment 2, what was the amendment to the fourth
24 articles of incorporation?

25 A. The fourth article of the certificate of incorporation

1 is deleted in its entirety, and the following new article
2 fourth is inserted in its stead. The purpose of the
3 corporation is to operate as a religious nonprofit
4 corporation or church.

5 Q. And this amendment occurred when?

6 A. In 2010, I believe, beginning of the year.

7 Q. And the second page of Exhibit 12 has the date of what?

8 A. January 7, 2010.

9 Q. And did you sign as the corporate secretary?

10 A. I did.

11 Q. And for what reason did St. Luke's, Hilton Head take
12 these steps to amend its bylaw and its articles of
13 incorporation?

14 A. It was purely a real estate decision. We wanted to
15 protect our property from any outside entity taking claim to
16 any of our real estate.

17 MS. GOLDING: No further questions, Your Honor.

18 THE COURT: All right. Any other questions from
19 plaintiffs? No?

20 Then Ms. Kostel, are you going to begin or Mr. Tisdale.

21 MR. TISDALE: May I go?

22 MS. KOSTEL: Mr. Tisdale's going to go first today, Your
23 Honor.

24 MR. TISDALE: First on this one.

25 THE COURT: That's fine.

1 MR. TISDALE: Thank you, Your Honor.

2 THE COURT: Just keep me apprised.

3 MR. TISDALE: Thank you.

4 CROSS-EXAMINATION BY MR. TISDALE:

5 Q. Ms. Conner, I have a few questions to ask you about the
6 St. Luke's Church of Hilton Head. When did you say it was
7 founded? You talked about incorporation, charter, but when
8 did it actually begin becoming an Episcopal church?

9 A. As far as I know, 1969. I think there was something
10 earlier than that.

11 Q. Have you --

12 A. I'd have to say 1969.

13 Q. Have you studied the history of the parish?

14 A. No, I have not.

15 Q. You have not?

16 A. No.

17 Q. Do you have records within the parish on the history of
18 it and vestry minutes going back to the founding?

19 A. No.

20 Q. You don't have any records?

21 A. I do not, no.

22 Q. You do not know.

23 A. No.

24 Q. And what did you say your position was at the parish, if
25 any?

1 A. Secretary to the finance committee and secretary to the
2 vestry and corporate secretary.

3 Q. All right. So as secretary to the vestry and the other
4 one, and the corporate secretary, you don't have any records
5 available about the founding and the history of the parish?

6 MS. GOLDING: Your Honor, he's asked that. This is the
7 third time she said she does not know.

8 THE COURT: Sustained.

9 MR. TISDALE: Thank you.

10 Q. Who would be privy to those records?

11 MS. GOLDING: Your Honor, she doesn't know if there are
12 records, so I think that's an improper question.

13 MR. TISDALE: I will rephrase it.

14 THE COURT: All right.

15 Q. Whatever records exist regarding the founding and
16 history and operation of the parish since 1969, do you know
17 of anyone who would have the most knowledge about it?

18 A. The parish secretary.

19 Q. And who is that?

20 A. Denise Gildner.

21 Q. Excuse me, would you spell that?

22 A. G-I-L-D-N-E-R.

23 Q. G-I-L-T-N-E-R?

24 A. D, Gildner.

25 Q. What was the first name?

1 A. Denise.

2 Q. Okay. How long has she been at the parish on staff?

3 A. I'm not absolutely sure. I'd say seven, eight, nine
4 years.

5 Q. All right. Now, Ms. Conner, do you know, based upon
6 your knowledge of everything that has happened at the parish
7 in your capacity, whether or not the -- well, first of all,
8 what is the name that the parish goes by?

9 A. St. Luke's Church.

10 Q. Has St. Luke's Church ever received permission from the
11 Episcopal Church to use the name Episcopal?

12 A. No.

13 Q. All right. Does the parish presently have any signage
14 or other evidence of an association to the Episcopal Church
15 at this time?

16 A. No.

17 Q. Has in the last year the parish exhibited a flag of the
18 Episcopal Church in the church?

19 A. No.

20 Q. Has not?

21 A. No.

22 Q. Okay. I think you've testified that the parish is
23 governed by bylaws?

24 A. Yes, it is.

25 Q. Do you know if it has any other governing documents

1 other than the corporate charter?

2 A. No.

3 Q. All right. Ms. Conner, have you personally served as a
4 delegate from the parish to the convention of the diocese of
5 the Episcopal Church in South Carolina -- excuse me, let
6 me -- I was mixing the names up.

7 Since you have been associated with the parish, which I
8 think you said in 2002 --

9 A. Mm-hmm, yes.

10 Q. -- have you served as a delegate to any conventions of
11 any diocese?

12 A. No, I have not.

13 Q. All right. Do you have with you today or access to the
14 names of people who have served in that capacity?

15 A. No, I do not.

16 Q. Okay. Do you know whether any person at St. Luke's
17 Church has served as a deputy to the general convention of
18 the Episcopal Church?

19 A. No, I do not.

20 Q. Have you ever known a woman named Frankie Hoverstat?

21 A. No.

22 Q. Never heard of her?

23 A. No.

24 Q. I think you testified, and I wanted to ask you a few
25 questions about it, you said the reason as I understand it

1 for the amendment in these bylaws was to -- you said it was a
2 real estate decision?

3 A. Yes, it was.

4 Q. You're going to have to talk a little bit louder.

5 A. Yes, it was.

6 Q. And explain how it was a real estate decision to change
7 the bylaws.

8 A. One of the changes in the bylaws was the removal of the
9 name of any outside entity that could lay claim to our real
10 estate.

11 Q. Have you been notified that there might be some outside
12 entity that might lay claim to the real estate?

13 A. On the basis of court cases around the country, there
14 was always that possibility.

15 Q. Well, my question was have you ever had any notice from
16 anyone that they had a claim to your property.

17 A. No.

18 Q. No. So was there any other reason for, other than a
19 real estate decision, for amending the bylaws?

20 A. No.

21 Q. None whatsoever?

22 A. No.

23 Q. Okay. Did St. Luke's, Hilton Head decide to
24 disaffiliate from the Episcopal Church because you were
25 concerned about your real estate?

1 A. Yes.

2 Q. Is there any other reason?

3 A. No.

4 Q. Okay. Is there a person on the staff at St. Luke's
5 Church Hilton Head by the name of Ms. Ruffalo?

6 A. No.

7 Q. Ferebee Ruffalo?

8 A. She is a member of the church.

9 Q. But nobody on the staff by that name?

10 A. No.

11 Q. Does she have any administrative responsibility for the
12 parish in any way?

13 A. No.

14 Q. Do you know whether or not St. Luke's, Hilton Head or
15 anyone on the staff has possession of records, papers, notes,
16 and memoranda that originated as a result of the search
17 committee after Bishop Salmon retired to get a new bishop for
18 this diocese?

19 A. Repeat that, please.

20 Q. I will. Do you know of any documents, records,
21 memoranda or anything that exists at St. Luke's Church,
22 Hilton Head, in possession of anyone that you know of, but of
23 course in the parish, that came from the work of the search
24 committee to find someone to replace Bishop Salmon for the
25 diocese when he retired?

1 A. I know that our rector was part of the search. Whether
2 he still retains those records, I do not know.

3 Q. Have you ever seen any such records?

4 A. No, I have not.

5 Q. Have not.

6 By the way, how many communicants does St. Luke's have
7 right now?

8 A. Over 600; 663 last count.

9 Q. Okay. So far as you know, Ms. Conner, is there anything
10 to prevent any member of St. Luke's Church from leaving the
11 Episcopal Church if they wished to at any time?

12 A. Any member --

13 Q. Yes.

14 A. -- of our church?

15 Q. Yes.

16 A. No.

17 Q. So you have members leaving from time to time, do you
18 not?

19 A. Certainly.

20 Q. Have members joining from time to time?

21 A. Absolutely.

22 Q. And there are no restrictions on any of that?

23 A. No.

24 Q. Okay.

25 MR. TISDALE: Excuse me just one minute, please, Your

1 Honor.

2 THE COURT: Certainly.

3 MR. TISDALE: Your Honor, I don't have any further
4 questions at this time.

5 THE COURT: Ms. Kostel?

6 MS. KOSTEL: Yes. Good morning, Your Honor.

7 CROSS-EXAMINATION BY MS. KOSTEL:

8 Q. Good morning, Ms. Conner.

9 A. Good morning.

10 Q. I'm Mary Kostel and I represent the Episcopal Church,
11 the national church. You -- and I believe Ms. Golding took
12 you through some bylaws and amendments to the bylaws?

13 A. Mm-hmm, yes.

14 Q. Now, I'd like to draw your attention to the 1973 bylaws,
15 which are Exhibit 5. Do you see Article 2?

16 A. I do.

17 Q. Okay. And could you read the first sentence of Article
18 2 of the bylaws that were adopted by St. Luke's Episcopal
19 Church in 1973?

20 A. This church accedes to and adopts the constitution,
21 canons, doctrine, discipline, and worship of the Protestant
22 Episcopal Church in the State of South Carolina and the
23 Protestant Episcopal Church in the United States of America
24 and acknowledges their authority accordingly (as read).

25 Q. Thank you. Now, in that Exhibit 6, which follows that,

1 I believe is the bylaws as they had been amended in 2000; is
2 that correct?

3 A. Yes.

4 Q. Okay. And the first sentence of Article 2, does that
5 say the same thing that it said in 1973?

6 A. Yes, it is.

7 Q. Okay. And do you know, when were they next revised?

8 A. In January of 2009.

9 Q. So that Article 2 language that you read was in effect
10 from 1973 until January of 2009; is that right?

11 A. That's correct.

12 Q. Okay. Thank you.

13 So let's take a look now at some of the deeds that you
14 discussed. Let's look at, first, at Exhibit 2, which is a
15 deed. That's a deed conveying property to St. Luke's
16 Episcopal Church Hilton Head Island, right?

17 A. That's correct.

18 Q. And that conveyance was made in 1970, wasn't it?

19 A. Yes.

20 Q. Then the second deed, which is Exhibit 3, the type is
21 very small, but midway in that first big paragraph you can
22 see that that was conveying property of St. Luke's Episcopal
23 Church, grantee, correct?

24 A. Yes.

25 Q. And that conveyance happened in 1993; is that right?

1 A. That's correct.

2 Q. Okay. Now, Exhibit 4 is a deed, and on the first page
3 of that deed it shows property's being conveyed to St. Luke's
4 Episcopal Church, correct?

5 A. That's correct.

6 Q. And that conveyance happened in 1996, correct?

7 A. Yes, it did.

8 Q. Okay. And finally, Exhibit 15 is the final of the four
9 deeds that you spoke about --

10 A. Yes.

11 Q. -- with Ms. Golding, and that deed conveys property to
12 St. Luke's Episcopal Church, correct?

13 A. Yes.

14 Q. And that deed conveyed property in 2002, correct?

15 A. Yes, it did.

16 Q. Okay. Now, you testified with Ms. Golding and then
17 Mr. Tisdale asked you about the purpose of changing the
18 corporate articles.

19 A. Yes.

20 Q. And you talked about court cases that concerned the
21 parish about the security of their property, correct?

22 A. That is correct.

23 Q. What court cases were you concerned about?

24 A. Various ones we heard where the national church was
25 successful in taking over church property.

1 Q. And do you know who told you about them?

2 A. It was in the news.

3 Q. And --

4 A. Newspapers.

5 Q. And do you know, in those cases, were you aware of
6 whether the Episcopal Church was involved in litigation with
7 parishes that had remained part of the church?

8 A. No, I am not.

9 Q. You don't know whether they were parishes that left or
10 parishes that stayed?

11 A. No, I do not.

12 Q. And so you thought that if the parish stayed, there was
13 a risk the Episcopal Church would take its property?

14 A. Yes.

15 Q. And did anyone give you reason to believe that?

16 A. No.

17 Q. Did you look into the cases that you read about or heard
18 about?

19 A. No, I did not.

20 Q. And so when you read something in the paper about a
21 lawsuit, you assume that there might be some risk arising
22 from a lawsuit when you don't look into it any further?

23 A. I assumed.

24 Q. You assumed?

25 A. Yes.

1 Q. Now, if it were true that St. Luke's is currently using
2 a flag or a shield or a name that is clearly owned by and
3 under the control of the Episcopal Church currently, do you
4 have any knowledge that St. Luke's has gotten permission from
5 the Episcopal Church to do that?

6 A. No.

7 MS. KOSTEL: Thank you.

8 THE COURT: All right. Yes, redirect.

9 MS. GOLDING: Just a little bit of redirect. Thank you.

10 THE COURT: Sure.

11 REDIRECT EXAMINATION BY MS. GOLDING:

12 Q. Ms. Conner, to your knowledge has the national church
13 made any contribution to St. Luke's for the property that's
14 set forth in the deeds that are exhibits?

15 A. No.

16 Q. Has the defendant, the association defendant, did
17 they -- did it make any contribution to the properties owned
18 by St. Philip's -- excuse me -- St. Luke's?

19 A. No.

20 Q. Well, were you familiar with the All Saints controversy
21 that was brewing in the early 2000s?

22 A. I was.

23 Q. And were you familiar that there was a notice of claim
24 that was filed with respect to All Saints that asserted that
25 the national church had an interest in property?

1 A. I was.

2 Q. And were you -- and when did you become familiar with
3 that?

4 A. Back in 2009.

5 MS. GOLDING: No further questions.

6 THE COURT: Any other questions, redirect from any of
7 the other plaintiffs? All right. Yes, sir, Mr. Tisdale,
8 recross?

9 MR. TISDALE: Very, very brief, Your Honor.

10 THE COURT: Sure.

11 RE-CROSS-EXAMINATION BY MR. TISDALE:

12 Q. Ms. Conner, so far as you know, did St. Luke's,
13 Hilton Head send delegates to the convention of the
14 diocese -- first, let me retract that.

15 Does St. Luke's send delegates to the convention of the
16 diocese each year?

17 A. It does.

18 Q. All right. And do you know of any year that it has not
19 sent delegates?

20 A. No, I do not.

21 Q. Okay. Are you aware that the Diocese of South Carolina
22 in 1987 adopted a canon that said the Episcopal Church and
23 the diocese has a trust interest in the property of
24 St. Luke's, Hilton Head and every other parish if it's not an
25 Episcopal church?

1 A. No, I'm not.

2 Q. You've never heard of that?

3 A. No.

4 Q. Never heard of it?

5 A. No.

6 Q. Are you familiar with the fact that in 1979 with the
7 general convention of the Episcopal Church, of which
8 St. Luke's was a part of then, was it not?

9 MR. RUNYAN: Your Honor, I object to that. Mr. Tisdale
10 knows parishes are not members in the Episcopal Church.

11 Can you please correct that, Mr. Tisdale?

12 MR. TISDALE: I will.

13 MR. RUNYAN: Thank you.

14 Q. Ms. Conner, are you familiar with the fact that the
15 Diocese of South Carolina sends deputies to the general
16 convention of the Episcopal Church when it meets every three
17 years?

18 A. I did not know that.

19 Q. You did not know that?

20 A. No.

21 Q. Did St. Luke's -- did I understand you to say St. Luke's
22 acquired its property in 1973?

23 A. One of the parcels, yes.

24 Q. Was that the first parcel?

25 A. Yes.

1 Q. And is that the parcel upon which the church sits?

2 A. I believe, yes.

3 Q. And who -- was it a gift or was it a purchase?

4 A. I'm sorry, let me correct that. 1970 was the first
5 parcel property.

6 Q. And is that the parcel upon which the church sits?

7 A. Yes.

8 Q. All right. Was that a purchase by the organizing parish
9 or was it a gift from someone?

10 A. It was from the trustees of the Protestant Episcopal
11 Church in South Carolina and for \$5.

12 Q. \$5?

13 A. Mm-hmm.

14 Q. And let me get a copy of that so you and I can talk
15 about it just a second.

16 MS. GOLDING: Your Honor, I want to make an objection.
17 I was letting Mr. Tisdale go, but on recross he's only
18 limited to the redirect that I asked questions. He cannot go
19 beyond that and he has clearly gone beyond that area.

20 MR. TISDALE: She's talked about the property throughout
21 her testimony.

22 THE COURT: I will allow it. There was certainly some
23 redirect about contributions to the purchase of the property
24 by the defendants, each defendant.

25 Keep going.

1 MR. TISDALE: All right. Thank you.

2 Q. Ms. Conner, is that Exhibit 2, which is the deed dated
3 September 9, 1970?

4 A. Yes.

5 Q. Okay. And are you saying that -- can you tell or do you
6 know what is the size of this parcel of land? We know it's
7 in the deed, but I just want to know.

8 A. It's in feet, I wish it were in acres, it is not.

9 Q. Okay. Can you -- and it talks about in the first
10 indented paragraph of that deed how big it is, doesn't it?

11 A. Mm-hmm, yes.

12 Q. I don't think we need to go into it, but it says like
13 running 35 degrees, 40 degrees -- minutes for 245 feet and so
14 forth, right?

15 A. Yes.

16 Q. All right. Are you saying that St. Luke's Church paid
17 \$5 for this property, at least that was the consideration in
18 the deed?

19 A. According to this, yes.

20 Q. And it was conveyed by the trustees of the Protestant
21 Episcopal Church in South Carolina, right?

22 A. Yes, it was.

23 Q. And if you look at the last page of that deed, it was
24 signed by -- can you tell what the names are?

25 Well, why don't I just help you, and you tell me if you

1 think it's correct. Was it signed by Gray Temple as
2 president of the trustees?

3 A. Yes.

4 Q. And by a B. Allston Moore, secretary or treasurer of the
5 trustees?

6 A. Correct.

7 Q. Okay. Now, what other land does St. Luke's Church,
8 Hilton Head have other than this parcel where the church is
9 located?

10 A. There's another parcel that was conveyed by limited
11 warranty deed in 1993.

12 Q. What exhibit is it?

13 A. 3.

14 Q. All right. And what parcel is it?

15 A. I believe it is right next to the first one.

16 Q. Okay. And did the parish pay for that or was it a gift?

17 A. It is from NationsBank of South Carolina.

18 Q. A consideration --

19 A. Looks like, yes, looks like it was \$10.

20 Q. \$10?

21 A. Mm-hmm, yes.

22 Q. All right. So far you've paid \$15 for your property?

23 A. Yes.

24 Q. Okay. Is there any other property that you have other
25 than these two -- what's on that parcel, by the way, the one

1 from NationsBank?

2 A. It would most likely be the parking lot.

3 Q. All right. What other parcels do you have?

4 A. There's a third deed in June 6, 1996.

5 Q. All right. Is that Exhibit 4?

6 A. That's correct.

7 Q. And when did you acquire this property?

8 A. June 6, 1996.

9 Q. Excuse me, you said that.

10 And who did it come from?

11 A. It came from Thomas E. White.

12 Q. The parish paid how much for this parcel?

13 A. \$395,000.

14 Q. Okay. Does the church own any other property?

15 A. A rectory that was purchased in 2002.

16 Q. All right. And is it on the premises of the church
17 property or elsewhere?

18 A. It is elsewhere.

19 Q. Okay. Was it -- when did the parish acquire it?

20 A. In 2002.

21 Q. I guess that's the next exhibit. Is that Exhibit 5?

22 No?

23 A. I believe it's 15.

24 Q. 15. Did the parish buy that property?

25 A. Yes, it did.

1 Q. And it says from a name I can't pronounce, so we won't
2 go into it.

3 A. Thank you.

4 Q. Right, can you?

5 A. No.

6 Q. Okay. Ms. Conner, has the parish acquired any other
7 property than what you've testified this morning?

8 A. No.

9 Q. You don't recall that it purchased a piece of property
10 in the last, I would say, two years that was adjoining the
11 property that you already had?

12 A. Not under the corporation, the current corporation, no.

13 Q. Well, who would have acquired it if it wasn't the
14 corporation?

15 A. It was a different corporation.

16 Q. So is there a different corporation that owns property
17 at St. Luke's, Hilton Head?

18 A. Yes.

19 Q. What is the name of it?

20 A. It's very close to the same name. It's, I believe,
21 St. Luke's Church Hilton Head, Inc., something like that.

22 Q. Are you associated with that corporation in any way?

23 A. Me, no.

24 Q. All right. Do you know if that corporation owns
25 property?

1 A. Yes.

2 Q. What does it own?

3 A. It owns what was previously a law office right next to
4 our current office building.

5 Q. Is that -- when was that acquired?

6 A. March of 2013.

7 Q. And was it acquired from a Mr. William Bowen?

8 A. Yes, it was.

9 Q. Okay. How much did you pay for that, do you know?

10 A. I believe \$285,000.

11 Q. Does that corporation hold other property?

12 A. No, it does not.

13 Q. So that's it?

14 A. Yes.

15 Q. Okay. Did St. Luke's at some point in time receive a
16 quitclaim deed?

17 A. Yes.

18 Q. From the Protestant Episcopal -- well, I don't know who
19 it came from, but did you receive one?

20 A. Yes, we did.

21 Q. Do you have a copy of that in your documents?

22 MS. GOLDING: Look at No. 14.

23 MR. TISDALE: Thank you.

24 Q. Exhibit 14, Ms. Conner.

25 A. Yes, mm-hmm.

1 Q. Do you recall this quitclaim deed being received?

2 A. Yes, I do.

3 Q. And when did the parish receive this quitclaim deed?

4 A. November 19, 2012 -- November 14 and recorded on the
5 19th, I correct that.

6 Q. So this deed was received in November 2012?

7 A. Yes, that's correct.

8 Q. And why did the parish, do you know, receive this
9 quitclaim deed?

10 A. I don't know.

11 Q. Well, I'd be curious to know if you know why if the
12 deed -- I see the deed is dated November 14th, 2012, and who
13 is it signed by?

