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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 14, 2014  
ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR  
Official Court Reporter

## I N D E X

		DIRECT	CROSS	REDIRECT	RECROSS
1					
2					
3	WITNESS				
4	JOHN LEWIS JACKSON, JR.				
	MR. CAMPBELL	921			
5	MR. SMITH		926		
6	MICHAEL SUNDY WINBURN				
	MR. EASTERLING	931			
7	MR. TISDALE		938		
8	MARIANNE LEAL HOLMES				
	MR. PLATTE	948			
9	MR. TISDALE		952		
10	SAMUEL GAILLARD				
	MR. WALL	958			
11	MR. TISDALE		961		
12	MICHAEL CLARKSON				
	MR. PLATTE	972		981	
13	MR. TISDALE		975		
14	WILLIAM DERIEUX CLARKSON				
	MR. MACK	983			
15	MR. SMITH		989		
16	ANN HESTER WILLIS				
	MR. RUNYAN	992			
17	MR. TISDALE		998		
	MS. KOSTEL		1014		
18					
	DAVID TACKABERRY THURLOW				
19	MR. MCKENZIE	1017			
	MR. SMITH		1023		
20					
	WILLIAM DAVID STARNES				
21	MR. OXNER	1030			
	MR. TISDALE		1037		
22	MS. GOLDING			1050	
23	ROBERT LAWRENCE ARMSTRONG				
	MR. SHELBOURNE	1053			
24	MR. SMITH		1064		
	MR. BEERS		1068		
25					