14 A. It's signed by a total of four people.

15 Q. Four people signed this conveyance?

16 A. Yes, well, more than four, quite a few. Some of the
17 names I cannot read.

18 Q. Those are witnesses on the left, aren't they?

19 A. Yes.

20 Q. And the people who signed the deed are names on the
21 right, correct?

22 A. Correct.

23 Q. Now, who signed the deed?

24 A. Mark J. Lawrence, Jeffrey S. Miller, Paul C. Fuener and
25 our rector, Greg Kronz.

1 Q. Okay. And are those the people that conveyed the
2 quitclaim deed to the parish?

3 MS. GOLDING: Your Honor, again, I'm going to renew my
4 motion. He has gone completely off where -- anything to do,
5 but he's also confusing the witness because the document
6 she's referring to is notice of conveyance. That's not the
7 deed. And the individuals that signed this document just
8 signed the notice of conveyance, not the deed.

9 MR. TISDALE: Do we have the deed?

10 MS. GOLDING: Mr. Tisdale, it's in the exhibit I gave
11 you yesterday.

12 MR. TISDALE: Okay.

13 Q. Ms. Conner, turn past this document and there's an
14 Exhibit A to this document that says title to real estate.

15 A. Exhibit A, did you say?

16 MS. GOLDING: It is Exhibit B to the document.
17 Exhibit A is the description, but Exhibit B to Exhibit 14 is
18 the deed.

19 Q. Do you see that, Ms. Conner?

20 A. Exhibit B, yes, I do.

21 MR. TISDALE: Exhibit B is the deed she said. Excuse
22 me, if I may ask Ms. Golding a question just to save a minute
23 here, what is Exhibit A to this exhibit?

24 MS. GOLDING: Property description.

25 MR. TISDALE: Well, it says title to real estate in my

1 book. See Exhibit A? And then I've got Exhibit B. It looks
2 like the same thing. Are they the same thing?

3 MS. GOLDING: I know my -- the Exhibit B that's
4 introduced into evidence in the Court is the deed.

5 MR. TISDALE: I just wanted to be sure there weren't two
6 but we can get that straight.

7 THE COURT: Sure.

8 Q. Are you looking at Exhibit B, Ms. Conner?

9 A. Yes, I am.

10 Q. What's the date of this deed, title to real estate?

11 A. July 11, 2011.

12 Q. July 11, 2011?

13 A. According to the next page, yes.

14 Q. Yes, that's the page that has the numbers in the bottom
15 right-hand corner, 74, at the end?

16 A. That's correct.

17 Q. Okay. And who signed this deed?

18 A. Paul C. Fuener.

19 Q. Okay. And what is the title that he -- what is the name
20 of the entity above his name?

21 A. The Protestant Episcopal Church in the Diocese of South
22 Carolina.

23 Q. And does it have what office he held below his
24 signature?

25 A. Yes, president, but there's something before that and I

1 don't know what that is.

2 Q. I think it's the word its, I-T-S.

3 A. Okay, all right.

4 Q. All right. And why is it, do you think, or did you
5 inquire, Ms. Conner, that if this deed is dated 11 -- no,
6 what date did you say it's dated? Something in 2011.

7 A. Right above his signature --

8 Q. Yes.

9 A. -- is the 11th day of July 2011.

10 Q. All right. And you say you didn't receive this deed
11 until 2014? Or when did you receive it?

12 A. I am not sure of the exact date.

13 Q. Excuse me, I think you said -- I think you said November
14 2012, but I could be wrong.

15 A. That's what the exhibit says.

16 Q. Do you know why there was a big gap --

17 A. No, I do not.

18 Q. -- between the date of the deed and when you received
19 it?

20 A. No.

21 Q. Okay. Now let's quickly look at Exhibit A that also
22 says title to real estate.

23 A. Exhibit 8?

24 Q. A, the same one we were looking at except A instead of

25 B.

1 A. All right.

2 Q. Is this a quitclaim deed? It says it is in the first
3 paragraph.

4 A. Yes.

5 Q. Okay. And is this a deed, quitclaim deed from someone
6 or some organization to St. Luke's Church?

7 A. Yes, it is.

8 Q. All right. And did you give the date of this deed or
9 did I ask what is the date of this deed?

10 A. On the next page?

11 Q. Yes.

12 A. The 16th day of February 2010.

13 Q. Okay. When did the parish receive this deed?

14 A. I do not know the date.

15 Q. Who signed this deed conveying property to the parish?

16 A. On Exhibit A? You're referring to Exhibit A?

17 Q. Yes.

18 A. Mark Lawrence and Jeffrey Miller.

19 Q. Okay. And do they have their offices or positions they
20 held below their names, or above in Father Miller's case?

21 A. And you're asking about Jeff Miller?

22 Q. Yes. This -- under Mark J. Lawrence's signature --

23 A. Right.

24 Q. -- does it say in what capacity he signed?

25 A. Yes, it does, the Right Reverend, Mark J. Lawrence,

1 Bishop of the Episcopal Diocese of South Carolina.

2 Q. All right. How about Father Miller?

3 A. After his name it says President, and below that I
4 believe it says -- because his signature is partly in the
5 way -- it's authorized committee member.

6 Q. Okay. Did St. Luke's, Hilton Head have to pay any money
7 for these quitclaim deeds?

8 A. No, it did not.

9 Q. All right. Why do you understand they were issued to
10 St. Luke's Church?

11 A. I do not know.

12 Q. And --

13 A. I would not presume to know.

14 Q. And why were there two separate deeds instead of one
15 from people representing someone at the Diocese of South
16 Carolina?

17 A. I do not know.

18 Q. Do not know.

19 Do you know whether or not Father Fuener owned any
20 property that was being conveyed?

21 A. No, I do not know.

22 Q. Do you know whether the standing committee owned any
23 property that was being conveyed?

24 A. No, I do not know.

25 Q. Do you know whether Bishop Lawrence owned any property

1 that was being conveyed?

2 A. I do not know.

3 MR. TISDALE: Thank you very much, Your Honor.

4 THE COURT: Okay. Yes, ma'am.

5 MS. KOSTEL: Just a couple questions.

6 THE COURT: All right.

7 RECROSS-EXAMINATION BY MS. KOSTEL:

8 Q. Ms. Conner, just a couple follow-up questions.

9 I believe Ms. Golding asked you if the parish had ever
10 received financial assistance from the church, from the
11 national church, and I think you said no?

12 A. That's correct.

13 MS. GOLDING: Your Honor, I object. My question was it
14 was not the parish receiving financial, I asked did the
15 national church ever make a contribution to the real
16 property.

17 THE COURT: To the property, yes.

18 MS. KOSTEL: Okay. So let me just follow up on that
19 question.

20 Q. Are you aware of a loan that, reflected in documents
21 that we produced to counsel for St. Luke's, Hilton Head,
22 reflecting that the Episcopal Church foundation made in the
23 amount of \$25,000 to St. Luke's, Hilton Head in 1964?

24 A. No, I am not.

25 Q. Okay. And so you wouldn't be aware of whether that loan

1 would have been made on terms more favorable than St. Luke's
2 might have received from a regular commercial bank?

3 A. I have no knowledge of that.

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

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

6 Call your next witness, please.

7 MR. MARVEL: Your Honor, David Marvel for The Church of
8 St. Luke and St. Paul Radcliffeborough, we call
9 Alonso Galvan.

10 (Plaintiff's Exhibits SLP-1 through SLP-17 premarked for
11 identification.)

12 ALONSO MENDIETA GALVAN,

13 being first duly sworn, testified as follows:

14 THE COURT: Your witness, Mr. Marvel.

15 MR. MARVEL: Your Honor, we have exhibits that are
16 marked SLP-1 through 17 that I believe are admissible by
17 agreement, with the exception that we are going to replace
18 SLP-2 at some point following today with a more legible copy.

19 THE COURT: All right. Is that correct?

20 MR. TISDALE: That is correct.

21 MS. KOSTEL: Yes.

22 (Plaintiff's Exhibits SLP-1 through SLP-17 admitted into
23 evidence.)

24 MR. MARVEL: May I approach the witness, Your Honor?

25 THE COURT: Yes.

1 DIRECT EXAMINATION BY MR. MARVEL:

2 Q. Mr. Galvan, where do you live?

3 A. I live in Charleston, South Carolina.

4 Q. How long have you lived in Charleston, South Carolina?

5 A. About ten years.

6 Q. And how did you come to live in Charleston,

7 South Carolina?

8 A. My wife and I, we were not married at the time, I moved

9 here, and after being married in 2005, she moved here, been

10 here ever since.

11 Q. Okay. And what is your educational background?

12 A. I graduated from Wheaton College, studied economics and

13 then got a master's in business administration from Yale and

14 took a first job in New York and then from there moved here.

15 Q. Okay. Where do you go to church?

16 A. Go to The Cathedral Church of St. Luke and St. Paul,

17 technically The Church of St. Luke and St. Paul

18 Radcliffeborough.

19 Q. Okay. What is your understanding of what it means to be

20 The Cathedral of St. Luke and St. Paul?

21 A. We were designated The Cathedral as far as I understand

22 it, in 1963 by virtue of the fact that the diocese bestowed

23 that upon us and also made it the seat of the bishop.

24 MR. MARVEL: And we've got some photographs for the

25 Court's edification if --

1 THE COURT: All right.

2 MR. MARVEL: -- it should come up.

3 Q. And if you could describe what we're looking at in this
4 photograph.

5 A. The tall building with the truncated steeple that was
6 never completed is the main worship center for The Cathedral.

7 Q. Okay. And the next photograph, please?

8 A. That is the front of The Cathedral, the portico visible
9 from Coming Street.

10 Q. Okay. And this is the corner of Coming and Vanderhorst,
11 correct?

12 A. Correct.

13 Q. And next photo, please.

14 A. It's the inside of the worship hall of The Cathedral
15 itself.

16 Q. Okay. The next photograph?

17 A. That is the view from the front of the worship hall to
18 the back. The large brown structure is the organ.

19 Q. Okay. And the last photograph, please?

20 A. That's the view from the entrance on Coming Street down
21 the main center aisle.

22 Q. Now, in the course of being a member of the church of --
23 The Cathedral Church of St. Luke and St. Paul have you held
24 any leadership positions?

25 A. Yes, I have.

1 Q. Could you tell the Court about those, please?

2 A. In 2007 I was elected to the vestry and served three
3 years, 2007, 2008, and 2009; and then I was the treasurer
4 subsequently in 2011. In 2012 and terminating February 2nd
5 of this year I was the senior warden.

6 Q. Okay. And in the course of your service on the vestry
7 and generally to St. Luke and St. Paul have you come to have
8 a general knowledge of the history of the parish?

9 A. Somewhat, yes.

10 Q. Okay. And have you come to be familiar with the
11 corporate structure of The Church of St. Luke and St. Paul,
12 Radcliffeborough?

13 A. Yes, I have.

14 Q. Okay. So what -- and, again, you said this, but what is
15 the official corporate name of the church?

16 A. The Church of St. Luke and St. Paul, Radcliffeborough.

17 Q. And it goes by in common parlance?

18 A. The Cathedral Church of St. Luke and St. Paul.

19 Q. Okay. And in the course of that, has the word Episcopal
20 ever been used in the name of The Church of St. Luke and
21 St. Paul?

22 A. Not as it currently exists. In the origination back in
23 the 1800s of St. Paul's, they did use the Protestant
24 Episcopal Church of St. Paul, Radcliffeborough.

25 Q. Okay. Give us a general overview of how the parish got

1 started.

2 A. In 1809 some families, as I understand it, from
3 St. Philip's and potentially from St. Michael's got together
4 and formed what would become later the parish of St. Paul's.
5 Some land was donated on the corner of Vanderhorst and
6 Coming, and in 1814 the corporation the Protestant Episcopal
7 Church of St. Paul was recognized by the State of South
8 Carolina.

9 St. Luke's was a separate church and it started, I
10 believe, in the 1850s as St. Luke's Episcopal Church. We
11 have it in here, the official name. Those two entities --
12 that entity did not survive. It ceased being a parish and
13 then was resurrected in the early 1900s. And in 1849 the two
14 congregations got together and decided to merge, that was
15 culminated in 1951.

16 Q. You said 1849?

17 A. Sorry, 1949. And that was culminated in a certificate
18 of incorporation in 1951. And since then it has been known
19 as The Church of St. Luke and St. Paul, Radcliffeborough.

20 Q. Okay. If you could look at what's been marked as SLP-1,
21 plaintiffs' exhibit.

22 A. Yes.

23 Q. And if you could tell us what that document is, please.

24 A. This is the registry of corporation, as I understand it,
25 from South Carolina at the time in 1814. And on my last page

1 of that it declares that the Protestant Episcopal Church of
2 St. Paul in Radcliffeborough to be recognized as a body
3 politic, presumably a corporation.

4 Q. Okay. And if you could turn to SLP-2 and tell me what
5 that document is.

6 A. This is a similar registry of corporations that are
7 recognized by the state in which St. Luke's is recognized. I
8 believe on the second page in the middle it says, St. Luke's
9 Church in the City of Charleston, again, recognized by the
10 state as a corporation in 1858.

11 Q. Okay. If you could turn to SLP-3 and describe for us
12 what that document is.

13 A. SLP-3 and then a subsequent document, this is the --
14 essentially the articles of incorporation of the documents, a
15 merger agreement between the two signed April 7, 1951, at
16 which point the two become St. Luke and St. Paul -- or The
17 Church of St. Luke and St. Paul, Radcliffeborough.

18 Q. Okay. This is the petition for merger that was filed
19 with the Secretary of State?

20 A. Yes.

21 Q. And what is your understanding of the current
22 significance of that document?

23 A. This begins, really, the joint life and the entity as we
24 know it now, the corporate entity, it serves as its founding
25 document.

1 Q. Okay. And if you could turn to page 2 of SLP-3.

2 A. Yes.

3 Q. And if you could review that and tell me if you find the
4 word Episcopal anywhere in that document.

5 A. No, I do not.

6 Q. And I believe you stated that you referred to it as a
7 subsequent document, but Plaintiffs' Exhibit SLP-4, can you
8 tell the Court what that document is?

9 A. SLP-4 is the certificate of incorporation provided by
10 the Secretary of State of South Carolina recognizing The
11 Church of St. Luke and St. Paul, Radcliffeborough as a
12 corporation.

13 Q. Okay. And what is the purpose of the organization as
14 stated in that document?

15 A. In the fourth clause it says it's formed by a merger
16 agreement between St. Luke's Church Charleston and the
17 Protestant Episcopal Church of St. Paul in Radcliffeborough.
18 The purpose is to merge those two entities.

19 Q. Okay. It refers you back to the merger agreement that's
20 marked as Exhibit 3, correct?

21 A. Yes, see original merger agreement file 3685, which is
22 Exhibit SLP-3.

23 Q. Okay. If you could turn to SLP-5 and explain to the
24 Court what that document is.

25 A. SLP-5 is the original deed we termed the Radcliffe deed

1 that provided the first parcel of land on which the -- I
2 believe The Cathedral church now stands. This was in 18 -- I
3 believe it was between 1809 and 1814 offered to the group
4 that would become the corporation in 1814.

5 Q. If you could tell the Court what SLP-6 is, please.

6 A. SLP-6 is the Whiteman deed. This gave the land adjacent
7 to The Cathedral, which is where the graveyard now is, also
8 offered around in similar time, I believe. And, again,
9 that -- those two parcels of land together is what we
10 understand -- or what we occupy now between Vanderhorst and
11 Warren Street.

12 Q. And SLP-7 is another public document, if you could tell
13 the Court what that document represents.

14 A. Make sure I'm looking at the right one. Just a second.
15 These, I believe, are the original bylaws of the church.

16 Q. Are you looking at SLP-7?

17 A. I'm sorry. I'm sorry, this is the deed transferring the
18 land. Those two previous deeds, this transfers it to the
19 corporation which is the Protestant Episcopal Church of St.
20 Paul in Radcliffeborough. It happened immediately prior to
21 that land being then transferred because of the merger into
22 The Church of St. Luke and St. Paul, Radcliffeborough.

23 Q. Okay. But this deed conveys the property to the
24 Protestant Episcopal Church of St. Paul in Radcliffeborough,
25 correct?

1 A. Yes.

2 Q. If you could tell the Court what SLP-8 is.

3 A. SLP-8 is the acquisition in August of 1972 of what is
4 now the parking -- excuse me -- the parking lot from J C Long
5 that was acquired for the sum of \$22,500.

6 Q. And, again, that deed reflects that the property is
7 titled in the name of The Church of St. Luke and St. Paul,
8 Radcliffeborough, correct?

9 A. Correct.

10 Q. All right. To your knowledge did the national church,
11 which is how we've been referring to the Episcopal Church in
12 the United States of America throughout this litigation, to
13 your knowledge did the national church contribute any funds
14 to the acquisition of any of these parcels of property?

15 A. Not to my knowledge.

16 Q. If you could review SLP-9 and SLP-10 and explain to the
17 Court what those documents represent, please.

18 A. SLP-9 is a quitclaim deed that we received in July of
19 2011 and we recorded in November of 2011. This was offered
20 by the Protestant Episcopal Church in the Diocese of South
21 Carolina to The Cathedral Church of St. Luke and St. Paul,
22 effectively our d/b/a, our doing business as name. It was
23 provided by Paul C. Fuener and recognized that on the parcel
24 of lands described the diocese had no claim whatsoever to
25 that property.

1 Q. Okay. How about SLP-10?

2 A. SLP-10 is a quitclaim deed substantially the same form
3 but signed instead by Bishop Mark Lawrence certifying the
4 same, that the diocese had no claim to the property. This
5 was received, again, in 2010.

6 Q. Do you know how it came about that The Church of
7 St. Luke and St. Paul, Radcliffeborough came into possession
8 of those deeds?

9 MR. TISDALE: Excuse me, Dave, could you say that again?

10 Q. Do you know how it came about that The Church of
11 St. Luke and St. Paul came into possession of those deeds?

12 A. My understanding is these deeds were offered to us by
13 the diocese. The first deed, again, my understanding is that
14 we were in communication with them and it was produced by
15 them to our benefit.

16 The second one was produced and offered to us, not
17 unilaterally, but they offered it to us for no consideration.

18 Q. Now, the deeds that we have marked as exhibits, which
19 are the public record of the ownership of the property owned
20 by The Church of St. Luke and St. Paul, Radcliffeborough,
21 reflect The Church of St. Luke and St. Paul, Radcliffeborough
22 as the titled owner of the property, correct?

23 A. Correct.

24 Q. All right. Did The Church of St. Luke and St. Paul,
25 Radcliffeborough believe the diocese had any property

1 interest in that property?

2 A. No, not at all.

3 Q. Okay. Other than -- the diocese to some extent occupies
4 some portion of the property, correct?

5 A. Yes, it does.

6 Q. And how is it that the diocese occupies a portion of the
7 property owned by The Church of St. Luke and St. Paul?

8 A. By virtue of a lease agreement that we signed, which I
9 believe is an exhibit as well, the diocese negotiated and we
10 granted them permission to build a structure on the land and
11 occupy it and we would maintain the rest of the land and work
12 very closely to use the other elements that are particular to
13 The Church of St. Luke and St. Paul, Radcliffeborough, such
14 as the parish hall and The Cathedral building, the worship
15 hall itself, and parking lot, etc.

16 But it was a lease that was executed and, I think,
17 expires in 99 years from its execution.

18 Q. Okay. And might be jumping around a little bit, but
19 that is -- is that document what is marked as SLP-16?

20 A. It is.

21 Q. And to your knowledge are the terms of that, the lease
22 as stated in SLP-16, is that what is currently transpiring
23 between the church and --

24 A. The practice has changed. The diocese pays us \$1,000 a
25 month now, and that's not reflected in the lease, and we have

1 a very tight relationship on how to resolve any mutual needs
2 that might come up.

3 Q. Okay. Turn to what has been marked as SLP-11, please.

4 A. The bylaws of The Cathedral Church of St. Luke and
5 St. Paul amended March 6, 2011.

6 Q. Is that a copy of the bylaws as they existed March 6th,
7 2011?

8 A. Yes, it is.

9 Q. Okay. At the time these bylaws were enacted what is
10 your understanding of the relationship between St. Luke and
11 St. Paul, Radcliffeborough and the national church?

12 A. My understanding is that we had no direct relationship
13 ever with the national church. Only by a function of being
14 part of the diocese and the diocese being affiliated with the
15 national church did we have any relationship whatsoever.

16 Q. Okay. Did The Church of St. Luke and St. Paul,
17 Radcliffeborough have any direct input into the constitution
18 and canons of the Protestant Episcopal Church in the United
19 States?

20 A. Not that I know of.

21 Q. Please turn to SLP-12 and explain for the Court what
22 that document is.

23 A. SLP-12 are the bylaws of the church as amended on
24 September 9th, 2012.

25 Q. Okay. How did it come to be that these particular

1 bylaws were amended to the document that is here exhibited as
2 SLP-12?

3 A. We had at our annual meeting -- I'm sorry, yes, at our
4 annual meeting in January of 2012 we had an initial reading
5 of proposed amendments to the bylaws; that reading culminated
6 in a special annual meeting that occurred in September of
7 2012 to vote on and ratify the proposed changes; that was
8 attended by a quorum of the members of the corporation which
9 was sufficient to duly enact the bylaws. And in that session
10 we approved, by a large majority, the amendments.