1	WITNESS	DIRECT	CROSS	REDIRECT	RE CROSS
2	JULIAN JEFFORDS, III				
	MR. SHELTON	1074		1095	
3	MR. TISDALE		1076		
	MR. BEERS		1094		
4	MS. GOLDING			1095	
5	CHARLES EDWARD OWENS, III				
	MR. PLATTE	1096			
6	MR. TISDALE		1101		
	MR. BEERS		1110		
7					
	KENNETH NIXON WILSON				
8	MR. SLOAN	1113			
9	CERTIFICATE OF REPORTER	1120			
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7	HCS-5	DEED FROM HARPER REAL ESTATE DATED JUNE 15, 1988	919	921
8	HCS-6	DEED FROM JOHN LOUIS JACKSON, JR. AND THOMAS POLK SANDERS, DATED JUNE 2, 1997	919	921
9	HCS-7	WARRANTY DEED FROM AYCOCK CONSTRUCTION, LLC, DATED AUGUST 18, 2006	919	921
10	HCS-8	QUITCLAIM DEED DATED OCTOBER 4, 2011	919	921
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1	NO.	DESCRIPTION	ID	EVD
2	SPB-3	DEED FROM HARRY R. EASTERLING TO THE VESTRY OF ST. PAUL'S EPISCOPAL CHURCH	930	931
3	SPB-4	DEED FROM DR. WILLIAM E. ALTMAN AND MARY J. ALTMAN TO THE VESTRY OF ST. PAUL'S EPISCOPAL CHURCH	930	931
4	SPB-5	DEED FROM CHARLTON J. ROGERS TO THE VESTRY OF ST. PAUL'S EPISCOPAL CHURCH	930	931
5	SPB-6	DEED FROM CHARLTON J. ROGERS TO THE VESTRY OF ST. PAUL'S EPISCOPAL CHURCH	930	931
6	SPB-7	DEED FROM STEPHEN W. QUICK AND JANE P. QUICK TO THE VESTRY OF ST. PAUL'S EPISCOPAL CHURCH	930	931
7	SPB-8	DEED FROM JOHN M. JACKSON, WILLIAM P. BREEDEN AND H. H. COVINGTON AS TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF BENNETTSVILLE, SC TO F. G. HOLLIS AND F. A. ROGERS AS WARDENS ET AL OF ST. PAUL'S PARISH OF THE PROTESTANT EPISCOPAL CHURCH OF THE TOWN OF BENNETTSVILLE	930	931
8	SPB-9	DEED FROM MARY B. JOHN TO W. P. BREEDEN, J. A. FAISON AND W. H. PALMER AS TRUSTEES OF THE ST. PAUL'S EPISCOPAL CHURCH OF BENNETTSVILLE, SC	930	931
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1	NO.	DESCRIPTION	ID	EVD
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4	SPB-17	LETTER FROM REV. CANON MICHAEL T. MALONE TO THE EPISCOPAL CHURCH DATED SEPTEMBER 4, 2003 AND MINUTES ST. PAUL'S EPISCOPAL CHURCH OF BENNETTSVILLE, INC. VESTRY MINUTES FROM AUGUST 27, 2003	930	931
5	SPB-18	STIPULATION	930	931
6	SJ-1	CERTIFICATE OF INCORPORATION, JULY 19, 1905	948	950
7	SJ-2	DEED DATED MAY 13, 1889	948	950
8	SJ-3	DEED DATED NOVEMBER 26, 1993	948	950
9	SJ-4	DEED DATED DECEMBER 31, 2007	948	950
10	SJ-5	DEED DATED DECEMBER 31, 2007	948	950
11	SJ-6	DEED DATED DECEMBER 31, 2007	948	950
12	SJ-7	QUITCLAIM DEED DATED OCTOBER 4, 2011	948	950
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1	NO.	DESCRIPTION	ID	EVD
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9	SMFM-11	FEBRUARY 23, 1954 DEED FROM ANNIE J. PETERKIN	982	983
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	SPS-6	3/9/1894 DEED	1051	1052
10	SPS-7	11/9/1895 DEED	1051	1052
	SPS-8	11/25/1895 DEED	1051	1052
11	SPS-9	3/31/1951 DEED	1051	1052
	SPS-10	4/1/1967 DEED	1051	1052
12	SPS-11	9/2/1970 DEED	1051	1052
	SPS-12	11/2/1998 DEED	1051	1052
13	SPS-13	2/20/1996 DEED	1051	1052
	SPS-14	5/21/2007 DEED	1051	1052
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8	TC-2	QUITCLAIM DEED DATED FEBRUARY	1096	1098
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10	TC-4	SPECIAL VESTRY MEETING MINUTES,	1096	1098
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17		MEMBERS		
	TC-11	10/13/10 SPECIAL PARISH MEETING	1096	1098
18		MINUTES		
	TC-12	2003 BYLAWS	1096	1098
19	TC-13	STIPULATIONS	1096	1098
	TC-14	12/9/89 ORDER OF JUDGMENT	1096	1098
20	TC-15	11/17/69 DEED	1096	1098
	CC-1	HISTORY OF OWNERSHIP OF THE	1111	
21		LANDS OF CHRIST CHURCH		
	CC-2	THE CHURCH ACT OF 1706	1111	
22	CC-3	JULY 28, 1731 DEED	1111	
	CC-4	JULY 28, 1731 DEED	1111	
23	CC-5	JULY 28, 1731 DEED	1111	
	CC-6	MAY 4, 1738 DEED	1111	
24	CC-7	FEB. 1, 1753 LEASE	1111	
	CC-8	SEPT. 17, 1754, JOHN AND ANN	1111	
25		SAVAGE TO CHARLES PINCKNEY, JR.		

1	NO.	DESCRIPTION	ID	EVD
2	CC-9	MAR. 3, 1817, CHARLES PINCKNEY, JR. TO FRANCES G. DELIESSELIENE, BY TRUSTEE	1111	
3		WILLIAM HASELL GIBBES, MASTER IN EQUITY - FORECLOSURE OF		
4		THREE MORTGAGES		
5	CC-10	MAY 24, 1828, CHARLES J. STEADMAN, SHERIFF OF CHARLESTON	1111	
6		DISTRICT TO WILLIAM MATTHEWS		
7	CC-11	FEB. 24, 1853, JAMES TUPPER, MASTER IN EQUITY TO WILLIAM	1111	
8		MCCANTS IN ORDER TO ADMINISTER ESTATE OF WILLIAM MATTHEWS		
9	CC-12	MAR. 10, 1880 SURVEY	1111	
10	CC-13	FEB. 21, 1900 MARY J. MCCANTS AND CHILDREN (HEIRS OF LOCKWOOD	1111	
11		ALLISON MCCANTS) TO FREDERICK WIETERS		
12	CC-14	FEB. 14, 1908, E. FREDERICK A. WIETERS TO E. FREDERICK A.	1111	
13		WIETERS, TRUSTEE. DECLARATION OF TRUST		
14	CC-15	FEB. 7, 1910, E. FREDERICK WIETERS, EXEC. TO THOMAS	1111	
15		J. HAMLIN		
16	CC-16	FEB. 15, 1921, T. J. HAMLIN TO O.D. HAMLIN	1111	
17	CC-17	OCT. 11, 1935, JULIA LEHRE HAMLIN (HEIR TO ESTATE OF	1111	
18		OSGOOD DARBY HAMLIN) TO ANNA C. EWING		
19	CC-18	DEC. 4, 1942, ANNA C. EWING TO THE VESTRY AND CHURCH WARDENS	1111	
20		OF THE EPISCOPAL CHURCH OF THE PARISH OF CHRIST CHURCH, A		
21	CC-19	CORPORATION		
22		NOV. 14, 1966, GEORGE L. BUIST, EXEC. OF ESTATE OF ALEXANDRA	1111	
23		EWING STONE TO THOMAS E. NOYES		
24	CC-20	DEC. 2, 1966 SURVEY FOR ABOVE BUIST DEED	1111	
25	CC-21	JUNE 7, 1968 (BOOK N-90, P. 93) THOMAS E. NOYES TO THE VESTRY	1111	
		AND CHURCH WARDENS OF THE EPISCOPAL CHURCH OF THE PARISH		
		OF CHRIST CHURCH, THEIR SUCCESSORS AND ASSIGNS		

	NO.	DESCRIPTION	ID	EVD
1	CC-22	MAY 4, 1970, GEORGE A. HERRIN	1111	
2		TO THE VESTRY AND WARDENS OF		
3		THE EPISCOPAL CHURCH OF THE		
4		PARISH OF CHRIST CHURCH, THEIR		
5		SUCCESSORS IN OFFICE AND		
6		ASSIGNS		
7	CC-23	QUIT CLAIM DEED RECORDED NOV.	1111	
8		23, 2011		
9	CC-24	INCORPORATION	1111	
10	CC-25	1980 BYLAWS	1111	
11	CC-26	OCTOBER 20, 2011 VESTRY MEETING	1111	
12		MINUTES		
13	CC-27	NOVEMBER 21, 2011 VESTRY	1111	
14		MEETING MINUTES		
15	CC-28	CHURCH BULLETINS - NOV. 20,	1111	
16		2011, NOV. 27, 2011, AND DEC.		
17		4, 2011		
18	CC-29	DECEMBER 4, 2011 ANNUAL PARISH	1111	
19		MEETING MINUTES		
20	CC-30	DECEMBER 11, 2011	1111	
21		CONGREGATIONAL MEETING MINUTES		
22	CC-31	2011 BYLAWS	1111	
23	CC-32	DECEMBER 15, 2011 VESTRY	1111	
24		MEETING MINUTES		
25	CC-33	NOVEMBER 15, 2012 VESTRY	1111	
26		MEETING MINUTES WITH RESOLUTION		
27	CC-34	DECEMBER 17, 2012 VESTRY	1111	
28		MEETING MINUTES		
29	CC-35	COMMITMENT TO CONTINUED	1111	
30		DIOCESAN RELATIONSHIP AND		
31		RESOLUTION OF BOARD OF		
32		DIRECTORS		
33	CC-36	STATUTES AT LARGE	1111	
34	CC-37	CONST. OF STATE OF SC	1111	
35	CC-38	STIPULATION	1111	
36				
37	DEFENSE-8	TITLE TO REAL ESTATE	965	
38	DEFENSE-9	BYLAWS	978	
39	DEFENSE-10	BYLAWS	1015	
40				
41				
42				
43				
44				
45				
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1 THE COURT: Thank you, everyone. Please be seated. It  
2 took me a little bit this morning to go over the requests.  
3 We had a number of requests from the news outlets. Again,  
4 let me just remind everyone, the public is welcome, the news  
5 is always welcome. The only requirement and the reason for  
6 the requirement under our rules is so the Court can just be  
7 sure that the coverage of our proceeding doesn't interfere  
8 with the lawyers or, if there was a jury, that the jury isn't  
9 being recorded.