11 Q. How is notice of an annual meeting published generally
12 by The Cathedral?

13 A. It's published in a number of ways now. Certainly
14 described or notified in services well in advance, at least
15 one month, if not more, as well as in parish newsletters and
16 e-mails that go out. And in the past I know there were
17 physical letters that went out notifying of those meetings.

18 Q. Okay. And to your recollection were those procedures
19 generally followed as to the January meeting in 2012?

20 A. All of those except for physical letters. At this point
21 we began to use all e-mail and notices on websites and
22 notices from the pulpit.

23 Q. Okay. And the annual meeting occurs after what service
24 on Sunday?

25 A. It occurs after -- anytime after a specific feast day, I

1 think the Feast of St. Paul in January, so there's some
2 flexibility. But there is typically a joint service,
3 normally we have three services, but we'll have one service,
4 and after that we'll have the annual meeting with the members
5 that are present and stay.

6 Q. Okay. So there's some endeavor that goes into bringing
7 these three services into one service?

8 A. Yes, it's not a small meeting.

9 Q. And then any -- is that the case with any congregational
10 meeting?

11 A. Yes. They're not necessarily always held after one
12 joint service, but they're always publicized. And I think
13 many in the last few years have been combined into one
14 service and then a meeting directly following.

15 Q. Okay. Now, explain to me what the amendments were that
16 appear in what's been marked as SLP-12 as of September 9th,
17 2012.

18 A. The substance of these amendments was to remove
19 references to the Episcopal Church, national, from the bylaws
20 and clarify that we were part of the Protestant Episcopal
21 Church in the Diocese of South Carolina. In our discussion
22 in the vestry, as well as discussion in the meeting with the
23 congregation, we wanted to make very clear that this is an
24 understanding we have always had, and these changes simply
25 clarified that for the record. We're a member of the diocese

1 and we don't have any direct relationship, never did, with
2 the national church apart from our membership through the
3 diocese.

4 Q. Can you turn to SLP-13, please --

5 A. Yes.

6 Q. -- and explain to the Court what this document is.

7 A. SLP-13, this is the minutes from that annual meeting in
8 January of 2012, part of which, amongst other things, the
9 general business of the church to elect folks on the vestry
10 and the general convention -- or national -- I'm sorry, the
11 diocesan convention, and many other things.

12 Part of that was the first reading of the bylaw changes
13 that culminated in the September 9, 2012, meeting. But these
14 are the minutes from that meeting.

15 Q. And if you could tell the Court what SLP-14 is.

16 A. These are the minutes from the special annual meeting of
17 the church held on September 9, 2012, where we effected the
18 changes to the bylaws.

19 Q. And this meeting was held for what specific purpose?

20 A. This was specifically for the purpose of voting on and
21 approving the changes to the bylaws.

22 Q. Were these the same changes that had been discussed in
23 January of 2012?

24 A. Correct. We tried to follow -- we're not bound to them,
25 but we try to follow some rules of order where we have

1 multiple readings, especially to changes to the bylaws, to
2 give ample notice when anything might be changed, for
3 discussion, for any questions that come from parishioners,
4 for revisions to those, and then a final approval sometime
5 after.

6 Q. The document that's been marked as SLP-15 is stated as
7 to the commitment to continued diocesan relationship.

8 A. Yes.

9 Q. Can you tell the Court what this document is.

10 A. This document was produced by the vestry around November
11 of 2012. It was in response to the national church taking
12 action against our bishop, Mark Lawrence. We produced this
13 resolution, again, voted on and approved by the vestry,
14 asserting that we would -- or declaring that we were
15 committed to remaining within the diocese and expressing
16 clearly our support for Mark Lawrence during the accusations
17 that were coming against him and the movement that the
18 presiding bishop took to restrict his ministry.

19 Q. Okay. And how did this come to be a resolution of the
20 vestry?

21 A. The resolution with respect to the deliberation within
22 the vestry or...

23 Q. How exactly was it enacted and ratified?

24 A. Oh, we had a special conference call that was called to
25 order, and we couldn't all be together, but we had an

1 official meeting of the vestry. We voted unanimously to
2 approve this resolution, and then subsequently we presented
3 it to the congregation for their affirmation and also to
4 explain the actions of the vestry and to allow them a chance
5 to ask questions and understand better what was going on.

6 Q. What response did you get from the congregation in that?

7 A. We took a voice vote and there was unanimous voice
8 acclamation at the time in support of the resolution.

9 Q. If you could turn to what has been marked as SLP-17 and
10 explain to the Court what that document is.

11 A. SLP-17 are the bylaws as amended February 2nd, 2014.
12 These are the most current bylaws that we have at
13 The Cathedral.

14 Q. Okay. And, generally, what was the purpose of the
15 amendment that was in place as of February 2nd, 2014?

16 A. There were two amendments -- there were two substantial
17 changes. One reduced the vestry from 12 to 9 members. It
18 had originated with the merger with 25 members, unwieldy
19 group, that got reduced down to 15. In 2011 we reduced from
20 15 to 12, and then this reduced it from 12 to 9. That was
21 one part.

22 The second substantial change were administrative
23 changes to the endowment, how it was run, how people were
24 elected to it, and how, effectively, money managers were
25 selected. It was all fairly administrative stuff.

1 Q. But these are the current bylaws as they exist for The
2 Church of St. Luke and St. Paul, Radcliffeborough?

3 A. Correct.

4 Q. And in your recollection, was there any way in which the
5 word Episcopal was displayed in advertisements for The
6 Cathedral Church of St. Luke and St. Paul?

7 A. At what time?

8 Q. In your recent memory.

9 A. In my recent memory, we had a sign in the front of the
10 building that said The Cathedral Church of St. Luke and
11 St. Paul, and underneath it had in parenthesis, Episcopal,
12 which our understanding is that simply meant we had a bishop
13 and happened to be his seat in our cathedral. When I
14 originally got to the church around 2005, I believe we had an
15 Episcopal flag in the building, but that is no longer there.
16 And other than that, I don't believe we used the seal of the
17 Episcopal Church national in other literature, not that I
18 recall.

19 Q. Okay. Has that flag been in use since 2012?

20 A. No.

21 Q. Is the word Episcopal currently displayed on the outside
22 of The Cathedral anywhere?

23 A. No.

24 Q. Okay. To your recollection was there ever a sign that
25 said, The Episcopal Church welcomes you or anything along

1 those lines pointing to The Cathedral?

2 A. No.

3 MR. MARVEL: Thank you very much. Those are all the
4 questions I have.

5 THE COURT: All right. Yes, ma'am.

6 MR. HOLMES: Your Honor, may I leave the courtroom for a
7 moment for a logistical matter?

8 THE COURT: Sure.

9 MR. HOLMES: Thank you.

10 MS. KOSTEL: Your Honor?

11 THE COURT: Yes.

12 MS. KOSTEL: There are documents that I would like to
13 show the witness and, potentially, they're in our exhibits.
14 I only have them electronically today. Mr. Holmes is trying
15 to go get copies of them now. I'd like to go over to that
16 podium and show them to him, but if -- I'd like your guidance
17 on whether I can move them in if I don't have a hard copy.
18 I'm willing to wait to move them in. We'll provide everyone
19 with either a hard copy or an electronic --

20 THE COURT: Have these documents been provided in
21 discovery, I would ask.

22 MS. KOSTEL: Yes, they were provided by the plaintiffs,
23 actually, to us.

24 THE COURT: Oh, okay, okay.

25 MS. KOSTEL: Yes.

1 THE COURT: And I have no problem with you showing them
2 electronically --

3 MS. KOSTEL: Okay.

4 THE COURT: -- particularly if plaintiffs have a copy of
5 it.

6 MS. KOSTEL: Well, they produced it.

7 THE COURT: And we'll just put them in when you get a
8 hard copy of them.

9 MR. TISDALE: Your Honor, and Ms. Kostel, I think we
10 have hard copies of those and we'll pull them out and give to
11 her as we find them to save time.

12 THE COURT: All right, all right. Sure.

13 Mr. Marvel, here's what we can do: I can see it. It's
14 on the monitor. It isn't in the courtroom and ought not be
15 in the courtroom until you've had an opportunity to review
16 the documents if you're having a concern about it, so go take
17 a look. I apologize that I can't put it up on that
18 particular monitor, but...

19 (Attorneys confer.)

20 THE COURT: Any objection?

21 MR. MARVEL: No, Your Honor.

22 THE COURT: All right, very well. When we have a
23 hard copy we'll have that marked but you certainly may
24 publish it now to the courtroom.

25 CROSS-EXAMINATION BY MS. KOSTEL:

1 Q. Okay. Mr. Galvan, Mary Kostel, representing the
2 national church, the Episcopal Church.

3 Okay. You testified several times today that The Church
4 of St. Luke and St. Paul, Radcliffeborough, also known as The
5 Cathedral, has no relationship with the Episcopal Church, is
6 that right, or had none in the past?

7 A. I said no direct relationship. By virtue of our
8 membership with the diocese, we -- when the diocese was
9 affiliated with the church, we would have considered
10 ourselves affiliated only through the diocese.

11 Q. Okay. So let's take a look -- and you testified that
12 St. Luke and St. Paul merged in the 1950s, correct?

13 A. Correct. It began in 1949.

14 Q. Yes, correct.

15 And so have you seen the constitution, the first
16 constitution that was adopted by that merged body?

17 A. Haven't reviewed this recently, no.

18 Q. Could you read that Article 1 of that constitution?

19 A. The Church of St. Luke and St. Paul, Radcliffeborough
20 accedes to the constitution and canons of the Protestant
21 Episcopal Church in the United States of America and of the
22 church in the Diocese of South Carolina and acknowledges
23 their authority accordingly (as read).

24 Q. Thank you. Let's take a look at the second document on
25 that same topic. This document was also produced by counsel

1 for St. Luke and St. Paul, The Cathedral Church of St. Luke
2 and St. Paul. And I'll show you the first page, which you
3 will see they're the bylaws of The Cathedral Church of
4 St. Luke and St. Paul. And I'll scroll down -- and, again, I
5 apologize for not having a hard copy that you can leaf
6 through, but I'll scroll down, show you the last page, which
7 indicates it was adopted in January of 1995. Do you see
8 that?

9 A. Correct.

10 Q. So let's take a look at Article 1 of those bylaws,
11 Article 1, Section 1. Could you read that into the record,
12 please?

13 A. Section 1, This parish is organized for the purpose of
14 operating an Episcopal Church pursuant to the constitution
15 and canons of the Protestant Episcopal Church in the Diocese
16 of South Carolina and of the Protestant Episcopal Church in
17 the United States now in force or as hereafter may be adopted
18 (as read).

19 Q. Okay. That's now in force or as hereafter may be
20 adopted, right?

21 A. Correct.

22 Q. Let's see what Article 4, Section 6 says. So Article 4
23 governs the vestry. Do you see that?

24 A. Yes.

25 Q. Let's scroll down to Section 6 and it's split between

1 two pages there.

2 A. I see it.

3 Q. Could you read what Section 6 says?

4 A. The duties of wardens and vestry persons shall be
5 prescribed and directed by these bylaws and the constitution
6 and canons of the Protestant Episcopal Church in South
7 Carolina and of the Protestant Episcopal Church in the United
8 States of America as they now exist and may hereafter altered
9 or amended (as read). Presumably they're missing a --

10 Q. Be?

11 A. -- be.

12 Q. Okay. Let's see, now Section 7 is long. I'll give you
13 a second to read that to yourself, unless you're already
14 completely familiar with it, but please take your time.

15 A. Okay.

16 Q. Could you read me the last two lines of Section 7?

17 A. No alienation of property shall be made without
18 compliance with the canons of the church as they now or
19 hereafter provide (as read).

20 Q. Okay. And that's in the section telling the vestry --
21 setting out the vestry's duties and responsibilities, right?

22 A. Correct.

23 Q. Okay. We're at the end of Article 10. What did Article
24 10 say?

25 A. Would you like me to read Section 1, 2, and 3?

1 Q. Oh, I'm sorry, just Section 1.

2 A. Section 1, Any article or part of any article or these
3 bylaws which may be in conflict with the constitution or
4 canons of the Diocese of South Carolina or the Protestant
5 Episcopal Church in the United States are void (as read).

6 Q. Do you know when the bylaws were next amended?

7 A. I don't know when the next amendment to this was, other
8 than the amendments I reviewed and matches now up in March of
9 2011.

10 Q. All right. And so you're familiar with these?

11 A. Yes -- this is not -- these are not the bylaws that we
12 submitted. Just -- if you'll let me review these documents.

13 Q. Sure, please take your time.

14 A. Yes, this should be consistent with SLP-11.

15 Q. Okay. And what does Article 1, Section 1 say there?

16 A. This parish is organized for the purpose of operating an
17 Episcopal Church pursuant to the constitution and canons of
18 the Protestant Episcopal Church in the United States now in
19 force or as hereafter may be adopted (as read).

20 Q. Okay. Here we go with the vestry again. I'll just ask
21 you to take a look at it and ask you if Section 6 seems to be
22 the same substantive Section 6 as the 1995 Section 6 of the
23 vestry article?

24 A. Seems to be.

25 Q. Okay. So that's the same and so that's unchanged, those

1 duties of the vestry laid out in Section 6 of Article 4 are
2 unchanged. And then how about in Section 7? Would it be
3 easier for you if I put up -- since you have the hard copy of
4 the 2011 document, would it be easier for you if I put up the
5 '95 document on the screen?

6 A. Yes, that might be helpful.

7 Q. Okay.

8 A. Seems to be the same.

9 Q. Okay. So you were on the vestry from 2007 to 2009?

10 A. Correct.

11 Q. And treasurer in 2011?

12 A. Yes.

13 Q. And senior warden from 2012 to January of 2014, correct?

14 A. Correct.

15 Q. And these documents were governing for at least most of
16 those periods, most of that time, isn't that right?

17 A. Yes, we amended them, as I think is our privilege as the
18 vestry to do so in conjunction with the members of the
19 church, so they evolved over time, but then I didn't finish
20 my time with these in existence.

21 Q. But when you said that the parish never had any direct
22 relationship with the Episcopal Church, in fact it had made
23 promises to follow rules of the Episcopal Church, had it not?

24 A. The way I understand this is we had voluntarily deemed
25 that we were going to follow those rules, but we could, at

1 our discretion, choose to clarify that, and we did so saying
2 that we would follow the rules of the diocese exclusively.

3 Q. But that's a promise that was made, wasn't it?

4 A. If you're implying by promise that it would be in
5 perpetuity, I disagree. I think we made a commitment that we
6 had the power to change.

7 Q. But you made a commitment, didn't you?

8 A. One that we had the power to change, yes.

9 Q. But you made a commitment, didn't you?

10 A. Yes.

11 MS. KOSTEL: Thank you. Nothing further.

12 THE COURT: You're finished?

13 MS. KOSTEL: Yes, Your Honor.

14 THE COURT: All right. Mr. Tisdale.

15 CROSS-EXAMINATION BY MR. TISDALE:

16 Q. Mr. Galvan, I understood you to say that there was a
17 sign in front of the church that is still there?

18 A. No, it's not still there.

19 Q. The sign is gone?

20 A. Correct.

21 Q. Okay. When it was there, did you say it had the word
22 Episcopal in parentheses under the name of The Cathedral?

23 A. Yes.

24 Q. And when was that sign taken down?

25 A. Sometime in the past 18 to 24 months, I believe.

1 Q. Is there no sign there now?

2 A. I believe there's a new sign, but it does not have the
3 word Episcopal in it.

4 Q. And is it my understanding of your testimony that the
5 reason the word Episcopal appeared in parentheses there was
6 to communicate that you had a bishop?

7 A. Correct.

8 Q. You still have a bishop, don't you?

9 A. Correct.

10 Q. So why was that name removed?

11 A. In the current environment we thought it created
12 confusion because the Episcopal Church is commonly understood
13 as the national church. While Episcopal, being a term
14 referring to a bishop, indeed refers to our bishop, we didn't
15 want to create any confusion whatsoever.

16 Q. So you wanted to avoid confusion between your parish, or
17 Cathedral, and the Episcopal Church?

18 A. Yes.

19 Q. Okay. Has that been successful?

20 A. I wouldn't necessarily be the judge of that, but I think
21 it's on its way.

22 Q. Okay. Does your parish or Cathedral send delegates to
23 the annual convention of the diocese generally throughout
24 history of which you are aware?

25 A. I believe so, yes.

1 Q. And do you know of any conventions that St. Luke and
2 St. Paul has not sent delegates to?

3 A. There was a period in the late 1800s, I think, where we
4 were precluded from sending delegates; but other than that,
5 no.

6 Q. Okay. Have people including clergy from the Cathedral
7 served as deputies to the general convention of the Episcopal
8 Church?

9 A. Not that I know of.

10 Q. Well, did you know or have you studied about in your
11 history, which you seem to be quite conversant with, the Very
12 Reverend Lynwood Magee?

13 A. I'm familiar with his name and I have certainly seen it
14 around the parish, but I don't know his attendance record at
15 conventions.

16 Q. At general conventions?

17 A. At general conventions.

18 Q. And you know of no one else from the parish, I'll call
19 it, who has served in that capacity?

20 A. Not to my knowledge.

21 Q. Have you yourself served as a delegate to the diocesan
22 convention?

23 A. Yes, multiple times.

24 Q. Both before the disaffiliation from the Episcopal Church
25 and after?

1 A. Yes, I believe so.

2 Q. With respect to the property, briefly, did the parish
3 buy all of its property, that is, pay money for it; or was
4 some of it bestowed by a gift from a person or an
5 organization?

6 A. We acquired the parking lot, again, for \$22,500 from
7 J C Long, and I believe that was in 1972.

8 Q. Right.

9 A. I haven't read, they're difficult to read, the deeds
10 transferring the two parcels of land on which the church, the
11 parish hall and the graveyard occupy now, but I believe those
12 were gifts.

13 Q. Do you know who the gifts were from?

14 A. I believe Whitman and Radcliffe are the names, but I do
15 not know specifically otherwise.

16 Q. Were they individuals, as far as you know?

17 A. As far as I know, yes.

18 Q. Okay. Are you familiar with the constitution and canons
19 of the Diocese of South Carolina which you-all have
20 acknowledged authority of?

21 A. By no means am I an expert on them, but I'm familiar
22 with their existence.

23 Q. Just their existence?

24 A. Yes.

25 Q. Are you familiar with the constitution and canons of the

1 Episcopal Church?

2 A. No.

3 Q. Mr. Galvan, when did the parish disaffiliate from the
4 Episcopal Church?

5 A. Again, to clarify, we understand that the diocese
6 disaffiliated from the national church, and by virtue of us
7 affirming that we were in the diocese, by extension we were
8 disaffiliated, but we didn't act to disaffiliate specifically
9 beyond that.

10 Q. When did that occur?

11 A. That occurred by virtue of the resolution we passed in
12 November of 2012 ratified -- or affirmed by the congregation.

13 Q. And could you, for the benefit of the Court, please tell
14 us why The Cathedral of St. Luke and St. Paul, what were the
15 reasons that it disaffiliated from whatever it disaffiliated
16 from?

17 A. We passed that resolution, and it states in the whereas
18 and then the resolved clauses that we supported the duly
19 elected bishop. We did not agree with the process that the
20 national church used to restrict his ministry, and we
21 supported the standing committee's resolution to disaffiliate
22 with the national church. Those were simply statements that
23 we recognized those as valid, and then we expressly resolved
24 to stay within the Diocese of South Carolina under Bishop
25 Mark Lawrence.

1 Q. My question really was a little different from that.
2 What I was trying to get you to tell us, if you can, is why.
3 What were the reasons for the disaffiliation?

4 A. Quite specifically --

5 MR. MARVEL: Objection, asked and answered, Your Honor,
6 relevance.

7 THE COURT: Sustained. He already told you.

8 MR. TISDALE: Okay. Thank you, Your Honor.

9 THE COURT: All right.

10 Q. What is the average Sunday attendance at The Cathedral?

11 A. Most recent records I saw is about 188.

12 Q. 180?

13 A. 180.

14 Q. Are you familiar with the quitclaim deeds that
15 The Cathedral received from various grantors?

16 A. Yes, I am.

17 Q. And you have those in the documents before you, I think,
18 do you not?

19 A. I do.

20 Q. If you'll look at what has been marked as Exhibit SL-9.

21 A. Yes.

22 Q. When did The Cathedral receive SL-9?

23 A. We received SL-9, I believe, in July of 2011 and
24 recorded it in November of 2011.

25 Q. All right. Was there any reason for the gap between the

1 receipt and the recordation?

2 A. I do not know specifically the reason for the gap. I
3 know our chancellor had the claim -- or the deed and recorded
4 it later.

5 Q. Who conveyed whatever was conveyed by this? Who is the
6 grantor in this deed?

7 A. The grantor is the Protestant Episcopal Church in the
8 Diocese of South Carolina.

9 Q. And what did they convey to The Cathedral, if you know?

10 A. They conveyed -- I think the substance of the quitclaim
11 is the acknowledgment that they had no interest in the
12 parcels of land described later in the deed, which are
13 substantively the property between Vanderhorst and Warren on
14 Coming Street.

15 Q. Did they have any claim to the property, to your
16 knowledge, before that?

17 A. No, other than part of the lease. They can occupy it
18 for the term of the lease. There's a -- of that part of the
19 land.

20 Q. So did they forego any interest in their lease?

21 A. No, not necessarily.

22 Q. Although they released any claims that they might have?

23 A. Theoretically, yes, but in practice, we still honor
24 that.

25 Q. But theoretically?

1 A. Correct.

2 Q. Okay. Who signed this deed on behalf of whoever granted
3 it?

4 A. This was signed by Paul Fuener, the president of the
5 Protestant Episcopal Church in the Diocese of South Carolina.

6 Q. Do you understand that to be a corporation?

7 A. I do.

8 Q. Okay. Now let's look at the other quitclaim deed for a
9 minute, if we may. This is SLP-10. What date did
10 The Cathedral -- or first, what is the date of the deed?

11 A. The date of the deed, I referred to when it was
12 witnessed, is the 16th of February 2010.

13 Q. Okay. And who were the conveying parties of this
14 property?

15 A. This was conveyed by the Right Reverend Mark J. Lawrence
16 and Bishop of the Episcopal Diocese of South Carolina and the
17 standing committee of the Episcopal Diocese of South
18 Carolina.

19 Q. All right. And what did this deed convey?

20 A. It is effectively the same language referring to their
21 and our understanding that they had no claim to the parcels
22 of land between Vanderhorst and Warren on Coming Street.

23 Q. Do you know if Mark J. Lawrence, Bishop of the Episcopal
24 Church, Diocese of South Carolina, had any claim or interest
25 in what was being conveyed to The Cathedral?

1 A. Personally?

2 Q. Well, just --

3 A. Him personally.

4 Q. As bishop.

5 A. I think as representative of the diocese this states
6 that he did not have any claim, and I don't believe that he
7 had any prior claim.

8 Q. Do you know of any that he had personally or as bishop
9 at the time this deed was granted?

10 A. No.

11 Q. All right. I ask you the same question for the other
12 signatory here, which is the standing committee of the
13 Episcopal Diocese of South Carolina.

14 A. I don't believe they had any claim prior or subsequent
15 to the issuing of the deed.

16 Q. And as far as you know did the standing committee have
17 anything to convey to The Cathedral?

18 A. No.

19 Q. At all?

20 A. Not that I know of.

21 Q. Would the same thing go for Bishop Lawrence?

22 A. Correct.

23 Q. And on the other deed signed by Paul C. Fuener, did
24 Father Fuener own any interest or have any claim against
25 The Cathedral at the time this was conveyed?

1 A. I didn't know he was a father and I don't --

2 Q. Well, he's a priest.

3 A. Okay. I'm not familiar with him, but I don't believe he
4 had any claim.

5 Q. All right. And why were there two deeds instead of one
6 to convey the same nothingness?

7 A. That's a good question. My understanding is that this
8 originated -- the earlier dated deed signed by the bishop and
9 the standing committee originated when the bishop initially
10 was brought up on charges of abandoning communion, and those
11 were not certified. This, I think, was partially done as a
12 response to that. Later this deed was issued, I'm not sure
13 entirely why, but it changed the entity, presumably, to
14 clarify which entity was granting that quitclaim deed. But
15 other than that, I don't know.

16 Q. That was to satisfy ambiguity?

17 A. I agree with that statement, yes.

18 Q. Okay. Mr. Galvan, has anything under the constitution
19 and canons of the Episcopal Church or of the Diocese of South
20 Carolina, Protestant Episcopal Church of the Diocese of South
21 Carolina, Diocese of South Carolina previously, that would
22 prevent any person from disassociating from the Episcopal
23 Church anytime they wanted to?

24 A. Any person?

25 Q. Any communicant.

1 A. Not that I know of.

2 Q. So there's nothing to bind an individual to the parish,
3 is there?

4 A. No.

5 MR. TISDALE: Your Honor, bear with me just 30 seconds,
6 please.

7 THE COURT: All right.

8 MR. TISDALE: Your Honor, I don't have anything further.

9 THE COURT: All right. Redirect?

10 MR. MARVEL: Once quick question.

11 REDIRECT EXAMINATION BY MR. MARVEL:

12 Q. Alonso, if you could turn to what has been marked as
13 SLP-10 again, please.

14 A. Yes.

15 Q. And this is the previous quitclaim deed, correct?

16 A. Correct.

17 Q. Okay. You seemed a little uncertain in answering your
18 question. Do you have any personal knowledge as to the
19 reason behind that, the issuance of that quitclaim deed?

20 A. The rationale the diocese used to provide it; is that
21 what you're asking?

22 Q. Yes.

23 A. So my understanding is that at the time the bishop was
24 offering these claims, they wanted to clarify that they had
25 no interest whatsoever in the property. They didn't claim to

1 have had any interest before, but they wanted to be quite
2 certain on our behalf, I think also coming out of the All
3 Saints case, that they had no interest whatsoever in the
4 property.

5 Q. Okay. Do you have any recollection of that actually
6 being tied to any charges being brought directly towards the
7 bishop?

8 A. No, not directly, no.

9 MR. MARVEL: Thank you. Your Honor, that's all I have.

10 THE COURT: All right. Any other plaintiffs? All
11 right. Very well.

12 Recross as to that issue? None? Very well.

13 You may come down. We're going to take our break.
14 We're going to reconvene about five minutes after 12:00.

15 (Recess held.)

16 THE COURT: All right. On behalf of the plaintiffs,
17 call your next witness.

18 MS. DURANT: May it please the Court, Your Honor,
19 Bess Durant with Sowell Gray, and I am with Thornwell F.
20 Sowell, also known as Biff Sowell, the titular head, the
21 spiritual head, the leader head of the law firm of Sowell
22 Gray. And our witness is John Acken, Your Honor.

23 JOHN ACKEN,
24 being first duly sworn, testified as follows:

25 THE COURT: Your witness.

1 MS. DURANT: Thank you, Your Honor, and just as a
2 housekeeping matter, both Ms. St. Amand and Ms. Kostel have
3 agreed -- have stipulated to all of our exhibits being
4 admitted.

5 THE COURT: And they're exhibits numbered?

6 MS. DURANT: They are Exhibits No. 1, 2, 3, 3A, 3B, 3C,
7 4, 5, 5A, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
8 19, 20, 24, 25, 26, and 27.

9 (Plaintiff's Exhibits HC-1 through HC-27 premarked for
10 identification.)

11 THE COURT: Is that correct?

12 MS. ST. AMAND: That's correct.

13 MR. TISDALE: As far as we know. We don't have any
14 dispute on it.

15 THE COURT: Thank you kindly.

16 MS. KOSTEL: That's fine, Your Honor.

17 THE COURT: Thank you. Exhibits are admitted without
18 objection. You may proceed.

19 (Plaintiff's Exhibits HC-1 through HC-27 admitted into
20 evidence.)

21 MS. DURANT: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MS. DURANT:

23 Q. Mr. Acken, can you give me a brief description of your
24 educational background?

25 A. Yes, I have an undergraduate degree at Hampden-Sydney

1 College in Virginia and a graduate degree at

2 Vanderbilt University.

3 Q. Any other graduate work?

4 A. I'm sorry?

5 Q. Any other graduate work?

6 A. University of Virginia, they decided I couldn't read and

7 write, so they sent me back for a math course.

8 Q. I know that feeling all too well.

9 Are you presently employed, Mr. Acken?

10 A. No, I'm not.

11 Q. So you're retired?

12 A. Yes, I am.

13 Q. What was your previous life in the working world?

14 A. I was general manager of transload services for

15 CSX Corporation in Jacksonville, Florida. We managed

16 rail-to-truck barge transfer facilities, eastern United

17 States, southern Canada.

18 Q. Are you a member of any church?

19 A. Yes, I am.

20 Q. What church is that?

21 A. Holy Comforter.

22 Q. How long have you been a member of Church of the

23 Holy Comforter?

24 A. Since I retired in '97, that's 17 years.

25 Q. Where is the Church of the Holy Comforter located?

1 A. In Sumter, South Carolina.

2 Q. Have you held any leadership positions in the
3 Holy Comforter?

4 A. Yes, I have.

5 Q. Tell me about those, please.

6 A. I was on the vestry and I was also senior warden.

7 Q. Let's talk about the vestry first. How long have you
8 served in the vestry?

9 A. I was on the vestry in 2008 through '10 and then again
10 in 2012 and then 2013 through the present time.

11 Q. Did you serve in the vestry anytime prior to 2008?

12 A. Yes, in the early 2000s.

13 Q. So you're presently in the vestry today?

14 A. Yes, I am.

15 Q. What role does the vestry play of Holy Comforter?

16 A. It functions as the board of directors.

17 Q. And I believe your earlier testimony was that you served
18 as the senior warden; is that correct?

19 A. Yes, I did.

20 Q. When did you serve as the senior warden?

21 A. 2009, 2010.

22 Q. What role does the senior warden serve?

23 A. Basically chairman of the board. I think John Barr
24 would say the temporal chairman of the board.

25 Q. Who is John Barr?

1 A. He's our rector.

2 Q. Does Holy Comforter have any officers?

3 A. Yes.

4 Q. Who are they?

5 A. They would be the wardens, the clerk, and the treasurer.

6 Q. Are their roles described in the constitution or the
7 bylaws that we call the constitution of Holy Comforter?

8 A. They are.

9 Q. Let's talk about the history of Holy Comforter, if you
10 don't mind, sir.

11 A. All right.

12 Q. When did Holy Comforter first start holding its
13 services?

14 A. We know they were holding services in 1854, but maybe
15 even before that.

16 Q. Does 1844 sound correct?

17 A. '44, that's correct.

18 Q. When was Holy Comforter incorporated?

19 A. In 1857.

20 Q. How was Holy Comforter incorporated?

21 A. By a legislative charter.

22 Q. Mr. Acken, I'm going to direct you to Holy Comforter's
23 Exhibit 1.

24 MS. DURANT: And for the record, Your Honor, our prefix
25 is HC.

1 THE COURT: Thank you.

2 Q. Mr. Acken, do you have a copy of HC-1?

3 A. Yes, I do.

4 Q. What is that?

5 A. It's the legislative charter for the church
6 incorporating the corporate entity of the Church of the
7 Holy Comforter.

8 Q. So the state of South Carolina incorporated
9 Holy Comforter?

10 A. Yes.

11 Q. What powers does the legislative charter give
12 Holy Comforter?

13 A. The power to incorporate, have wardens, officers,
14 vestry, bylaws, buy and sell property, real and personal,
15 have a common seal, hold property.

16 Q. Sounds like a good description to me.

17 What kind of corporation is Holy Comforter; profit or
18 nonprofit?

19 A. Nonprofit.

20 Q. What services does the corporation of Holy Comforter
21 provide?

22 A. Religious.

23 Q. Has Holy Comforter always and continually provided
24 religious services since it was legislatively chartered?

25 A. It has.

1 Q. And it was legislatively chartered in 1857, correct?

2 A. That's correct.

3 Q. Is there any reference to the national church in the
4 charter?

5 A. No. In fact, in the charter it was chartered as a
6 nondenominational church.

7 Q. Is there any reference to the Diocese of South Carolina
8 in the charter?

9 A. No.

10 Q. Is there any reference to the Episcopal Church of South
11 Carolina in the charter?

12 A. No.

13 Q. Has the charter ever been amended?

14 A. Yes, it has -- oh, not the charter, I'm sorry, no.

15 Q. Let me ask that question again, if you don't mind.

16 Has the charter ever been amended?

17 A. The charter has not been amended.

18 Q. Has it ever been repealed?

19 A. I'm sorry?

20 Q. Has it ever been repealed?

21 A. No.

22 Q. Are you familiar with what property is owned by
23 Holy Comforter?

24 A. Yes, I am.

25 Q. How are you familiar with what property is owned?

1 A. As a member of the vestry.

2 Q. How many tracts of land does Holy Comforter own?

3 A. Five.

4 Q. Can you give us a brief description of those five
5 tracts?

6 A. Yes, we have a -- we have an administrative building we
7 call the parish hall, we have a church, we have a parking
8 lot, we have a rectory, and we have a group of lots referred
9 to as the White Oak Properties.

10 Q. Does Church of the Holy Comforter have deeds for all of
11 these properties?

12 A. Yes, it does.

13 Q. Mr. Acken, I'm going to ask you to refer to several of
14 the exhibits that you have in front of you. Those exhibits
15 are Exhibits 2, 3, 3A, 3B, 3C, 4, 5, 5A, 6, and 6A.

16 A. Yes.

17 Q. Do you have those in front of you, Mr. Acken?

18 A. Yes, I do.

19 Q. Do these deeds, which are certified copies of deeds, are
20 these the deeds that reflect Holy Comforter's ownership of
21 all its real property?

22 A. Yes.

23 Q. Actually, let me clean something up, Mr. Acken. Do you
24 mind specifically referring to Exhibit 6?

25 A. 6, okay.

1 Q. What is this property?

2 A. It is White Oak lot, the lot is No. 16.

3 Q. Actually, Mr. Acken, I'm asking you to look at

4 Exhibit 6, please.

5 A. Exhibit 6, all right. Okay.

6 Q. And what is the property that's contained in the deed

7 that's labeled Holy Comforter's Exhibit 6?

8 A. This is titled Properties, White Oak lots 13, 14, 15,

9 16, 17, and 18.

10 Q. Has Holy Comforter sold part of this land?

11 A. Yes, we have.

12 Q. Do you mind referring to Exhibit 6A, please, Mr. Acken?

13 A. All right.

14 Q. What does this deed show?

15 A. 6A?

16 Q. Yes, sir.

17 A. 6A is Lot No. 16.

18 Q. Is this conveying out a parcel from Holy Comforter?

19 A. Yes, it conveys a property to David and

20 Cynthia Caldwell.

21 Q. So does Holy Comforter claim any interest in the
22 property represented by Exhibit 6A?

23 A. No, it does not.

24 Q. So the deeds that we have discussed today with the
25 exception of C -- let me rephrase that question.

1 Do the deeds that we have discussed today with the
2 exception of 6A represent all the property owned by
3 Holy Comforter?

4 A. Yes.

5 Q. All the real property owned by Holy Comforter?

6 A. Yes.

7 Q. Does Holy Comforter have fee simple title to all of this
8 property?

9 A. Yes, it does.

10 Q. Mr. Acken, does the Diocese of South Carolina claim any
11 interest, legal or equitable, in Holy Comforter's property?

12 A. No, it does not.

13 Q. Mr. Acken, please refer to Holy Comforter's Exhibit 25.

14 A. 25, yes.

15 Q. What is this document?

16 A. It's a quitclaim deed.

17 Q. Okay. It's a quitclaim deed from whom?

18 A. From the Diocese of South Carolina to Church of the
19 Holy Comforter.

20 Q. What does this deed state?

21 A. Says that they have no title to any of our property, no
22 right to any of our property.

23 Q. Did they ever have any title to our property?

24 A. No, they did not.

25 Q. Did the Diocese of South Carolina ever have any interest

1 in our property?

2 A. No, it does not.

3 Q. Mr. Acken, we've talked about the deeds to our property,
4 I'd like to now show you some photos of our property.

5 Do you see what's in front of you, Mr. Acken?

6 A. Yes, I can.

7 Q. Can you briefly explain for Her Honor the people in the
8 buildings that comprise Church of the Holy Comforter?

9 A. These are the parishioners in a service in the
10 Holy Comforter and looks like just about to start services.
11 I sees Charles Walton sitting there on the right.

12 This, the top photograph is the original Church of the
13 Holy Comforter, the bottom is the present Church of the
14 Holy Comforter, and I think they were Easter services.

15 Q. Now, will you please explain for Judge Goodstein, when
16 you say the original Holy Comforter versus the present
17 Holy Comforter --

18 A. Yes, the original Holy Comforter was built in 1858-59,
19 and then it was replaced in 1909 with the current church.

20 Q. Is it located in the same property?

21 A. No, they were located in different properties.

22 Q. Close to each other?

23 A. I'm sorry?

24 Q. Close to each other?

25 A. Yes, one was at South Main Street in Sumter, one's at

1 North Main Street in Sumter.

2 Q. Is this the present church building?

3 A. Yes, and as you see on the right there is the original
4 church building without the steeple. History has it that the
5 steeple is one of the tallest steeples in Sumter. An
6 interesting little story with this, when they were getting
7 ready to build the new church, they had to wheel the old
8 church down Main Street and took a long period of time to do
9 it. And so Sunday rolled around and here the church was
10 perched on this paraphernalia with wheels under it, and this
11 was in May of, I believe, 1908. And so if you can imagine
12 the gentlemen in their Sunday-go-to-meeting clothes and the
13 ladies in their parasoles and long dresses clamerring up over
14 the wheels into the original church in the middle of Main
15 Street, Sumter, South Carolina, makes an interesting image.

16 Q. Can only imagine.

17 Next picture please, sir. What is this, Mr. Acken?

18 A. That's the current campus of the Church of the
19 Holy Comforter.

20 Q. Okay.

21 A. That's the 1909 church and with the colonnade going over
22 to the parish hall. Interestingly, when the 1909 church was
23 built, much to the chagrin of the parishioners, the rector at
24 that time insisted that all the money for the construction of
25 the church come out of their pockets, and no one else in

1 Sumter could give money for the building of the church. Glad
2 that John Barr never had that idea when I was around there.

3 Q. Next picture, please, sir.

4 A. Another view of the church as it exists today. And
5 still, another view. You can see the organ over on the
6 right-hand side there, another view.

7 On the lower left, that's a baptismal font that was
8 given by St. Philip's, I believe, in 1859. The top picture,
9 top left picture, was a painting by Elizabeth White, who's a
10 local Sumter artist, of our boys with the colors in 1918.
11 And the plaque on the upper right, which I've always found
12 interesting, was from Elizabeth Beaufort who gave money for
13 the original church and she was born while the
14 Revolutionary War was still underway, and she died at age 87
15 in 1867. On the right is the chapel of the church.

16 Q. And that baptismal font you said from St. Philip's, is
17 that St. Philip's in Charleston?

18 A. That's correct.

19 Q. Next picture, please, sir. We talked about the building
20 in the photos, let's talk about the people in the church.

21 A. Okay. The top center photograph you can see Laura Barr
22 there. There's -- the picture on the second row right would
23 be John White and his son Allen, much younger. John's much
24 less gray than he is now.

25 Down in the lower middle is Mike Hubb, former Air Force

1 colonel, that became a priest while he was with us, the choir
2 on the bottom. And I think -- I believe that picture on the
3 left is the church as it was first constructed in 1909.

4 Q. Next picture, please, sir.

5 A. More pictures.

6 Q. If you could just give us a brief description,

7 Mr. Acken.

8 A. Sure. One is, of course, communion service on the
9 center left; down at the bottom right, it's interesting,
10 that's Grainger McKoy and Floride, and they're parishioners,
11 and Grainger was a local sculptor, and his wife Floride.
12 When I retired and Bessey said, my family came to Sumter's
13 history at the time of King George, II, and that's where
14 we're going to retire, John. Yes, ma'am. And so we went and
15 had supper with Floride and Grainger, and when we left she
16 said, one thing you've got to know is everybody in Sumter's
17 kin to everybody else. Floride's my second cousin. I was
18 delighted that I had said nothing bad about Floride or her
19 family.

20 Q. A good heads-up.

21 A. That's John Barr in the center, upper center; our
22 rector, waiting on the left; that's Bunt Wilson on the right.
23 Some of you may know Bunt and Lucy Gray at her wedding.
24 There's Mike Hubb again and his son, glad to see -- I told
25 Mike this, he was a retired Air Force colonel, glad to see

1 his son was part of the naval service, sort of moving up in
2 the world.

3 That is the choir from the 19 -- or children's choir
4 from the 1950s.

5 Q. Next picture please.

6 A. And getting ready to process in for service.

7 Q. I think that's all the pictures we have, Mr. Acken.
8 Thank you for taking us through that exercise.

9 Back to the matter at hand, Mr. Acken. Earlier we had
10 talked about the legislative charter that incorporated
11 Holy Comforter, correct, Mr. Acken?

12 A. Yes.

13 Q. And the legislature bestowed certain powers upon
14 Holy Comforter, correct?

15 A. That's correct.

16 Q. One of those powers was to make bylaws?

17 A. That's correct.

18 Q. Does Holy Comforter have bylaws?

19 A. Yes, it does.

20 Q. What does the Church of the Holy Comforter call its
21 bylaws?

22 A. The constitution.

23 Q. Has Holy Comforter ever amended its constitution?

24 A. Yes, it has.

25 Q. Will you please explain the process to amend the

1 constitution.

2 A. Well, we have two ways of amending the constitution.

3 One is to have two meetings, one to discuss the constitution
4 and consider it, and the second meeting would be to actually
5 have a vote and commit to the constitution.

6 The second method is for the rector to announce the
7 proposed constitutional meeting on two Sundays prior to that
8 and to -- for us to send out letters two weeks prior to the
9 meeting to all of the parishioners.

10 Q. And what do those letters need to include?

11 A. The letters need to include the changes to the
12 constitution.

13 Q. The proposed amendments?

14 A. Proposed, yes.

15 Q. And what kind of vote do you need from the parish to
16 amend the constitution?

17 A. Originally it had to be a quorum of 20 percent.

18 Q. Right, I'm not asking about a quorum. I'll ask you more
19 directly. Do you need a two-thirds vote to pass the
20 constitution?

21 A. Yes, yes.

22 Q. Has the constitution been amended over the past five
23 years?

24 A. Yes, it has.

25 Q. Please explain how it was amended.

1 A. On two occasions. First it was amended to delete any
2 reference to the Episcopal -- to the national church; to
3 change the quorum from 20 to 25 percent; to take out any
4 canons, any reference to canons that were not accepted by the
5 Diocese of South Carolina; to free us from any requirement to
6 be part of the Episcopal Church; to exempt us from being in
7 any way required to be part of -- accede to the doctrine,
8 discipline and worship of the Episcopal Church.