10 And, again, my concern, so everyone knows, is so that the  
11 lawyers don't hear click, click, click, click, click, click,  
12 click from cameras because all of a sudden their train of  
13 thought, without exception, stops. So I believe that there's  
14 only one request for a camera. Everybody else is geekified  
15 and got the cell phones with the cameras on the cell phones,  
16 and I know that those shouldn't be going click, click, click;  
17 right? Am I right? Anybody's cell phone go click?

18 Wonderful. So, please, if you will help me just be sure  
19 that any photography is silent, that will be terrific. And  
20 you're certainly welcome to photograph to your desire, so if  
21 you'll just keep that in mind for me.

22 Now, without further ado, how did we do on our  
23 stipulations?

24 MR. RUNYAN: We did remarkably well, Your Honor.

25 THE COURT: Thank you, thank you, thank you. Good.

1 Tell me about it.

2 MR. RUNYAN: We have -- I'll state the stipulation and  
3 they can add to it if they think I've left something out. We  
4 have agreed that the stipulations submitted by the parishes,  
5 the remaining parishes, represent all or part of the  
6 testimony of a parish witness on behalf of that party and  
7 that the exhibits are admitted into evidence without  
8 objection unless there is a stated legibility objection.  
9 We've also agreed the parish, remaining parish, plaintiffs to  
10 make available a witness for cross-examination as if the  
11 individual had testified to the matters contained in the  
12 stipulation.

13 THE COURT: And first is that correct, Mr. Beers and Ms.  
14 Kostel and Mr. Tisdale?

15 MR. TISDALE: Your Honor, I think that's generally the  
16 case. This is just a little memo we prepared to memorialize  
17 this agreement --

18 THE COURT: Wonderful.

19 MR. TISDALE: -- and see if it's in accord with what Mr.  
20 Runyan said. I think it is.

21 MS. GOLDING: Do you have an extra copy, Tom?

22 MR. TISDALE: I'm sorry, I only have one more.

23 THE COURT: We'll make one real, real quick.

24 Here you go.

25 MR. TISDALE: If Mr. Runyan agrees with this --



1 MS. GOLDING: I'd like to have an opportunity to review  
2 it, Your Honor.

3 THE COURT: I agree.

4 MS. GOLDING: And I really don't understand, counsel's  
5 been sitting there for 30, 45 minutes, why we haven't gotten  
6 it before right now. I just don't understand that.

7 MR. TISDALE: Well, we didn't know whether it was going  
8 to be necessary or not.

9 MR. RUNYAN: I'm not entirely sure that I can agree with  
10 the wording.

11 MR. SMITH: Your Honor, I'll just say that this is a  
12 summary of our email correspondence yesterday. And there's  
13 nothing added to it, it was just our position as to how we  
14 are agreeing to allow these stipulations to come in. And  
15 basically it's our understanding, Your Honor, that your  
16 intent is just to speed up the trial to be more efficient  
17 with the administration of the trial, so that's our goal.  
18 And we just want to be in the same position that we would  
19 have been in had these witnesses gone on the stand and for  
20 none of this, none of these stipulations, to be interpreted  
21 as requests to admit or agreement on any legal conclusions  
22 that may have slipped into their stipulations.

23 MS. GOLDING: Number one, Your Honor, I don't approve of  
24 the statement of anything slipping in on stipulations. I  
25 find that not to be proper.

1 MR. TISDALE: Inadvertently included we might say.

2 MR. RUNYAN: For the benefit of the Court, this is  
3 substantially what they sent initially, and I'm going to read  
4 exactly what I said back to which there was no response.

5 THE COURT: Okay.

6 MR. RUNYAN: Here is where we are, one and four, which  
7 would be the same one and four on this document Mr. Tisdale  
8 just submitted. Stipulations represent all or part of the  
9 testimony of a parish witness on behalf of that party and the  
10 exhibits are admitted into evidence without objection unless  
11 there is a stated legibility objection. The Court can decide  
12 if there is/is not some greater weight, greater effect, based  
13 on any argument defendants wish to make.

14 No. 2, agreed, which is the same No. 2 that is on the  
15 document.

16 No. 3, which is the same No. 3, agreed as to  
17 cross-examination, defendants case-in-chief documents are  
18 subject to normal evidentiary requirements at the time  
19 they're offered.

20 MR. SMITH: Your Honor, I'll just state that this  
21 document here is not intended to reflect what Mr. Runyan's  
22 response was, this just summarizes what our offer was to  
23 allow these stipulations. So I'm not trying to misrepresent  
24 that you agreed to everything, but these are the -- this is  
25 how we proposed that the stipulations be admitted into

1 evidence and these are the reservations of rights that we  
2 want to make. And I understand Mr. Runyan has agreed to some  
3 of them and disputes some of them.

4 THE COURT: Let me explain to you what a stipulation is  
5 under the law. A stipulation under the law is an agreement  
6 of counsel. So there cannot be any of this, hey, Judge, this  
7 is as far as we'll go and they've told you as far as they'll  
8 go and that's just the deal. That's not a stipulation. A  
9 stipulation is an agreement of counsel.

10 Why did I want you all to meet and confer? I wanted you  
11 to meet and confer because I got the sense last week, loudly  
12 and clearly, that there was a place for stipulations. And  
13 you all were getting along so lovely, so nicely, and  
14 repeatedly, repeatedly when we began the week and exhibits  
15 would be offered, no objection, no objection. And to the  
16 extent that there was the night that I began to ask,  
17 particularly before we lost Ms. Kostel and then Mr. Beers  
18 took it over, the task, that the parishes would offer the  
19 documents. And then I began to hear these documents are  
20 fine, with the exception of legibility issues, which was  
21 completely understandable.

22 Then once we reached that milestone, that was the point  
23 that I believed that because we are into a week, because  
24 we're not going to finish, if we continue down this road,  
25 which is okay with me, it's just reality that we will not

1 finish. So I thought they're getting along so well, their  
2 agreements seem to be coming, let me now see if they can meet  
3 and confer for the purpose of entering into stipulations.  
4 But, as you know, Mr. Smith, stipulations are agreements by  
5 their very nature. They are agreements. So it's like that  
6 old adage, I can lead the horses to the water but I can't  
7 make them drink, but I can sure make you get up to the  
8 trough. It was my intention to bring you all to the trough  
9 and encourage you to drink the water, so to speak, but if you  
10 haven't, you haven't.

11 Now, here's what I'm hearing: I'm hearing from Mr.  
12 Runyan we have an agreement and these are the terms of it.  
13 I'm hearing now from the defendants, no, we don't. So at  
14 this moment in my mind we don't have a stipulation. Here's  
15 what I'm going to do: I'm going to step outside of the  
16 courtroom because it's not appropriate for me to be present.  
17 I'm going to ask you all when I leave -- and I'm going to  
18 leave for ten minutes, unless it's less -- in ten minutes I  
19 expect to have somebody come tell me how you all are doing.  
20 If you need a little bit longer to iron it out, I want you to  
21 iron it out. But I am nonplussed when I hear from Mr. Runyan  
22 that we have an agreement, I am hearing from you that you do  
23 not, and then I look at what this is, and I just want to be  
24 absolutely certain that we don't have an agreement. Hear me,  
25 if we don't, it's okay, it's okay, it's not a problem, but I

1 want to give you all that opportunity to be absolutely  
2 crystal clear with me that we do not. But if you don't,  
3 please understand, it's okay. If you do, that's fantastic if  
4 you do; if you do not, it is perfectly fine.