9 Q. Do you know when the parish of the Church of the
10 Holy Comforter made that amendment?

11 A. That amendment was made in 2010.

12 Q. Would that be November of 2010?

13 A. November of 2010, yes.

14 Q. Has the constitution been amended since November of
15 2010?

16 A. Yes, it has.

17 Q. When?

18 A. In 2013 we had a second amendment, which was
19 indemnification for the officers, vestry, employees --

20 Q. Was that the --

21 A. -- clergy of the church.

22 Q. I'm sorry, was that the sole amendment to the
23 constitution in 2013?

24 A. Yes.

25 Q. What role did you have within Holy Comforter at the time

1 the constitution was amended in 2010?

2 A. I was senior warden.

3 Q. What version of the constitution were you amending in
4 2010?

5 A. 1989.

6 Q. Are you familiar with the contents of the 1989
7 constitution, Mr. Acken?

8 A. Yes.

9 Q. Will you please refer to Holy Comforter's Exhibit 26.
10 Do you recognize this document, Mr. Acken?

11 A. Yes, I do.

12 Q. Is this the constitution that Holy Comforter was
13 amending in 2010?

14 A. Yes.

15 Q. When did the process of amending the constitution to
16 include these amendments begin?

17 A. It began with the vestry meeting in January of 2010.

18 Q. At the January 2010 vestry meeting did the vestry
19 discuss a proposed amendment to the constitution?

20 A. Yes, we did.

21 Q. Mr. Acken, will you please refer to Holy Comforter's
22 Exhibit 7.

23 A. Yes.

24 Q. What is this?

25 A. It's a special session of the vestry dated January 13,

1 2010.

2 Q. Is it an accurate representation of what occurred at the
3 meeting?

4 A. Yes, it is.

5 Q. Were you present for this vestry meeting?

6 A. Yes, I was.

7 Q. Was a quorum present?

8 A. Yes, it was.

9 Q. Did the vestry authorize the proposed amendment to the
10 constitution and its submission to the parish for adoption?

11 A. Yes.

12 Q. Did the vestry agree to send the amendment to the
13 congregation?

14 A. Yes, it did.

15 Q. Did the vestry --

16 A. It was a unanimous recommendation, if I remember right.

17 Q. Did the vestry adopt a resolution at this meeting?

18 A. Yes, it did.

19 Q. What did the resolution state?

20 A. The resolution was to define the doctrine, discipline,
21 and worship of the Episcopal Church.

22 Q. Did you end up sending the proposed amendment to the
23 members of Holy Comforter?

24 A. Yes, we did.

25 Q. Why did you send the proposed amendment to the members

1 of Holy Comforter?

2 A. So that they could review the proposed amendments and
3 resolution prior to the vestry meeting -- or the parish
4 meeting.

5 Q. Do you remember when the -- was this an annual parish
6 meeting?

7 A. Yes, it was the annual parish meeting, January 31st, I
8 believe.

9 Q. Mr. Acken, will you please refer to Holy Comforter's
10 Exhibit 9.

11 A. Yes.

12 Q. Do you recognize Exhibit 9?

13 A. Yes, I do.

14 Q. Is this your letter?

15 A. Yes, it is.

16 Q. Who did you send this letter to?

17 A. This letter went to the parish, members of the parish.

18 Q. What did you inform the parishioners of in this letter?

19 A. We were proposing an amendment and a resolution,
20 amendment to the constitution and a resolution.

21 Q. Did you also inform the parishioners of when the annual
22 parish meeting would occur?

23 A. Yes, we did, January 31st.

24 Q. Mr. Acken, according to the '89 constitution what notice
25 is required for annual parish meetings?

1 A. Annual parish meeting notice was the rector had to give
2 a notice on two successive Sundays prior to the meeting and a
3 one-week written notice.

4 Q. Mr. Acken, did Holy Comforter's Exhibit 9 serve as
5 notice to the parishioners of the annual meeting?

6 A. Yes, the notice was in excess of one week.

7 Q. And you also informed them of when the meeting would
8 occur, correct?

9 A. That's right.

10 Q. To your knowledge did the rector provide notice to the
11 parishioners of the meeting on two consecutive Sundays?

12 A. Yes, he did.

13 Q. Immediately prior to the parish meeting on January 31st,
14 2010?

15 A. Yes.

16 Q. Therefore, proper -- was notice properly given in
17 accordance with the constitution for the parish meeting on
18 January 31st, 2010?

19 A. Yes, it was.

20 Q. Did your letter, which is Holy Comforter's Exhibit 9,
21 also serve as notice for the proposed constitution on the
22 amendment?

23 A. Yes, it did because it was given two weeks prior to the
24 meeting.

25 Q. And it included -- at the bottom of that letter it

1 references enclosures, correct?

2 A. Yes, it enclosed a proposed amendment and a proposed
3 resolution.

4 Q. So you gave the parishioners a copy of the proposed
5 amendment to the constitution, correct?

6 A. That is correct.

7 Q. Did this letter serve as notice to the parishioners of
8 the proposed constitutional amendment?

9 A. Yes, it did.

10 Q. Did you send it two weeks before the meeting?

11 A. Yes, I did.

12 Q. Was notice properly given in accordance with the
13 constitution for consideration of the proposed constitutional
14 amendment?

15 A. Yes, it was.

16 Q. Did the parish meeting occur on January 31st, 2010?

17 A. It did.

18 Q. Mr. Acken, will you please refer to Holy Comforter's
19 Exhibit 10.

20 A. Yes.

21 Q. What is Holy Comforter's Exhibit 10?

22 A. Minutes of an annual meeting 2010, January 31st, 2010.

23 Q. And it's an accurate representation of what happened at
24 the meeting?

25 A. Yes, it is.

1 Q. Mr. Acken, did you attend the parish meeting on January
2 31st, 2010?

3 A. I did.

4 Q. Was a quorum present?

5 A. Yes.

6 Q. Regarding the resolution that you sent to the parish,
7 which I believe was Exhibit 9, what did the parish decide?

8 A. They approved the resolution.

9 Q. Did they approve it unanimously?

10 A. Yes, they did.

11 Q. Mr. Acken, will you please refer to Holy Comforter's
12 Exhibit 8.

13 A. Yes.

14 Q. Do you recognize Exhibit 8?

15 A. Yes, I do. It's the resolution that we passed at the
16 meeting on January 31st, 2010.

17 Q. Mr. Acken, regarding the proposed constitutional
18 amendment, what did the congregation decide to do?

19 A. They tabled the amendment and to readdress it in a
20 future meeting of November of 2010.

21 Q. So the parish had actually recessed it?

22 A. Yes, the parish recessed the meeting and we reconvened
23 in November.

24 Q. November of 2010?

25 A. That's right.

1 Q. Now, prior to the reconvened annual meeting in November
2 of 2010 did the vestry meet to discuss the proposed
3 constitutional amendments?

4 A. Yes, we did.

5 Q. Was this at a vestry meeting?

6 A. That was at a vestry meeting, yes.

7 Q. At this vestry meeting did the vestry authorize the
8 proposed amendments to the constitution and its submission to
9 the parish for adoption?

10 A. Yes, we did.

11 Q. Mr. Acken, will you please refer to Holy Comforter's
12 Exhibit 12.

13 A. 12, yes.

14 Q. What is Exhibit 12?

15 A. It's a minutes of a vestry meeting on October 26th,
16 2010.

17 Q. And is it an accurate representation of what happened at
18 the October 26, 2010, meeting?

19 A. Yes, it is.

20 Q. Mr. Acken, were you present for this vestry meeting?

21 A. I was.

22 Q. Was a quorum present at the vestry meeting?

23 A. Yes, it was.

24 Q. Did the vestry agree to send the amended constitution to
25 the -- or the proposed amended constitution to the

1 congregation?

2 A. Yes, we did.

3 Q. Was this a unanimous vote?

4 A. It was a unanimous vote, that's correct.

5 Q. Did you end up sending the proposed amended constitution
6 to the members of Holy Comforter?

7 A. We did.

8 Q. Why?

9 A. In order that they could review the proposed amendment,
10 be prepared to vote on it.

11 Q. Giving them notice?

12 A. And giving them the two weeks' notice required by the
13 constitution.

14 Q. Mr. Acken, will you please refer to Holy Comforter's
15 Exhibit 14.

16 A. Yes.

17 Q. Will you please describe for the Court what Exhibit 14
18 is.

19 A. Exhibit 14 shows that there were 175 letters mailed out
20 on November the 4th, 2010, to the parish. It was also a
21 letter signed by myself and John Barr to the parish, giving
22 them notice of the meeting, and there was a resolution -- a
23 new constitution, Church of the Holy Comforter, a resolution
24 for the commitment to the diocesan relationship, and a copy
25 of the new constitution that was proposed to be voted on.

1 Q. So your letter, the two resolutions and the proposed
2 amended constitution were mailed to the parishioners,
3 correct?

4 A. That's correct.

5 Q. What did you inform the parishioners of in this letter?

6 A. In the cover letter, that we were proposing a new parish
7 constitution and giving them notice to attend the meeting on
8 the -- November 21st and we would provide them with pizza and
9 beverages.

10 Q. Got to get them there somehow, right?

11 A. That's right.

12 Q. Did this -- earlier you testified about the notice
13 requirements for the parish meetings and constitutional
14 amendments, correct?

15 A. Yes.

16 Q. Did this letter comply with the constitutional
17 requirements for notice of the reconvened parish meeting?

18 A. Yes, it did.

19 Q. Why?

20 A. Well, it gave at least a one-week notice and it was --
21 the rector got up two weeks prior to the meeting on the
22 Sunday service and announced it in the Sunday service.

23 Q. Did the rector get up two consecutive Sundays
24 immediately prior --

25 A. Yes, yes, he did.

1 Q. If you'll just let me finish out my question for madam
2 court reporter, if you don't mind. So let me ask again.

3 Did the rector provide notice to the parishioners of the
4 meeting in two consecutive Sundays immediately prior to the
5 reconvened parish meeting on November 21st, 2010?

6 A. Yes, he did.

7 Q. Was notice properly given for the reconvened parish
8 meeting on November 21st, 2010?

9 A. Yes, it was.

10 Q. In addition, does your letter also serve as notice for
11 the proposed constitutional amendments?

12 A. Yes, it did because it was provided two weeks ahead of
13 the meeting.

14 Q. And you also included the proposed constitutional
15 amendments in this letter, correct?

16 A. Yes, we did.

17 Q. Was notice properly given for the consideration and vote
18 of the proposed constitutional amendments at the reconvened
19 parish meeting on November 21st, 2010?

20 A. Yes.

21 Q. Did the reconvened meeting occur on November 21st, 2010?

22 A. It did.

23 Q. Mr. Acken, will you please refer to Holy Comforter's
24 Exhibit 15.

25 A. This is the minutes of the 2010 annual meeting, November

1 21, 2010.

2 Q. Is this an accurate representation of what happened at
3 the November 21st, 2010, reconvened meeting?

4 A. Yes, it is.

5 Q. Did you attend the reconvened parish meeting on November
6 21st, 2010?

7 A. I did.

8 Q. Was a quorum present at the meeting?

9 A. It was.

10 Q. Regarding the resolution that amended the constitution,
11 did the parish consider and vote on the resolution?

12 A. Yes.

13 Q. Mr. Acken, will you please look at Holy Comforter's
14 Exhibit 11.

15 A. Exhibit which?

16 Q. 11.

17 A. 11, yes.

18 Q. Do you recognize Exhibit 11?

19 A. Yes, it's the new constitution for the Church of the
20 Holy Comforter.

21 Q. Regarding the resolution that it would amend the
22 constitution, how did the parish vote?

23 A. The vote was 94 in favor, one opposed, two abstained.

24 Q. Do you mind reading that a little bit closer, Mr. Acken?

25 A. 94 total votes, 91 in favor, one opposed, and two

1 abstaining.

2 Q. Was this more than a two-thirds vote in favor?

3 A. Yes.

4 Q. What adjective would you use to describe how the parish
5 voted?

6 A. It was overwhelmingly approved.

7 Q. Did the parish also vote on the other resolution?

8 A. Yes.

9 Q. Do you mind looking -- will you please look at Holy
10 Comforter's Exhibit 13.

11 A. Okay.

12 Q. Do you recognize Holy Comforter's Exhibit 13?

13 A. Yes, I do.

14 Q. What is it?

15 A. It's a commitment to the diocesan relationship.

16 Q. Regarding this resolution, how did the parish vote?

17 A. Unanimously.

18 Q. Back to the resolution to amend the constitution, was
19 the constitution amended in accordance with the parish's
20 vote?

21 A. Yes, it was.

22 Q. Mr. Acken, will you please refer to Exhibit 27.

23 A. Okay.

24 Q. Do you recognize Exhibit 27?

25 A. Yes, I do.

1 Q. What is it?

2 A. It's the constitution of the Church of the
3 Holy Comforter.

4 Q. Is this the amended constitution that came out of the
5 reconvened meeting?

6 A. Yes, it did.

7 Q. Is Exhibit 27 the most current version of the
8 constitution?

9 A. No, it's not.

10 Q. What is the most current version of the constitution?

11 A. It's a 2013.

12 Q. How does the 2013 constitution differ from the 2010
13 constitution?

14 A. Because we added an indemnification agreement for the
15 wardens, vestry, clergy, members, and employees.

16 Q. Did the amendment process to add the indemnification
17 provision comply with the requirements in the 2010
18 constitution?

19 A. Yes.

20 Q. Mr. Acken, will you please refer to Holy Comforter's
21 Exhibit 24.

22 A. All right.

23 Q. Do you recognize Holy Comforter's Exhibit 24?

24 A. I do.

25 Q. Just for the record, will you explain that first page.

1 A. I'm sorry?

2 Q. Just for the record, will you explain the first page.

3 A. First page is a constitutional attestation by the then
4 senior warden, Rick Shaw.

5 Q. What does he say?

6 A. Says that the undersigned, Rick Shaw, senior warden of
7 the vestry of the Church of the Holy Comforter does hereby
8 attest to the attached constitution as a true and correct
9 constitution of the Church of the Holy Comforter duly amended
10 and adopted by the congregation on January 29, 2013.

11 Q. So, Mr. Acken, is this the most current version of the
12 constitution that governs Holy Comforter?

13 A. Yes, it is.

14 Q. Mr. Acken, does Holy Comforter have to seek permission
15 from the national church to change its constitution?

16 A. No.

17 Q. To your knowledge, has Holy Comforter ever sought
18 permission from the national church to change its
19 constitution?

20 A. No.

21 Q. To your knowledge, has Holy Comforter ever sought
22 permission from the Diocese of South Carolina to change its
23 constitution?

24 A. No.

25 Q. Does Holy Comforter have to seek permission from the

1 Diocese of South Carolina to change its constitution?

2 A. No.

3 Q. Does Holy Comforter's constitution require it to seek
4 permission from any third party?

5 A. No.

6 Q. Mr. Acken, switching gears a little bit. At some point
7 in time the vestry and the parishioners of Holy Comforter
8 concluded they no longer wanted to be in communion with the
9 national church, correct?

10 A. That's correct.

11 Q. When was that?

12 A. It was in the late fall of 2012.

13 Q. Did the vestry vote to declare that it was no longer in
14 union with the national church?

15 A. It did.

16 Q. Mr. Acken, will you please refer to Holy Comforter's
17 Exhibit 17.

18 A. Yes.

19 Q. Do you recognize Exhibit 17?

20 A. I do.

21 Q. What is it?

22 A. Vestry minutes for Tuesday, October 23rd of 2012.

23 Q. Were you present for this vestry meeting?

24 A. I was.

25 Q. Was a quorum present at the vestry meeting?

1 A. Yes.

2 Q. Did the vestry pass a resolution at this meeting?

3 A. They did.

4 Q. Mr. Acken, will you please refer to Holy Comforter's
5 Exhibit 16.

6 A. Yes.

7 Q. Do you recognize Holy Comforter's Exhibit 16?

8 A. Yes, I do.

9 Q. Will you please explain to me what it is.

10 A. We were no longer with the Episcopal Church, we stayed
11 in fellowship with the diocese, and that the Episcopal Church
12 has no authority over our property, either real or personal.

13 Q. Will you please flip to the second page of this
14 document, Mr. Acken.

15 A. Okay.

16 Q. Is that your signature at the bottom of the right
17 column?

18 A. It is.

19 Q. Was the parish vote on this resolution unanimous?

20 A. Unanimous, absolutely.

21 Q. Mr. Acken, did the parish also vote on the decision to
22 declare the Holy Comforter is no longer in union with the
23 national church?

24 A. It did.

25 Q. When did that vote occur?

1 A. November the 4th, 2012.

2 Q. Did you hold a special meeting regarding this issue for
3 the parish?

4 A. We did.

5 Q. Who called the special meeting?

6 A. The senior warden.

7 Q. Mr. Acken, will you please refer to Exhibit 20. Do you
8 recognize Exhibit 20?

9 A. Yes, that's the Church of the Holy Comforter 2012
10 special parish meeting Sunday, November the 4th --

11 Q. Is this --

12 A. -- 2012.

13 Q. I'm sorry. Is this an accurate representation of what
14 happened at the November 4th, 2012, special meeting?

15 A. It is.

16 Q. Did you attend this meeting on November 4th, 2012?

17 A. I did.

18 Q. Was a quorum present?

19 A. Yes.

20 Q. Was notice properly given to the congregation for this
21 meeting?

22 A. It was.

23 Q. How?

24 A. It was two consecutive Sundays prior to the meeting, the
25 rector announced it in church, and it was given a one-week

1 letter in writing.

2 Q. In Holy Comforter's Exhibit 20 -- let me flip to it
3 because my eyes aren't good enough to read that screen -- do
4 the minutes reflect -- oh, thank you -- that notice was sent
5 to the parishioners?

6 A. Yes.

7 Q. When does it say notice was sent to the parishioners?

8 A. October 24th, 2012.

9 Q. Mr. Acken, will you please refer to Holy Comforter's
10 Exhibit 19.

11 A. Okay.

12 Q. Do you recognize Holy Comforter's Exhibit 19?

13 A. Yes, it's a letter to the parish from the senior warden.

14 Q. And who was the senior warden at this time?

15 A. Sue McDuffy.

16 Q. And you were at the vestry at this time, correct?

17 A. That's correct.

18 Q. And this letter was sent a week prior to the special
19 meeting, correct?

20 A. Yes, it was.

21 Q. Notice was properly and duly given to the parishioners
22 of the special meeting?

23 A. That's correct.

24 Q. Was a quorum present at the special meeting?

25 A. Yes, it was.

1 Q. How did the parish vote on November 4th, 2012?

2 A. The parish voted, there were 114 qualified votes, 109
3 voted in favor, 5 voted against.

4 Q. Did the parishioners have an opportunity to ask any and
5 all questions they wanted to ask?

6 A. They did.

7 Q. Mr. Acken, will you please refer to Holy Comforter's
8 Exhibit 18. Do you recognize Holy Comforter's Exhibit 18?

9 A. Yes.

10 Q. What is Holy Comforter's Exhibit 18?

11 A. The title is commitment to continue a diocesan
12 relationship, but the exhibit states that we are no longer an
13 Episcopal Church, we fully support the diocese, and the
14 Episcopal Church has no claim to any of our property,
15 personal or real, of the Church of the Holy Comforter.

16 Q. And Holy Comforter's Exhibit 18 is the resolution that
17 was passed by the parish at the special meeting, correct?

18 A. That's correct.

19 Q. Mr. Acken, is Holy Comforter affiliated with the
20 national church?

21 A. No.

22 Q. Does it have any ongoing relationship with the national
23 church?

24 A. No.

25 Q. Is it in any fiduciary relationship with the national

1 church?

2 A. No.

3 Q. Has it ever been in a fiduciary relationship with the
4 national church?

5 A. No.

6 MS. KOSTEL: Objection, Your Honor, these are legal
7 questions.

8 THE COURT: Sustained.

9 MS. DURANT: Fair enough. Well, let me ask, what was
10 the legal question, if I need to go back and rephrase, the
11 fiduciary questions?

12 MS. KOSTEL: Yes.

13 MS. DURANT: Let me take one step back.

14 Q. Mr. Acken, does Holy Comforter have any relationship
15 with the national church?

16 A. No.

17 Q. Does the national church have a vote as to the members
18 of Holy Comforter's vestry?

19 A. No.

20 Q. Does the national church have any veto power as to the
21 members of Holy Comforter's vestry?

22 A. No.

23 Q. Does the national church have any veto power with
24 respect to the corporation of Holy Comforter?

25 A. No.

1 Q. Does the Diocese of South Carolina have a vote as to the
2 members of Holy Comforter's vestry?

3 A. No.

4 Q. Does the Diocese of South Carolina have any veto power
5 as to the members of Holy Comforter's vestry?

6 A. No.

7 Q. Does the Diocese of South Carolina have any veto power
8 with respect to the corporation of Holy Comforter?

9 A. No.

10 Q. Does Holy Comforter have any relationship with an
11 organization known as the Episcopal Church in South Carolina?

12 A. No.

13 Q. Has Holy Comforter ever had any relationship with the
14 Episcopal Church in South Carolina?

15 A. No.

16 Q. And just for clarification, the Episcopal Church in
17 South Carolina is the unincorporated association that
18 Mr. Tisdale represents.