5 MR. TISDALE: We thought we did, Your Honor.

6 THE COURT: Thank you, Mr. Tisdale. I get that very  
7 loudly and very clearly from both sides. That's why I'm  
8 going to lift it up, move it out, and give you all an  
9 opportunity to see if one more pass at it will reach  
10 consensus. And then, again, if it doesn't, it is fine; if it  
11 does, it's wonderful. If it doesn't, it's fine, we will  
12 continue. Because here's what I don't want to have happen, I  
13 don't want you all to feel undue pressure from the Court to  
14 enter into stipulation because I don't intend that. Again, I  
15 meant very strongly to bring you to the trough, I did not  
16 intend to make you drink the water. If you can get one, that  
17 is wonderful. If you can't, you have no idea how much I love  
18 being with all of you. This is a treat for me. This is not  
19 my typical low-impact soft tissue case. I'm over the moon  
20 about it, so I love being here with you all.

21 My only concern is that I am so aware of how busy all of  
22 you are. You all are the cream of the crop. You all have  
23 got thousands of people who need you and want you. I feel  
24 compelled to get you back to your practices by the end of  
25 this week. If I don't, it's my joy. It's your burden, it's

1 my joy. So that's really where we are. So I'm going to step  
2 out and let you all get the clarity because a stipulation is  
3 an agreement. Please don't feel any pressure for me to  
4 agree. I got you to the trough, I did what I'm supposed to  
5 do, so I'm thrilled and you win. I'm grateful. If you don't  
6 get an agreement, that's perfectly okay. So I'm leaving, ten  
7 minutes. Somebody let me know how you're doing.

8 (Recess held.)

9 THE COURT: How did we do?

10 MR. RUNYAN: Well, I think we have something. I'm going  
11 to put it on the record.

12 THE COURT: All right.

13 MR. RUNYAN: The counsel for the parties in this case  
14 agree with respect to the remaining parish plaintiffs'  
15 testimony that the proposed stipulations of those parishes  
16 represent all or part of the testimony of a parish witness on  
17 behalf of that party and the exhibits are admitted into  
18 evidence without objection unless there is a stated  
19 legibility objection. To the extent that the stipulations  
20 include conclusions of law, the parties agree that such  
21 conclusions are within the exclusive province of the Court.

22 MR. BEERS: Yes, the church agrees.

23 MR. TISDALE: I think that is our agreement.

24 THE COURT: Very well. And stipulations are  
25 stipulations of fact only, not stipulations of law, so I

1 understand the concern and I think that clarification is  
2 appropriate.

3 MR. TISDALE: Your Honor, we're not stipulating to the  
4 truth or falsity of anything, but as Mr. Runyan I think said,  
5 we are stipulating that if this person was on the witness  
6 stand, this is what that witness would say that is contained  
7 in this stipulation.

8 THE COURT: Absolutely got it. Absolutely.

9 MR. TISDALE: That is the core of what we agreed to.

10 THE COURT: Very well. Now, where are the stipulations?

11 MR. RUNYAN: Your Honor, we were going to offer them to  
12 the extent there would be any testimony as we progress with  
13 the remaining parishes.

14 THE COURT: Fantastic. That way I can stay organized.  
15 Good. Now I'll hush and listen.

16 MR. CAMPBELL: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MR. CAMPBELL: For the record, Pierce Campbell for the  
19 Church of the Holy Cross in Stateburg, South Carolina.

20 Call Mr. Lewis Jackson to the stand.

21 (Plaintiff's Exhibits HCS-1 through HCS-16 premarked for  
22 identification.)

23 JOHN LEWIS JACKSON, JR.,  
24 being first duly sworn, testified as follows:

25 THE COURT: All right. Your witness.

1 MR. CAMPBELL: Thank you, Your Honor. Just to clarify  
2 on the record, I believe we are submitting without objection  
3 Exhibits HCS 1 through 15, which were -- I provided to  
4 opposing counsel last week and I don't believe they have any  
5 objections to. And then I've also marked Holy Cross  
6 Stateburg's stipulated facts with the supporting exhibits,  
7 some of which are duplicative, but not all, as one document  
8 HCS 16. So I would have 16 marked exhibits, including the  
9 stipulated facts.

10 THE COURT: Very well.

11 Is that correct?

12 MR. BEERS: I don't know if it's correct or not, but we  
13 have no objection.

14 MR. CAMPBELL: Makes me nervous being the first one  
15 under this new system to say it's not correct.

16 THE COURT: You did really good. They have no objection  
17 to what you have represented to the Court, they have no  
18 objection to the admissibility of your exhibits --

19 MR. CAMPBELL: Thank you, Your Honor.

20 THE COURT: -- under the stipulation.

21 And it is HCS, really for my purposes as I review the  
22 record, 1 through 15 are exhibits, 16 are the stipulated  
23 facts.

24 MR. CAMPBELL: With supporting exhibits all clipped as  
25 one document.



1 THE COURT: Thank you.

2 (Plaintiff's Exhibits HCS-1 through HCS-16 admitted into  
3 evidence.)

4 MR. CAMPBELL: Thank you, Your Honor. May I proceed?

5 THE COURT: You may.

6 DIRECT EXAMINATION BY MR. CAMPBELL:

7 Q. Mr. Jackson, state your name again, please.

8 A. John Lewis Jackson, Jr.

9 Q. Where do you live?

10 A. I live in Stateburg community, Sumter County.

11 Q. How old are you, if you don't mind me asking?

12 A. I'm 63.

13 Q. And are you currently employed?

14 A. I am not.

15 Q. Are you retired or out of work?

16 A. I am retired.

17 Q. And what did you retire from?

18 A. From the United States Department of Agriculture.

19 Q. How long did you work for them?

20 A. Roughly 30 years.

21 Q. And are you a member of a parish church?

22 A. I am.

23 Q. What parish?

24 A. The Church of the Holy Cross.

25 Q. And how long have you been a member there?

1 A. Since about '98.

2 Q. And is that parish located in Stateburg?

3 A. Yes, it is.

4 Q. Where is Stateburg?

5 A. Stateburg is west of Shaw Air Force Base and just maybe  
6 a mile north of the intersection of Highway 378 and 261.

7 Q. In Sumter County?

8 A. Correct.

9 Q. And while you've been a member at Holy Cross, have you  
10 held any positions of authority?

11 A. I have.

12 Q. What positions?

13 A. I've been a vestry member, a junior warden, and senior  
14 warden.

15 Q. And that parish, how many members does it have?

16 A. It's got about 98 to the best of my recollection.

17 Q. Thank you. And that parish is incorporated; right?

18 A. Yes, it is.

19 Q. And does the parish have a board of directors?

20 A. Yes, we do.

21 Q. Who is the board of directors?

22 A. The wardens and vestry.

23 Q. And does the parish have any officers?

24 A. Yes, we do.

25 Q. Who are the officers?

1 A. Senior warden, junior warden, secretary, and treasurer.

2 Q. In your position of leadership in that church have you  
3 learned about the history and corporate structure of the  
4 parish?