19 A. Yes, I gathered that.

20 Q. Has Holy Comforter participated with Episcopal Church in
21 South Carolina in any fashion?

22 A. No.

23 Q. To your knowledge, did Holy Comforter have any legal
24 counsel about the Dennis canon prior to its passage by the
25 national church?

1 A. No.

2 Q. Has Holy Comforter used the name Church of the
3 Holy Comforter since its inception?

4 A. Yes, in all respects, yes.

5 Q. Has Holy Comforter given anyone else permission to use
6 that name?

7 A. No.

8 Q. Has Holy Comforter given the national church any
9 permission to use its name?

10 A. No.

11 Q. Has Holy Comforter given the Episcopal Church in South
12 Carolina any permission to use its name?

13 A. No.

14 Q. Any permission to post its name in the website of the
15 Episcopal Church in South Carolina?

16 A. No.

17 Q. Are you aware of any money that Holy Comforter has given
18 to the national church?

19 A. I am not aware of any money that the Holy Comforter has
20 given to the Episcopal Church.

21 Q. Are you aware of any money that Holy Comforter has given
22 to the national church related entities such as the World
23 Relief fund or United Thank Offering?

24 A. Not that I'm aware of, no.

25 Q. Has Holy Comforter ever instructed the Diocese of South

1 Carolina not to give any money from Holy Comforter to the
2 national church?

3 A. Repeat that question.

4 Q. Has Holy Comforter ever instructed the diocese not to
5 give any money from Holy Comforter to the national church?

6 A. Yes, we have.

7 Q. Are you aware of any money given to Holy Comforter from
8 the national church?

9 A. I'm not aware of any money given to Holy Comforter, and
10 I'm certain that the rector in 1909 would have agreed with
11 me.

12 Q. To your knowledge, has the national church -- you know
13 much more about history than I do, I'll profess to that.

14 To your knowledge, has the national church ever
15 contributed any funds to purchase any of the real or personal
16 property of Holy Comforter?

17 A. No.

18 Q. Has the national church ever contributed any funds to
19 maintain, repair or renovate any of the real property of
20 Holy Comforter?

21 A. No.

22 Q. Who contributed funds to purchase the real property of
23 Holy Comforter?

24 A. The parishioners of the Church of the Holy Comforter or
25 those on behalf of the parishioners of the Church of the

1 Holy Comforter.

2 Q. People donating on behalf of the parishioners?

3 A. Yes.

4 Q. Who contributed funds to maintain, repair or renovate
5 Holy Comforter?

6 A. The parishioners of Holy Comforter or people donating on
7 behalf of the parishioners of the Church of the
8 Holy Comforter.

9 Q. Who has any interest or rights in the property that
10 we've discussed today?

11 A. Church of the Holy Comforter only.

12 Q. Holy Comforter and Holy Comforter alone?

13 A. Absolutely.

14 MS. DURANT: Please answer any questions the Court or
15 other counsel may have for you, Mr. Acken, thank you.

16 THE COURT: We're going to take lunch. Ladies and
17 gentlemen, it's 1:00, and we will reconvene at 2:15.

18 (Lunch recess held.)

19 THE COURT: All right. Cross-examination?

20 MS. DURANT: Your Honor, if I may interrupt just a bit,
21 I've got two housekeeping matters to clean up, if you don't
22 mind.

23 THE COURT: I don't mind.

24 MS. DURANT: And if defense counsel doesn't mind.

25 If I could just affirm or actually confirm the exhibits

1 that have been admitted. So far -- or the exhibits that I
2 have admitted on behalf of Holy Comforter are 1, 2, 3, 3A,
3 3B, 3C, 4, 5, 5A, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
4 17, 18, 19, 20, 24, 25, 26, and 27.

5 MR. TISDALE: Correct.

6 MS. KOSTEL: Yes.

7 MS. DURANT: And then one other quick matter, Mr. Sowell
8 pointed this out to me, about our Exhibit 13. I asked
9 Mr. Acken how the parish voted, he said they voted but didn't
10 say how they voted, so if I may ask him that now, Your Honor.

11 Q. Mr. Acken, if you'll please refer to Holy Comforter's
12 Exhibit 13, how did the parish vote with respect to this
13 resolution?

14 A. The resolution, we voted in favor of it.

15 MS. DURANT: That's all I have, Your Honor, thank you
16 very much.

17 THE COURT: Thank you. All right. Now
18 cross-examination.

19 CROSS-EXAMINATION BY MS. KOSTEL:

20 Q. Good afternoon, Mr. Acken.

21 A. Good afternoon.

22 Q. You testified about Holy Comforter's constitution,
23 correct?

24 A. That's correct.

25 Q. Okay. Now, could I ask you to turn to that document

1 that's at Exhibit No. 26?

2 A. Yes.

3 Q. Thank you.

4 A. Okay.

5 Q. And you have that in front of you?

6 A. Yes, I do.

7 Q. And so the first page of that exhibit says at the top,
8 index to constitution, correct?

9 A. Yes.

10 Q. And at the left it says, revised January 8, 1989,
11 doesn't it?

12 A. That's correct.

13 Q. And then when you turn the page, the next page, which is
14 numbered 1, says constitution, and it's dated May 30, 1974,
15 correct, at the top of that page?

16 A. Yes.

17 Q. Okay. So we can assume that the constitution was
18 adopted in May 1974 and then perhaps -- well, and revised,
19 strike the perhaps, on January 8, 1989, and that's the
20 document we have, correct?

21 A. That's correct.

22 Q. Let's go back to the first page of the exhibit. And I
23 hate to ask you to do this, but take note of the typeface
24 that the words revised January 8, 1989 are in.

25 A. Yes.

1 Q. It's a different kind of type than the typeface the rest
2 of the page is in, right?

3 A. Yes, appears to be, yes.

4 Q. Okay. And that's just to help us figure out what was in
5 effect in 1974 and what was in effect in 1989 as we go
6 through this document. Does that make sense?

7 A. Yes.

8 Q. Okay. So turning back to the second page, which was
9 numbered 1, the preamble of the constitution that was adopted
10 in 1974 and revised in 1989, what was the first sentence of
11 that preamble?

12 A. You want me to read it?

13 Q. Would you, please.

14 A. We, the congregation of the Protestant Episcopal Church
15 of the Holy Comforter, Sumter, South Carolina, County of
16 Sumter, Diocese of South Carolina, as such do hereby
17 acknowledge, accede, and adopt the doctrine, discipline, and
18 worship of the constitution and canons of the Protestant
19 Episcopal Church in the United States of America and the
20 constitution and canons of the same church in the Diocese of
21 South Carolina (as read).

22 Q. Okay. Thank you.

23 Then if you could turn to Article 4, so we're turning to
24 the next page, we've got Article 1, Article 2, the third page
25 is No. 3, changes typefaces, and I think perhaps we can agree

1 that that reflects language that was added with the revision
2 in 1989. Would you agree with that?

3 A. It would appear so, yes.

4 Q. Yes. And, then, so page 4, let's see -- I'm sorry, I've
5 confused myself now. I'm sorry, turning to page 5,
6 Mr. Acken.

7 A. Yes.

8 Q. Now we get back to the typeface from 1974 that remains
9 in effect after 1989, correct?

10 A. Yes.

11 Q. And Article 4 of that constitution says -- is entitled
12 oath, is it not?

13 A. Yes.

14 Q. And what does that section say?

15 A. You want me to read it?

16 Q. Would you please.

17 A. Every person chosen as warden or vestry member shall
18 qualify by subscribing to the following declaration and
19 promise: I do -- quote -- I do believe the holy scriptures
20 of the Old and New Testament to be the Word of God and to
21 contain all things necessary to salvation, and I do yield to
22 the doctrine, worship, and discipline of the Protestant
23 Episcopal Church in these United States. And I promise that
24 I will faithfully execute the office of warden or vestry
25 member of the Church of the Holy Comforter, Sumter, South

1 Carolina, according to the best of my knowledge and skill.

2 No person shall act or vote as warden or vestry member until
3 he has subscribed to this declaration and promise (as read).

4 Q. Okay. Thank you.

5 And then turning on past page 6 to page 7, at the bottom
6 of page 7 we have Article 9 -- begins Article 9, correct?

7 A. That's correct.

8 Q. And that's still in that older typeface. And then when
9 we turn the page to the top of page 8, section 3 of Article
10 9, it says, conflicts with canons is the title. Why don't
11 you read the paragraph that follows that heading since the
12 heading is kind of long.

13 A. Beginning with any provisions?

14 Q. Yes.

15 A. Any provisions in this constitution repugnant to or in
16 conflict with any of the canons of the Diocese of South
17 Carolina or of the Protestant Episcopal Church in the United
18 States of America shall be null and void (as read).

19 Q. Okay. Thank you.

20 Now, so these were the -- this was the parish
21 constitution that was adopted in 1974, revised in 1989, and
22 in effect until the revision in November 2011; is that
23 correct?

24 A. 2010.

25 Q. I believe you testified November 2011.

1 A. I'm sorry, the constitution was revised in November of
2 2010.

3 Q. Oh, you're right. I'm sorry. Yes. Excuse me. Of
4 course you're right.

5 Let's now turn to -- I'd like to take you very quickly
6 through the deeds. Exhibit No. 2.

7 A. 2?

8 Q. Yes.

9 A. Yes.

10 Q. That deed grants property to the Church of the
11 Holy Comforter and in 1998; is that right?

12 A. December the 29th, 1998.

13 Q. Yes, okay.

14 And then Exhibit 3, this one's not so easy to read, but
15 it appears to grant property to the wardens and vestry of the
16 Church of the Holy Comforter in the year 1903, that's at the
17 bottom, it's in the handwritten left-hand side; is that
18 right?

19 A. Yes, looks like 1st of May 1903.

20 Q. That's what it looks like, yes, thank you.

21 A. I sort of made that up, but I think it's...

22 Q. Well, that's a pretty good guess.

23 3A, this is another deed to the Church of the
24 Holy Comforter --

25 A. Yes.

1 Q. -- transferring property in what year? If you look down
2 on the left-hand bottom of the page, 1954.

3 A. Right-hand -- yes, 14 June of '54.

4 Q. Okay. Now we move to 5B -- I'm sorry, 3B.

5 A. 3B, yes.

6 Q. This one's two pages. It's handwritten. The top of the
7 page indicates that it's -- the conveyance is to the Church
8 of the Holy Comforter, correct?

9 A. Yes.

10 Q. And on the second page in the bottom left, the date is
11 in July of 1896; is that right?

12 A. Yes.

13 Q. Let's turn to Exhibit 4.

14 A. Okay.

15 Q. That is a deed conveying property to Church of the
16 Holy Comforter, correct?

17 A. Yes, it is.

18 Q. And on the next page you can tell that that conveyance
19 happened in 2002, right?

20 A. Yes, 22 August 2002.

21 Q. Okay. And Exhibit 5?

22 A. Yes.

23 Q. That's a deed to the Church of the Holy Comforter
24 (Episcopal)?

25 A. That's correct.

1 Q. And on the next page you can see that that conveyance
2 happened on the 19th of July 1996, correct?

3 A. Correct.

4 Q. Okay. And finally, 5A is a corrective title to real
5 estate?

6 A. Yes.

7 Q. And that occurred on the 20th day of April 2010,
8 correct?

9 A. That's correct.

10 Q. Okay. Now, Mr. Acken, I think you've suggested that the
11 parish had received no assistance from the national church
12 that you're aware of; is that correct?

13 A. That I'm aware of, that's correct.

14 Q. Okay. Now, so you would not have any reason to dispute
15 church records that we've produced to counsel for
16 Holy Comforter reflecting that the Episcopal Church Building
17 Fund made a loan to Holy Comforter in 1909 in the amount of
18 \$4,000, right?

19 A. I would have no knowledge of that.

20 Q. And you would have no knowledge, then, of a loan from
21 the same entity in 1926 for \$8,000, correct?

22 A. No, I have no knowledge of that.

23 Q. Okay. And do you have any idea what \$8,000 in 1926
24 might be worth today?

25 A. I have no knowledge of that.

1 Q. Okay. And you would have no knowledge about whether
2 those loans were made on a favorable -- more favorable basis
3 than --

4 MS. GOLDING: Your Honor, he's already testified he has
5 no knowledge of any of this information, so I would ask --

6 MS. KOSTEL: I'll withdraw it.

7 THE COURT: All right.

8 Q. Mr. Acken, you are aware that the parish used the church
9 insurance -- the Episcopal Church's insurance company to
10 insure its property?

11 A. On occasion if the rates were favorable.

12 Q. So that's a yes, correct?

13 A. Yes, but let me see, if I can recall, we typically use
14 the Bynum Insurance Company in Sumter up until about 2009, I
15 believe, but then we used the church insurance for a while
16 and then we went back to the united ministry -- can't think
17 of the title of the company -- after that.

18 Q. Okay. And the church has used signages that suggest --
19 that use the word Episcopal in them, hasn't it?

20 A. I believe in the past, but not in the recent -- in
21 recent years, no.

22 Q. Do you know how recently?

23 A. I asked that question and the response I got was by the
24 fellow that actually saw the signs had rusted out and were
25 falling down and disposed of them, and he said it was some

1 years ago. I don't know if it was after the year 2000 or
2 not.

3 Q. Okay. But they were there at some point?

4 A. At some point there were signs there, yes.

5 Q. Okay. Now, you testified about a document that's
6 Exhibit 16. Do you have that in front of you?

7 A. I'm finding it.

8 Q. Okay. Take your time.

9 A. I've managed to disarray all of them. I found it, yes.

10 Q. Now, I believe you -- if you look at the second page
11 you'll see some signatures on that document, including yours,
12 correct?

13 A. Yes. I see the second page, yes. What was the question
14 again?

15 Q. So the question is -- well, the question hadn't been
16 posed yet, but I'll ask you, you represented that this was a
17 resolution that was adopted by the vestry, correct?

18 A. That's correct.

19 Q. Okay. Who wrote it?

20 A. I don't know.

21 Q. What was your role?

22 A. I had a -- some input into what should be in it, but I
23 didn't act as a scribe.

24 Q. But what was your position on the vestry or were you a
25 warden at that point?

1 A. Well, I was on the vestry. My signature is there on the
2 second page at the bottom. I was on the vestry at the time,
3 just as a vestry member.

4 Q. Okay. Do you remember who the wardens were?

5 A. The warden at that time I believe was Sue McDuffy, but
6 that's the best of my recollection. I'm not certain.

7 Q. Fair enough. You don't know if she wrote it, do you?

8 A. No.

9 Q. Okay. Mr. Acken, this document has a number of whereas
10 clauses, and if you look at the first page, it sets out,
11 essentially, reasons for the resolution, correct?

12 A. Yes, that's correct.

13 Q. Okay. And so -- and the resolution, if you look at the
14 second page, says in the second line of the first resolved
15 that the church hereby declare that we are no longer an
16 Episcopal Church nor are we in union with the Episcopal
17 Church, correct?

18 A. That's correct.

19 Q. And what was the reason for that change?

20 A. To the best of my recollection is that we wanted to make
21 it clear that we were in total disassociation with the
22 Episcopal Church in all respects.

23 Q. And why was that?

24 A. Why were we in dis --

25 Q. Yes.

1 A. Because we had decided that we could no longer be in
2 communion with the church.

3 Q. And why was that?

4 A. Because we disapproved of their actions.

5 Q. And what sorts of actions?

6 A. Their actions in attacking our bishop.

7 Q. Were there any other reasons?

8 A. That was the -- that was the reason that I thought, and
9 that most of us thought, that really tipped the scales.

10 Q. Okay. Let me remind you that you were deposed on Monday
11 of this week in your capacity as a 30(b)(6) witness for the
12 parish.

13 A. Yes.

14 Q. And you were asked the following question --

15 MS. GOLDING: Your Honor, that's an improper way to
16 utilize deposition testimony, and I would ask that she
17 utilize it properly according to our rules in South Carolina.

18 MS. KOSTEL: Could I let him take a look at the
19 transcript, see if he recalls it? Thank you.

20 THE WITNESS: Thank you.

21 MS. GOLDING: Your Honor, I think the proper way in
22 South Carolina is that she can read the question, then he
23 reads the answer. And first of all, and I think that he
24 needs a copy of the deposition. She has the originals. He
25 needs a copy of the deposition.

1 MR. HOLMES: As local counsel, Your Honor, I'm unaware
2 of any rule that says the witness has got to read the answers
3 to the deposition.

4 THE COURT: I don't know that it's being used for
5 impeachment purposes, but I gather that if what we are
6 talking about is impeachment, then the question needs to be
7 shown to the witness and the witness needs to be asked, did
8 you testify on such and such occasion, etc., etc., and then
9 they will say yes or no. If he says yes, you're done. If he
10 says no, then you can show it -- then certainly Ms. Golding
11 can request that he be shown the document; otherwise, it
12 doesn't automatically have to be shown. I think she's been
13 all over wanting her witnesses to see documents, so that was
14 probably appropriate so --

15 MS. KOSTEL: I can give the witness a copy.

16 THE COURT: -- so I think Ms. Golding would want you to
17 give it to him. If you're going to ask him questions about a
18 deposition, she's going to want him to have it, I have a
19 sneaking suspicion.

20 MS. GOLDING: Thank you, Your Honor.

21 THE COURT: All right. Now you would ask him.

22 Q. Yes, so on Monday you were asked -- and now I'm on
23 page -- at the bottom of -- can you see the little page
24 numbers, Mr. Acken? There are four pages to a page.

25 A. 54 through 57, is that --

1 Q. Yes, and if you look at page 56.

2 A. Okay. It says I --

3 Q. At the bottom of that page, Q -- in the boldface in the
4 Q is the questioner, and the A's are the responses, so why
5 don't we go through that. I'll ask you the questions, and
6 you can read the responses.

7 A. Sure.

8 Q. Okay. So the question was, and the major reasons that
9 the parish wanted no longer to be in the communion with
10 the -- to be in communion with the national Episcopal Church
11 are what?

12 MR. RUNYAN: Your Honor, I'm interposing an objection
13 here. The nonprofit act does not require that a corporation
14 have a reason to do what it does in amending its bylaws.
15 There's no requirement they list the reason they amend the
16 bylaws. This question is deliberately designed to cross the
17 line into a reason that the Court's previously ruled on, and
18 I don't see the relevance of it.

19 THE COURT: Well, first of all, you are correct, it
20 doesn't require a reason. You don't have to justify a reason
21 for the determination to change the governance under the act
22 that you've just mentioned, that I am aware of, and we'll
23 talk about that, but I tend to agree with what you say. The
24 problem is, though, as I sit here and I try to reflect on the
25 testimony that I have already heard and whether or not

1 impeachment is appropriate in terms of the validity with
2 which this witness testifies, if I'm anywhere, that's where I
3 am. And that would be the sole reason that I would hear it.
4 The problem, though, is that I don't think he's done anything
5 other than refer to documents, which is a little bit unique,
6 if that makes sense what I'm saying. In other words, he
7 hasn't really testified anything other than here's a
8 document, here's a document, here's a document, here's a
9 document, this is what it says, this is what it says, so the
10 impeachment value is even marginal, if that makes sense, but
11 that's where we are. And the only reason this would have any
12 relevance at this point would be as to impeachment with
13 regards to just plain old garden variety impeachment, and you
14 may proceed.

15 MS. KOSTEL: Should I reread the question?

16 THE COURT: No, he's got it.

17 Q. Okay. So I've read that question, Mr. Acken, at the
18 bottom of 56, so now if you could read the answer.

19 A. You want me to read the answer?

20 Q. The answer that you gave on Monday, yes.

21 A. We felt they had left us. Well, primarily, they seemed
22 to be moving away from the idea that Jesus Christ is the only
23 path to salvation, which we believe, number one. And that
24 that was the major issue among the parishioners. The
25 Episcopal Church was moving away from that doctrine, which we

1 felt was -- that's the major reason, major (as read).

2 Q. Well, let me just interrupt you. Then the question was,
3 that's the major reason.

4 A. That's the major reason that the parishioners, the
5 parishioners were pushing the vestry.

6 Q. Right. I'm just trying to --

7 A. I understand.

8 Q. -- read the transcript correctly.

9 A. Certainly, certainly.

10 Q. And that's the major reason came from the questioner.

11 A. Okay.

12 Q. And then your answer to the question, that's the major
13 reason, and then go ahead, please.

14 A. And there was also the parishioners and I'm just
15 saying -- I'm just telling you that the parishioners were
16 telling us on the vestry that they were also concerned that
17 the Episcopal Church seemed to be moving away from the Christ
18 teaching that marriage is between a man and a woman. These
19 are the two key drivers behind the parish dissatisfaction (as
20 read).

21 MS. KOSTEL: Okay. Thank you. I don't have anything
22 further.

23 THE COURT: All right. Now, yes, sir, Mr. Tisdale.

24 MR. TISDALE: Thank you, Your Honor.

25 THE COURT: Yes, sir.

1 MS. KOSTEL: May I retrieve that transcript, Your Honor?

2 THE COURT: Sure.

3 CROSS-EXAMINATION BY MR. TISDALE:

4 Q. Mr. Acken, I think you testified before lunch that the
5 Church of the Holy Comforter was founded in the original
6 charter as a nondenominational church?

7 A. There is no denomination associated with the name Church
8 of the Holy Comforter in the legislative charter, that's
9 correct.

10 Q. And did there come a time that it established a
11 relationship with the Episcopal Church?

12 A. We entered into a fellowship with the Diocese of South
13 Carolina.

14 Q. When was that?

15 A. At some point after their founding. I cannot tell you
16 the date. I don't know.

17 Q. Sometime after 1880?

18 A. Sometime after -- well, certainly sometime after the
19 first church was constructed in the late 1850s.

20 Q. Late 1850s.

21 A. Well, I don't know the date, though.

22 Q. Okay. But, in fact, it did become a part of the Diocese
23 of South Carolina, didn't it?

24 A. It became -- it entered into a fellowship with the
25 Diocese of South Carolina, yes, sir.

1 Q. What do you mean by fellowship?

2 A. I think the word is self-explanatory. I don't know how
3 to describe it better.

4 Q. Was it in union with the convention of the diocese?

5 A. Yes.

6 Q. All right. And did delegates from the parish attend
7 annual conventions of the diocese?

8 A. I assume they did, I don't know.

9 Q. All right. In your time, did the parish send delegates
10 to the convention of the diocese's --

11 A. Yes, they did.

12 Q. -- annual?

13 And have you ever served as a delegate?

14 A. To the diocesan convention?

15 Q. Yes.

16 A. Yes, sir.

17 Q. And when did you serve?

18 A. I can't recall off the top of my head. It was in the
19 last five or six years.

20 Q. All right. Before the parish departed from the
21 Episcopal Church?

22 A. Yes.

23 Q. Now, if you will look at your exhibits, please, I want
24 to ask you about HC-3.

25 A. Yes, sir.

1 Q. What is this document?

2 A. I'm sorry?

3 Q. What is this document?

4 A. It's a deed.

5 Q. And what's the date of this deed?

6 A. Looks like July of 1896.

7 Q. And who is it a deed to?

8 A. Church of the Holy Comforter.

9 Q. Who -- does it cover a conveyance of land?

10 A. Yes, it's associated with the property that the current
11 church is located on.

12 Q. On Main Street?

13 A. At 213 North Main Street in Sumter.

14 Q. Okay. Do you know who conveyed this property to the
15 church?

16 A. No, I don't offhand.

17 Q. Can you tell by reading the deed?

18 A. It is practically illegible.

19 Q. Well, that was one of the points I wanted to come to.

20 Have you read this document?

21 A. No, I have not read it in its entirety, no.

22 Q. All right. Do you know whether or not there's any
23 language in this deed that creates any interest in either the
24 Diocese of South Carolina or the Episcopal Church?

25 A. No.

1 Q. You do not know?

2 A. No.

3 Q. Now, turn, please, if you will, to HC-3B, as in bravo.

4 A. HC-3 --

5 Q. B as in bravo.

6 A. This may take a moment.

7 Q. That's okay. Take your time. Do you not have it there?

8 A. No, I'm having a hard time finding it.

9 Q. That's all right. I can show you a copy if the Judge
10 will allow me. You can just look at this.

11 All right. Number one, do you think this document's
12 legible or not?

13 A. I think if I were to sit down with a magnifying glass
14 and read it very carefully and slowly it would be legible,
15 but I have not done that.

16 Q. You have not done that?

17 A. No.

18 Q. It's not legible as we sit here?

19 A. As we sit here, no, but it can be read, yes.

20 Q. Okay. It can be read.

21 Do you know what that document is?

22 A. It's a deed to part of the land surrounding the --
23 underneath the current Church of the Holy Comforter.

24 Q. Is that the same property as --

25 A. It is.

1 Q. -- in the first deed we looked at?

2 A. It is. It is. There are several deeds to that
3 property.

4 Q. It was divided up before?

5 A. It had been assembled to provide the land for the
6 church. And I believe one of those deeds also includes some
7 land that we added at a later date for a parish hall, parish
8 hall building.

9 Q. You said the parish had five tracts of land?

10 A. That's correct.

11 Q. So how many of them --

12 A. There are four in this particular cluster.

13 Q. So that's four of them right there?

14 A. Those four are the tracts of land that the church sits
15 on.

16 Q. Right.

17 A. Then there's a tract of land that has the parish hall, a
18 tract of land that has the parking lot, the rectory, and then
19 the White Oak lots.

20 Q. And what is the fifth one? You said there were five.

21 A. There's the parish hall, there's the parking lot,
22 there's the church properties, the four church properties,
23 the rectory, and the White Oak properties.

24 Q. All right.

25 A. That's the five parcels.

1 Q. Did it come a time that the Church of the Holy Cross
2 received quitclaim deeds from the diocese?

3 A. Are you talking about Holy Cross or Holy Comforter?

4 Q. Holy Comforter.

5 A. I'm sorry?

6 Q. Holy Comforter.

7 A. Yes. What was the question?

8 Q. Did the parish receive quitclaim deeds at some point
9 from various organizations of the Diocese of South Carolina?

10 A. We received a quitclaim deed from the Diocese of South
11 Carolina.

12 Q. All right. And do you have that there?

13 A. Yes, I presume it's here. I don't have the number.

14 Q. Well, I don't either.

15 MS. DURANT: Tom, it's 25.

16 Q. 25, Mr. Acken.

17 A. Thank you.

18 Q. Exhibit 25.

19 A. Yes, I'm looking. I've found it.

20 Q. When did the Church of the Holy Comforter receive this
21 deed?

22 A. 13 January 2010.

23 Q. And what does it convey?

24 A. It states that the diocese has no interest in the
25 property of the Church of the Holy Comforter.

1 Q. All right. And did the parish pay for this deed or was
2 it gratuitous?

3 A. It says consideration of \$5.

4 Q. Okay. And did the parish ask for this deed to be
5 granted?

6 A. Not specifically, no.

7 Q. What do you mean not specifically?

8 A. We didn't ask for the deed. We told the diocese that we
9 were concerned of the events that were unfolding and that we
10 were worried about it, but we didn't go further than that,
11 and not too long after we had the discussion with the diocese
12 we received this.

13 Q. This was 2010?

14 A. This was in 2010. What did I say? January 13, 2010.

15 Q. Look at the second page of the deed, if you will, and I
16 ask you who signed this deed as grantor or grantors.

17 A. Mark Lawrence, Bishop of South Carolina; Reverend
18 Jeffrey S. Miller, President, Standing Committee, Diocese of
19 South Carolina.

20 Q. Okay. And did the Episcopal Diocese of South Carolina
21 have any interest in the property of the Church of the
22 Holy Comforter?

23 A. Never.

24 Q. Did the standing committee of the Diocese of South
25 Carolina have any interest in the property of the

1 Holy Comforter?

2 A. No, sir.

3 Q. Do you know if any communicant of the Church of the
4 Holy Comforter has served as a delegate to the general
5 convention of the Episcopal Church?

6 A. No.

7 Q. Are you familiar with what the general convention of the
8 Episcopal Church is?

9 A. Not really.

10 Q. Have you ever known a communicant of the parish of the
11 Church of the Holy Comforter named Julian T. Buxton,
12 B-U-X-T-O-N?

13 A. I've heard the name Buxton. I don't know a
14 Julian T. Buxton and I've only heard of the name.

15 Q. So you would have no way to know whether he has served
16 as a deputy to the general convention --

17 A. No, I don't know the gentleman and I don't know if he
18 ever served.

19 Q. -- of the Episcopal Church?

20 A. Of the Episcopal Church.

21 Q. All right. When did you say you became a communicant of
22 this parish?

23 A. 1997.

24 Q. And were you aware in 1997 after you became a
25 communicant of the parish, that the Diocese of South Carolina

1 had a canon that created trust interest by it in the property
2 of the Church of the Holy Comforter?

3 A. No, I did not know that.

4 Q. Were you aware after you became a communicant in 1997,
5 that the Episcopal Church had a trust interest in the
6 property of the Church of the Holy Comforter?

7 A. No, and I don't believe they do or did.

8 Q. What's the basis of your belief?

9 A. It's based upon what our chancellor had told us.

10 Q. By who? Who told you?

11 A. Our chancellor.

12 Q. And who is your chancellor?

13 A. At that time it was probably Arthur Wilder -- no, it may
14 have been Arthur -- I'm not sure who it was at that time. It
15 would be wrong for me to guess.

16 Q. But you assume that on the basis of what somebody told
17 you?

18 A. That's correct.

19 Q. Have you ever investigated it to determine for yourself?

20 A. No.

21 MR. TISDALE: Nothing further, Your Honor. Thank you.

22 THE COURT: All right. Redirect?

23 MS. DURANT: No, Your Honor.

24 THE COURT: And on behalf of any other plaintiff? All
25 right. Very well. You may come down.

1 Call your next witness, please.

2 (Plaintiff's Exhibits RS-1, RS-6 through 11 and RS-13
3 through RS-20 premarked for identification.)

4 MR. BRYAN: Judy Casper McMeekin.

5 JUDY CASPER MCMEEKIN,
6 being first duly sworn, testified as follows:

7 THE COURT: And would you state your full name for the
8 record and spell your last name.

9 THE WITNESS: Judy Casper McMeekin, M-C-M-E-E-K-I-N.

10 THE COURT: Your witness.

11 MR. BRYAN: Thank you, Your Honor. For the record, I'm
12 William A. Bryan, and I represent the Church of the
13 Resurrection, Surfside.

14 Your Honor, Church of the Resurrection moves for the
15 admission without objection of Exhibits marked RS-1, RS-6
16 through 11 inclusive; RS-13 through 20 inclusive.

17 THE COURT: Any objection?

18 MR. TISDALE: No objection, Your Honor.

19 MS. KOSTEL: No objection.

20 THE COURT: Very well, so admitted.

21 MR. BRYAN: Thank you.

22 (Plaintiff's Exhibits RS-1, RS-6 through 11 and RS-13
23 through RS-20 admitted into evidence.)

24 DIRECT EXAMINATION BY MR. BRYAN:

25 Q. Ms. McMeekin, where do you live?

1 A. Surfside Beach.

2 Q. Are you employed?

3 A. Yes, I am.

4 Q. Doing what?

5 A. I'm the controller for a strategic marketing firm in
6 Durham, North Carolina.

7 Q. Okay. Are you a member of a church?

8 A. I am a member of the Church of the Resurrection.

9 Q. How long have you been a member?

10 A. Since 1983.

11 Q. Have you held since that time any positions of
12 leadership in the Church of the Resurrection, Surfside?

13 A. Yes, sir.

14 Q. Would you tell the Court what roles and, either as a
15 director or vestry person or otherwise, what you've done at
16 the Church of the Resurrection.

17 A. I've served on the vestry beginning in 1999 for several
18 years; I've also served as treasurer, which was an officer
19 position, for an additional five or six years; I served a
20 second term as vestry beginning in 2010 through 2013 as a
21 vestry member. In that role I served as junior warden and
22 senior warden.

23 Q. And can you remember the date or the year or years you
24 served as junior warden?

25 A. I served as junior warden in 2011.

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

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

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

8 A. Okay.

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

12 A. Yes, sir, I was.

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

15 A. The Church of the Resurrection is incorporated.

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

18 A. I do.

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

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

24 A. Okay.

25 Q. You got it?

1 A. I do.

2 Q. What is that?

3 A. That is our articles of incorporation.

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

6 A. July the 12th, 1971.

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

9 A. Yes, it had been.

10 Q. Since when?

11 A. Since 1958.

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

17 A. Yes, sir.

18 Q. Up until the present time?

19 A. Yes.

20 Q. And continuing?

21 A. Yes.

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

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

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

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

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

9 A. It is true today.

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

13 A. Yes, sir.

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

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

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

24 A. No, sir, there is not.

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

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

4 A. No, sir.

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

7 A. No, sir.

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

11 A. Yes, sir.

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

15 A. Yes.

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

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

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

21 A. Yes, sir.

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

24 A. Yes, sir.

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

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

4 A. Yes, sir.

5 Q. -- all those meetings --

6 A. Yes, sir.

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

8 A. Yes, I was.

9 Q. Personally present?

10 A. Yes.

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

14 A. Yes, it was.

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

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

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

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

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

24 A. Yes, sir.

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

1 entitled Ratification Consent; do you see that?

2 A. Yes, sir.

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

4 A. Yes.

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

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

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

10 A. Ms. Rincken.

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

13 A. Yes, sir.

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

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

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

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

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

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

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

7 A. It had been about 11 years.

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

9 A. No, they had not.

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

12 A. Yes, sir, yes.

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

14 A. It was.

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

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

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

21 A. It was unanimous.

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

24 A. Yes, they did.

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

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

2 A. Okay.

3 Q. Do you see it?

4 A. Yes, sir.

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

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

7 A. Yes, sir.

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

9 A. Yes, it was.

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

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

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

13 A. Yes, they were.

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

15 congregation?

16 A. A quorum was present.

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

18 requirement was at that time?

19 A. 25 percent of communicants.

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

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

22 entire parish?

23 A. Yes, they were.

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

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

1 earlier?

2 A. The motion passed.

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

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

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

8 A. Yes, there was.

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

10 A. Yes, sir.

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

13 A. Yes, it is.

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

16 A. Angelo Antonucci.

17 Q. And what was his...

18 A. Senior warden.

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

21 A. No, sir.

22 Q. Okay. Thank you.

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

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

1 Q. And which two?

2 A. The address change and the purpose change.

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

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

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

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

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

18 A. Yes, sir.

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

21 A. That's the correct address.

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

24 A. No, sir.

25 Q. Or the national church?

1 A. No, sir.

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

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

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

8 A. Yes, sir.

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

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

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

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

19 Q. So it's a yearly --

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

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

22 A. Yes, sir.

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

25 A. No, sir.

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

3 A. No, sir.

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

8 A. No, sir.

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

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

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

16 A. It was more.

17 Q. What was it?

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

20 Q. And what kind of notice?

21 A. Mail.

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

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

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

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

6 A. Yes, sir.

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

9 A. Yes, sir, we did.

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

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

14 Q. All right.

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

17 Q. Was notice given?

18 A. Yes, sir.

19 Q. Was a quorum present?

20 A. Yes, sir.

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

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

25 Q. Okay. Were they presented?

1 A. They were.

2 Q. Were they voted on?

3 A. Yes, sir.

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

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

6 129; those opposed were 1.

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

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

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

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

11 A. Okay.

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

13 document is the exact document that was submitted at the

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

15 parish meeting?

16 A. Yes, sir, it is.

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

18 A. Correct.

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

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

21 A. Yes, it was.

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

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

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

25 name change. Okay?

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

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

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

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

12 Q. Add Surfside to Church of the Resurrection?

13 A. Correct.

14 Q. Was it voted on?

15 A. It was voted on.

16 Q. What was the result of the vote?

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

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

20 A. A quorum was present.

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

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

24 Q. All right.

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

1 96; votes opposed, 4; no abstentions.

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

5 A. Yes, it was.

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

8 A. That's right.

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

10 A. Yes, sir.

11 Q. What is that?

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

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

15 A. The Church of the Resurrection, Surfside.

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

17 A. Yes, I did.

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

19 A. Yes, it did.

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

21 A. It is.

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

23 A. Yes, sir.

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

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

1 January the 3rd, 2013.

2 Q. Were you present?

3 A. Yes, sir.

4 Q. Was a quorum present?

5 A. Yes, sir.

6 Q. Was everybody there?

7 A. Yes, sir, everybody was there.

8 Q. Was notice of that meeting given?

9 A. Notice was given.

10 Q. Did you get the notice?

11 A. I did.

12 Q. And what resolutions were considered by the vestry at
13 that special meeting, Ms. McMeekin, with regard to the issues
14 in this Court?

15 A. Three resolutions were offered, the first was to ratify
16 the name change that had been approved at the parish meeting;
17 the second was --

18 Q. Can I stop you?

19 A. Yes.

20 Q. I know I asked you a question and I'm stopping you, but
21 let's go one at a time.

22 A. Okay.

23 Q. So with regard to the name change ratification, was that
24 voted on separately or as a group with the other two?

25 A. These were voted on separately.

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

3 A. It did.

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

5 A. It passed unanimously.

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

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

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

13 A. It is.

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

16 A. Passed unanimously.

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

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

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

24 A. January the 3rd, 2013.

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

1 A. The vestry passed it unanimously.

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

5 A. Yes, sir.

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

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

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

12 A. Yes, sir.

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

15 A. Yes, sir.

16 Q. And what is that?

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

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

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

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

1 A. Yes, sir.

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

4 A. Yes.

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

7 A. Correct.

8 Q. Same form?

9 A. Yes.

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

12 A. Not yet.

13 Q. All right.

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

15 Q. Was a quorum present?

16 A. A quorum was present.

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

19 A. Yes.

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

22 A. Yes, sir.

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

25 A. There is no reference.

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

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

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

5 A. Yes, sir.

6 Q. -- any references?

7 A. Yes.

8 Q. Other changes were made as well?

9 A. Yes, it was a complete revision.

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

16 A. It does.

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

20 A. Okay.

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

22 A. Okay.

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

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

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

2 A. The grantor was Ruth Gaul.

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

5 A. Long-term parishioner.

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

7 A. Yes, sir.

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

10 A. Yes, sir.

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

13 A. Seven acres.

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

16 A. It was raw land.

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

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

21 MR. BRYAN: Could we have the photographs?

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

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

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

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

4 Q. All right. And then another photograph?

5 A. That's the disciple house.

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

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

8 Q. Youth building.

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

11 A. Yes, sir.

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

13 A. That is the disciple house.

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

16 A. Yes, it is.

17 Q. -- Church of the Resurrection?

18 A. Yes, it is.

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

21 A. Through donations by parishioners and a loan.

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

23 A. Yes, sir.

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

1 A. No, sir.

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

5 A. No, sir.

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

7 A. Okay.

8 Q. What is that?

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

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

12 A. Yes, it does.

13 Q. -- where a minister lives?

14 A. Yes.

15 Q. Priest, okay.

16 Does Resurrection still own that?

17 A. It does.

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

20 A. No, sir.

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

23 A. No, sir.

24 Q. -- of these?

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

1 Resurrection owns?

2 A. Yes, it is.

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

7 A. No, sir.

8 Q. -- in favor of anybody?

9 A. No, sir.

10 Q. Any entity?

11 A. No, sir.

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

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

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

17 A. Okay.

18 Q. What's that?

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

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

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

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

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

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

6 A. No, sir, just one.

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

9 A. No, sir.

10 Q. Do you know anything about it?

11 A. I was aware that we received them.

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

13 A. Yes, sir.

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

15 A. Yes, it does.

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

19 A. We do not.

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

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

24 Q. The defendant.

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

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

2 A. Please, excuse me.

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

4 A. No, sir.

5 Q. Do you understand my question?

6 A. I do understand your question --

7 Q. All right.

8 A. -- and we do not.

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

12 A. No.

13 Q. -- and Resurrection?

14 A. No.

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

18 A. No, sir.

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

23 A. No, sir.

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

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

4 A. No, sir.

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

7 A. That's correct.

8 Q. None?

9 A. None.

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

12 A. We have about 350.

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

16 THE COURT: All right. Counsel?

17 MS. KOSTEL: Thank you, Your Honor.

18 THE COURT: Yes.

19 CROSS-EXAMINATION BY MS. KOSTEL:

20 Q. Good afternoon, Ms. McMeekin.

21 A. Good afternoon.

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

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

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

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

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

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

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

9 A. I believe it was 20,000.

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

11 A. That sounds right.

12 Q. From the Episcopal Church Foundation?

13 A. Again, not firsthand knowledge.

14 Q. Fair enough.

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

17 A. No, ma'am.

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

20 A. 1999, yes, ma'am.

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

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

1 leave; does that ring a bell?

2 A. Yes.

3 Q. That did happen?

4 A. That did happen.

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

6 THE COURT: Okay. Mr. Tisdale?

7 MR. TISDALE: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Ms. McMeekin, good afternoon.

10 A. Good afternoon.

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

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

14 Q. Your chancellor?

15 A. Yes.

16 Q. Would that be Mr. Bryan?

17 A. Yes, it would be.

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

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

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

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

24 Q. That's all right.

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

1 diocese, a quitclaim deed?

2 A. I don't know.

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

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

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

6 A. Yes, sir.

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

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

11 Q. You can?

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

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

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

25 Q. Are you reading from Exhibit 19?

1 A. Yes, sir, I am.

2 Q. And who made that grant?

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

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

6 A. Mark Lawrence.

7 Q. Exhibit 19.

8 A. And --

9 Q. And?

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

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

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

14 Q. They did not.

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

17 A. No, sir.

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

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

21 Q. Do not know.

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

24 A. No, sir.

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

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

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

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

8 A. Yes, it was.

9 Q. And when did that union end?

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

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

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

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

19 A. Correct.

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

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

24 Q. Correct.

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

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

3 A. As I understand it.

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

6 A. Yes, sir.

7 Q. Does it still use it?

8 A. It does.

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

11 A. Yes, it is.

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

15 A. Yes.

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

19 A. We didn't change --

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

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

23 THE COURT: Okay.

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

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

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

5 Q. Right.

6 A. -- general convention, yes.

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

9 A. Yes.

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

11 A. I have.

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

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

14 Q. That's the years you went?

15 A. Yes.

16 Q. Not before?

17 A. Not before.

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

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

22 Q. When did you have such signs?

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

1 Q. All right.

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

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

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

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

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

12 Q. Boynton?

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

14 Q. Thank you.

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

18 A. Yes, it was.

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

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

22 A. It is.

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

24 A. No, she is not.

25 Q. Did you know her before her death?

1 A. I did.

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

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

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

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

12 Q. Is she a communicant of the parish?

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

15 Q. But she does come?

16 A. Occasionally.

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

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

1 the diocese until after we incorporated.

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

3 A. Yes.

4 Q. And that was for the first church?

5 A. That was for the first church.

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

7 A. No, sir, we do not.

8 Q. Did you sell it?

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

11 Q. Built the new church?

12 A. Yes.

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

15 A. When we sold the property?

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

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

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

25 THE COURT: Very well.

1 MR. TISDALE: Excuse me just one second.

2 THE COURT: Oh, maybe you do.

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

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

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

10 A. It certainly did.

11 Q. Why did you remove that name?

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

15 MR. TISDALE: All right. Thank you.

16 Thank you, Your Honor.

17 THE COURT: All right. Redirect?

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

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

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

24 THE COURT: Okay.

25 MS. KOSTEL: It might be faster.

1 FURTHER CROSS-EXAMINATION BY MS. KOSTEL:

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

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

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

9 A. Yes.

10 Q. And they were adopted in 1983?

11 A. Yes, ma'am.

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

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

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

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

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

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

7 MS. KOSTEL: Thank you.

8 THE COURT: All right. Any redirect?

9 MR BRYAN: No, Your Honor, amen.

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

11 (Recess held.)

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

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

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

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

22 MR. TISDALE: No objection.

23 MS. KOSTEL: No objection.

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

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

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

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

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

7 DIRECT EXAMINATION BY MR. HORGER:

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

9 A. Holly Hill, South Carolina.

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

11 A. I'm a farmer.

12 Q. What is your educational background?

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

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

16 A. I am.

17 Q. How long have you been a member?

18 A. 35 years.

19 Q. Were you baptized in the church?

20 A. I was.

21 Q. Did you get married in the church?

22 A. I was.

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

24 A. I am the senior warden.

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

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

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

6 A. We do not.

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

8 A. We do.

9 Q. What is the role of the vestry?

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

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

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

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

23 A. We have.

24 Q. Do you have offices of the church?

25 A. We do.

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

3 A. The wardens and the secretary and treasurer.

4 Q. Is the church incorporated?

5 A. It is.

6 Q. And how long has it been incorporated?

7 A. At least since 1922.

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

9 A. Okay.

10 Q. Could you identify that exhibit, please?

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

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

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

23 Q. That's a recreational area basically?

24 A. That's correct.

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

1 document for me, please.

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

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

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

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

9 A. After we incorporated, yes, sir.

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

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

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

15 A. Part of Russel Street.

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

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

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

21 A. Yes, sir.

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

23 A. Okay.

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

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

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

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

4 A. That is correct.

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

6 A. Okay.

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

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

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

13 A. We just received it.

14 Q. Did you ask for it?

15 A. No, sir.

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

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

20 Q. Now, the church has bylaws?

21 A. Yes, sir.

22 Q. Do they call them bylaws or constitution?

23 A. Constitution and bylaws, yes, sir.

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

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

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

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

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

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

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

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

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

21 A. They do.

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

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

1 Q. Was any vote taken at that time?

2 A. No, sir.

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

4 A. That is correct.

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

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

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

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

12 Q. And is that shown as Exhibit C?

13 A. Yes, sir, it is.

14 Q. And that's what was deleted?

15 A. Yes, sir.

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

17 A. Yes, sir, we did.

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

19 A. It was unanimous.

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

22 A. Ask me the question again.

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

1 A. Yes, we did.

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

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

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

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

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

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

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

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

20 Q. Okay.

21 A. Yes, sir.

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

23 A. Okay.

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

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

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

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

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

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

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

15 A. Yes, sir.

16 Q. Were you at the meeting?

17 A. I was.

18 Q. Was there a quorum at the meeting?

19 A. Yes, sir, it was.

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

22 A. It was.

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

25 A. There was.

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

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

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

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

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

10 A. Okay.

11 Q. Is that where the change was made?

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

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

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

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

23 A. Yes, they were.

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

25 A. Okay.

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

3 A. Okay.

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

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

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

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

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

13 A. It was, unanimously.

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

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

21 Q. And what about the bishop?

22 A. And to the bishop.

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

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

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

6 Q. And what were the changes?

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

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

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

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

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

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

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

22 Q. And what was the vote on that?

23 A. It was unanimous.

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

1 A. We did.

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

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

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

7 A. I was.

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

10 A. They do.

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

12 A. We did.

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

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

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

21 A. That's correct.

22 Q. -- change?

23 A. Both of them.

24 Q. -- is that correct?

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

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

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

4 Q. Okay.

5 A. I skipped ahead. I apologize.

6 Q. That's okay.

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

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

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

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

15 A. February 17th, we did.

16 Q. And what took place at that meeting?

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

19 Q. What was the vote at that meeting?

20 A. Again, unanimous.

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

22 A. We did.

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

24 A. Okay.

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

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

3 Q. And what does Exhibit 8 show?

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

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

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

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

17 A. It did.

18 Q. And that would have been sent --

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

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

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

25 Q. Okay.

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

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

3 A. Okay.

4 Q. Explain to me what that document is.

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

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

10 A. These vestry minutes?

11 Q. Yes.

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

13 Q. And the resolution is on page 2?

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

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

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

24 Q. And what was the vote on that?

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

1 congregation, it was unanimous.

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

3 A. Yes, sir.

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

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

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

14 A. Okay.

15 Q. Can you identify that document?

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

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

20 A. That is correct.

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

22 A. Okay.

23 Q. -- and just identify it.

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

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

3 What's the difference?

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

5 Q. Well, is --

6 A. We didn't change anything else.

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

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

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

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

13 A. Okay.

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

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

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

20 A. I do not.

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

24 A. Not to my knowledge.

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

1 Diocese of South Carolina?

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

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

5 A. Yes.

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

8 A. We do not.

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

11 A. We are not.

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

15 A. We are not.

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

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

19 CROSS-EXAMINATION BY MS. KOSTEL:

20 Q. Mr. Thompson?

21 A. Yes, ma'am.

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

25 A. That's correct.

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

3 A. That's correct.

4 Q. Let's see.

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

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

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

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

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

13 A. 1859, I see that.

14 Q. Orangeburg, do you see that?

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

18 Q. Do you know who consecrated it?

19 A. I do not.

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

23 A. Okay.

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

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

7 Q. Your guess is as good as mine.

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

10 Q. Okay. Thank you.

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

13 A. Yes.

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

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

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

20 A. Okay.

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

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

23 Q. That's what it looks like.

24 A. Okay.

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

1 1922, right?

2 A. That's correct.

3 Q. As evidenced by Exhibit 1?

4 A. That is correct.

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

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

7 Q. Okay. And so this was a -- what's happening in

8 Exhibit 3?

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

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

14 A. No, it was before my time.

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

17 A. This is the '84 bylaw change?

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

20 A. Yes.

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

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

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

25 A. Right.

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

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

5 Q. Right.

6 A. Okay.

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

9 A. Yes.

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

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

21 Q. Okay. Thank you.

22 And that was adopted, wasn't it?

23 A. It was.

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

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

4 A. Okay.

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

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

8 Q. Right.

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

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

12 A. Same thing.

13 Q. Okay.

14 A. That's how I interpreted it.

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

17 A. Sure.

18 Q. That --

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

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

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

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

24 A. Okay.

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

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

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

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

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

8 Q. The bottom of page 4.

9 A. Okay.

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

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

14 Q. It's the same provision?

15 A. It's the same provision.

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

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

19 Q. But you adopted this language in 1984?

20 A. We did.

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

22 A. We did.

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

24 THE COURT: All right. Mr. Tisdale?

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

1 Mr. Thompson.

2 CROSS-EXAMINATION BY MR. TISDALE:

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

5 A. It does.

6 Q. Does it still?

7 A. Yes, sir.

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

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

11 Q. 28 and 79?

12 A. Yes, sir.

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

14 A. Yes, sir.

15 Q. And still use it.

16 Do you use both now?

17 A. Yes, we use both.

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

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

23 Q. And have you served in such capacity?

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

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

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

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

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

11 Q. 80?

12 A. Yes, sir.

13 Q. And how many services do you have?

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

15 Q. 8 o'clock and?

16 A. And a 10:30.

17 Q. 10:30.

18 And when is the Wednesday service?

19 A. It's at 11:45.

20 Q. In the morning?

21 A. Yes, sir.

22 Q. Okay. Of course in the morning.

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

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

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

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

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

8 A. It does.

9 Q. Now?

10 A. It sure does.

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

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

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

18 A. We're Church of the Redeemer.

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

21 A. Not to my knowledge.

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

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

25 Q. No mortgages.

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

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

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

6 A. We are.

7 Q. We are?

8 A. Yes, sir.

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

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

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

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

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

23 THE COURT: Okay.

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

1 Episcopal Church, for doctrinal reasons?

2 A. No, sir.

3 Q. What were the reasons?

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

8 Q. Was there any other reason?

9 A. No, sir.

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

12 THE COURT: All right. Redirect?

13 MR. HORGER: One question, Your Honor.

14 REDIRECT EXAMINATION BY MR. HORGER:

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

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

22 MR. HORGER: Thank you, sir.

23 THE COURT: All right. Recross?

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

25 MS. KOSTEL: None.

1 THE COURT: Next witness, please.

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

4 ALLIE PATTERSON WALKER,

5 being first duly sworn, testified as follows:

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

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

9 MR. ORR: Can I hand them up?

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

12 Have you consulted with counsel?

13 MR. ORR: They have no objection.

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

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

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

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

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

1 one exception.

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

3 THE COURT: Indeed. Very well.

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

6 THE COURT: Mr. Orr.

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

9 THE COURT: Yes, sir.

10 DIRECT EXAMINATION BY MR. ORR:

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

12 A. Allie Patterson Walker.

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

14 A. In Florence, South Carolina.

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

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

17 Q. Are you married?

18 A. I am.

19 Q. Have children?

20 A. I do have three.

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

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

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

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

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

1 A. I have.

2 Q. What?

3 A. All Saints Church in Florence.

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

7 A. That's correct.

8 Q. Was your family involved in that?

9 A. Yes, my parents.

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

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

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

17 A. That's correct.

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

19 A. 252 South Dargan Street in Florence.

20 Q. Dargan Street runs generally north/south?

21 A. That's correct.

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

24 A. Yes.

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

1 back to Railroad Avenue?

2 A. Yes, it does.

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

6 A. Yes.

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

9 A. That is correct.

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

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

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

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

16 Q. About how many attend services on Sunday?

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

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

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

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

23 A. This will be my second year.

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

25 A. No.

1 Q. -- in the past?

2 Have you served on the vestry before?

3 A. Yes, I have.

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

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

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

10 A. Yes, he is.

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

12 A. Yes, he has.

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

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

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

17 A. Yes, it is.

18 Q. Nonprofit corporation?

19 A. Yes.

20 Q. Exhibit No. 1, if you would, is that the articles of
21 incorporation issued by the Clerk of Court for Darlington
22 County? I believe the second page indicates the office.

23 And, again, I think this is one of the documents Mr. Tisdale
24 had some question about. That's the cleanest copy we have,
25 but I'll try to get another copy.

1 MR. TISDALE: That is correct.

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

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

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

7 A. Yes.

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

10 A. That's correct.

11 Q. When did Florence County get formed?

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

13 Q. 1888?

14 A. -- 1888.

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

16 A. That's correct.

17 Q. Was another certificate of incorporation issued?

18 A. Yes, in Florence County.

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

20 A. Yes.

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

23 A. That is correct.

24 Q. And the official name of the church?

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

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

2 A. 15.

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

6 A. Yes.

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

9 A. Not to the certificate of incorporation.

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

12 A. Yes.

13 Q. Church has bylaws?

14 A. Yes, we do.

15 Q. The first bylaws were enacted in 1919?

16 A. 19.

17 Q. Okay. Have those bylaws been amended?

18 A. Yes, they have.

19 Q. And when were they amended?

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

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

24 A. I do.

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

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

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

9 A. Yes.

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

13 A. That is correct.

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

16 A. Yes, it is.

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

19 A. No, there is not.

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

22 A. Not that I'm aware of.

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

25 A. That is correct.

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

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

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

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

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

6 St. John's?

7 A. Yes.

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

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

10 acquiring property to make up the rectangular part that you

11 have now?

12 A. That is correct.

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

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

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

16 A. Yes.

17 Q. -- of lot --

18 A. 238.

19 Q. -- 238?

20 A. Yes.

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

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

23 vestry to St. John's?

24 A. That is correct.

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

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

5 A. That is correct.

6 Q. Are you aware of that?

7 A. Yes.

8 Q. How did you become aware of that?

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

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

12 A. Yes, he is.

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

15 A. Chancellor, senior warden.

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

18 A. That is correct.

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

21 A. Correct.

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

25 A. That is correct.

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

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

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

9 A. Yes.

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

11 A. Yes.

12 Q. -- and recorded?

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

15 A. Yes, it was.

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

17 A. Yes.

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

19 A. No.

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

21 A. It was just received.

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

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

1 A. That is correct.

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

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

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

7 A. That's correct.

8 Q. Do you know why?

9 A. They asked us not to.

10 Q. Do you know why?

11 A. Have no idea.

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

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

15 Q. Yes, ma'am, okay.

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

18 A. That is correct.

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

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

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

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

13 A. It was 88 percent.

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

16 A. The vestry signed the resolution.

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

19 A. Yes, they are.

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

21 A. Yes.

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

23 A. Yes, we do.

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

25 A. It took a while.

1 THE COURT: Why?

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

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

5 A. Yes, the last page.

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

8 A. It was.

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

10 A. Yes, we did.

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

14 A. Yes, it does.

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

20 A. That is correct.

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

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

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

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

5 A. No, we do not.

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

8 A. No.

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

11 A. No.

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

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

16 Q. And you've done that historically?

17 A. Yes.

18 Q. And you continue to do that now?

19 A. Yes.

20 Q. Have you ever served as a delegate?

21 A. Yes, I have.

22 Q. Many times?

23 A. I think four.

24 Q. Okay. Enough?

25 A. Enough.

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

3 A. No, we have not.

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

6 A. I believe there have been.

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

9 A. No.

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

11 A. Yes.

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

14 A. Yes.

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

17 A. That is correct.

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

20 A. No.

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

23 A. No.

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

1 A. Not that I'm aware of.

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

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

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

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

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

15 A. Not that I'm aware of.

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

18 A. I believe it must have.

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

22 A. I do not.

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

24 A. No.

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

1 to the general convention?

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

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

5 A. No.

6 Q. That's done by the diocese?

7 A. That is correct.

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

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

11 Q. But they could have?

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

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

15 A. No.

16 Q. The church has signs out?

17 A. We do.

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

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

23 Q. Are those signs there now?

24 A. No.

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

1 A. Yes.

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

4 A. We did.

5 Q. Is it there any longer?

6 A. No.

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

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

11 MR. TISDALE: We have no objection.

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

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

16 Ms. Kostel, Mr. Beers?

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

18 CROSS-EXAMINATION BY MR. BEERS:

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

20 A. Yes, sir.

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

24 A. That is correct.

25 Q. And you had one out there?

1 A. Yes, on Highway 52.

2 Q. And did you have any anyplace else?

3 A. Not that I'm aware of.

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

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

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

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

12 Q. Long time ago?

13 A. Yes.

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

16 A. Yes.

17 Q. And what was that called?

18 A. Prior to 2012 it was Episcopalian.

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

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

23 Q. But you have seen them?

24 A. I'm sure I have.

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

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

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

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

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

11 A. With the national seal, yes.

12 Q. Yeah. Did you -- what's the name of your current
13 rector?

14 A. Ken Weldon.

15 Q. And how long has he been there?

16 A. This is his sixth year.

17 Q. Did he have service in the -- in that parish prior to
18 becoming rector?

19 A. He did. He was a youth minister.

20 Q. Was he ordained at St. John's?

21 A. I don't know, I'm sorry.

22 Q. Would you have any idea who the rector was in 19 -- I'm
23 sorry -- in 1908 that would be Father Weldon, right?

24 A. Yes.

25 Q. In 2008, I'm sorry, sorry, sorry. 2008.

1 Did you have anything to do with the calling of
2 Father Weldon in 2008?

3 A. No.

4 Q. Did you have anything to do with the arrangements made
5 after he was called for arrangements made for his letter of
6 agreement or anything like that?

7 A. No.

8 Q. Have you ever seen the letter of agreement?

9 A. No.

10 Q. Now, do you remember an ordination of a deacon that took
11 place in the congregation in 2011?

12 A. I didn't attend.

13 Q. You didn't attend the service?

14 A. That's correct.

15 Q. In 2000 -- was there a capital campaign effort started
16 in about 2000?

17 A. I know we had a fellowship hall built, and I imagine we
18 would have had to have had to have some type of capital
19 campaign.

20 Q. Do you know whether or not the congregation asked the
21 permission of anyone in the diocese to take out a loan and
22 mortgage the property in 2000?

23 A. No.

24 MR. BEERS: All right. That's all I have. Thank you.

25 THE COURT: All right. Mr. Tisdale?

1 CROSS-EXAMINATION BY MR. TISDALE:

2 Q. Ms. Walker?

3 A. Yes, sir.

4 Q. Take a look -- a real quick question about the charter,
5 which I believe is Exhibit -- the third page, Exhibit 2.

6 Has this -- do you know if this charter's been amended
7 in any way?

8 A. I do not.

9 Q. You do not.

10 Do you have any knowledge that it's not still the
11 charter of the parish at this time?

12 A. Could you restate that?

13 Q. Is it still the charter of the parish at this time?

14 A. As far as I know, yes.

15 Q. And help me read, please, under the word -- the fourth
16 paragraph, says fourth.

17 A. The purpose?

18 Q. Yes, if you would read that to me, please.

19 A. To establish and maintain an Episcopal Church or
20 churches in the City of Florence, South Carolina (as read).

21 Q. All right. And as far as you know, if this has not been
22 amended, that's still the purpose?

23 A. That is correct.

24 Q. Okay. Now, what is the Douglas Trust?

25 A. William Douglas was a parish member of St. John's, and

1 when he died he left 40 percent of his estate in a trust for
2 St. John's.

3 Q. Is that trust still in existence?

4 A. Yes, it is.

5 Q. And what is the value of the trust?

6 A. As of February it was about \$2,700,000.

7 Q. Does that trust contain a provision that it remains in
8 the hands of St. John as long as it's an Episcopal Church?

9 A. An Episcopal Church and in communion with The Church of
10 England.

11 Q. All right. And are you saying now, your testimony is,
12 although you have no connection with the Episcopal Church
13 that it's still an Episcopal Church?

14 A. Yes.

15 Q. And qualifies under this trust to be a continuing
16 beneficiary?

17 A. Yes.

18 Q. Okay. And is it in communion with The Church of
19 England?

20 A. Yes.

21 Q. How is that, if you would explain it to me?

22 A. I have been told by my rector and my bishop, and I have
23 faith in both of those.

24 Q. Told what?

25 A. That we are in communion with The Church of England and

1 the wider Anglican Communion.

2 Q. Other than being told that, let's leave it at The Church
3 of England since you said that was the trust provision, not
4 the wider Anglican Communion, other than what they've told
5 you, do you have any basis that that is true?

6 A. I would not have that expertise.

7 Q. So you have no knowledge of that?

8 A. I have faith.

9 Q. Okay. And how would we get a copy of the Douglas Trust?

10 A. You could request it from our attorney.

11 Q. Would that be Mr. Porter?

12 A. No, that would be Mr. Orr.

13 Q. Larry Orr who was asking questions?

14 A. That is correct.

15 Q. All right. Do you all still use the Book of Common
16 Prayer at St. John's?

17 A. We do.

18 Q. Okay. Of the Episcopal Church?

19 A. Yes.

20 Q. All right. But you've taken any signs down that relate
21 to the Episcopal Church; is that correct?

22 A. That is correct.

23 Q. Okay. Have you sent through the years delegates to the
24 convention of the diocese?

25 A. Yes.

1 Q. And why did you all disaffiliate, or whatever word we
2 want to use? Why are you no longer having any connection
3 with the Episcopal Church?

4 A. Do you want me to go over the same information I gave
5 Mr. Orr?

6 Q. Okay.

7 A. We had heard the national church had taken action
8 against our bishop. The standing committee had in place that
9 if they took action, wrongful action against our bishop, that
10 we would disassociate -- that the diocese would disassociate
11 with the national church. And so our feeling was that we
12 wanted to remain with the Diocese of South Carolina.

13 Q. Not the Episcopal Church?

14 A. That is correct.

15 Q. All right. Who is trustee of the Douglas Trust? Who --
16 what persons or bank?

17 A. It's Wells Fargo.

18 Q. Wells Fargo is the trustee?

19 A. Yes.

20 Q. Okay. In Florence?

21 A. Well, they come out of Charleston.

22 MR. TISDALE: Your Honor, thank you very much.

23 THE COURT: All right. Redirect?

24 MR. ORR: I have nothing further.

25 THE COURT: Very well, or anyone else for the

1 plaintiffs?

2 Very well. You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: All right. That will conclude the work that
5 we will do for this evening. We will reconvene in the
6 morning at 9:30. The additional parishes who will be making
7 presentations tomorrow, presenting evidence tomorrow, if you
8 can get your documents that you would intend to use as
9 exhibits to the defense before we reconvene in the morning.

10 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF DORCHESTER

4

5 I, the undersigned Ruth L. Mott, Official Court Reporter
6 for the State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete transcript of
8 record of all the proceedings had and evidence introduced in
9 the matter of the above-captioned case, relative to appeal,
10 in the First Judicial Circuit Court for Dorchester County,
11 South Carolina, on the 10th of July, 2014.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 August 10, 2014

16

17 Ruth L. Mott

18 Official Court Reporter

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