5 A. Yes, I have.

6 Q. Have you reviewed the document that's been marked as HCS  
7 16, stipulated facts?

8 A. Yes, I have.

9 Q. And are you personally familiar with those statements?

10 A. Yes, I am.

11 Q. Do you have personal knowledge of everything stated in  
12 those stipulated facts?

13 A. Yes, I do.

14 Q. And if asked to testify today, would you testify as to  
15 all of the facts that are included in that document?

16 A. Yes, I would.

17 Q. When was your parish incorporated?

18 A. 1788.

19 Q. And was it chartered by the legislature?

20 A. It was.

21 Q. Since that original legislative charter, have any  
22 changes to the corporate form occurred?

23 A. Yes. We've had one change.

24 Q. What was that?

25 A. We changed the name from the Episcopal Church of

1 Claremont to the Church of the Holy Cross.

2 Q. When did that change occur?

3 A. That change occurred officially in 1882, if I remember  
4 correctly.

5 Q. Is it the same entity, though, since 1788?

6 A. Yes.

7 Q. The only change was the name?

8 A. That is correct.

9 Q. Since 1788 has Holy Cross existed as a corporation?

10 A. Yes, we have.

11 Q. And has it carried out its religious purposes since that  
12 time?

13 A. Yes, we have.

14 Q. We've submitted into evidence and stipulated to numerous  
15 deeds, but there's one particular deed I want to ask you  
16 about. Are you familiar with the original piece of property  
17 that the parish received?

18 A. Yes.

19 Q. And was there an issue or a problem with that property  
20 at one time?

21 A. Yes, there was.

22 Q. Could you explain it, please?

23 A. Yes, sir. Approximately 1788, 1787 or 1788, Thomas  
24 Sumter donated 2 acres, more or less, to the church, to the  
25 wardens and vestry, to construct a church on the property

1 that he owned. And then several years later Mr. Sumter sold  
2 to a Mr. Brooks 30-some-odd acres, if I remember the acreage  
3 correct, that included the 2 acres that he had given to the  
4 church, the Episcopal Church of Claremont.

5 Catching that error, Mr. Brooks apparently was an honest  
6 man and brought it to Sumter's attention, which then Thomas  
7 Sumter deeded the property to the church, the original same  
8 property. And Mr. Brooks in the same document relinquished  
9 all claims and rights that he had to that 2 acres.

10 Q. And is that the document that's been marked as HCS 4?

11 A. Yes, it is.

12 Q. Does Holy Cross, the Church of the Holy Cross, have any  
13 relationship with the national church?

14 A. No, we do not.

15 Q. And does Holy Cross have any relationship with the  
16 Episcopal Church in South Carolina led by Bishop von  
17 Rosenberg?

18 A. No, we do not.

19 Q. Have you ever had any relationship with the Episcopal  
20 Church in South Carolina?

21 A. No, we have not.

22 Q. Are you a parish of the Episcopal Church in South  
23 Carolina?

24 A. No, we're not.

25 Q. Have you ever sent delegates to any meetings or

1 conventions of the Episcopal Church in South Carolina?

2 A. No, we have not.

3 Q. And have you ever authorized the Episcopal Church in  
4 South Carolina to use your name, address, or other likeness  
5 on their website or in any other materials?

6 A. No, we have not.

7 MR. CAMPBELL: I have no further questions, Your Honor.

8 If you would please answer any questions opposing  
9 counsel may have.

10 THE COURT: Cross-examination.

11 MR. SMITH: Just trying to mix it up, Your Honor.

12 THE COURT: Great.

13 CROSS-EXAMINATION BY MR. SMITH:

14 Q. Mr. Jackson, thank you. How long have you been a member  
15 of Holy Cross?

16 A. Since about 1998.

17 Q. Can you describe your role in the governance of the  
18 church, if any? Have you had any role in the governance of  
19 the church?

20 A. Yes. I've been junior warden and senior warden and  
21 vestry member.

22 Q. Okay. Have you ever been a delegate at diocese  
23 conventions?

24 A. Yes, I have.

25 Q. Have you ever been a delegate at a general convention of

1 the national church?

2 A. No, I have not.

3 Q. Are you aware of any delegates from your church going to  
4 the national convention?

5 A. No, I am not.

6 Q. Were you involved in the 2013 bylaw changes?

7 A. Yes.

8 Q. What was your involvement?

9 A. I was the -- I was a vestry member at that time.

10 Q. Can you tell me generally the purpose of those  
11 amendments?

12 A. Yes. Those -- the purpose was to remove all references  
13 to the Episcopal Church in the United States.

14 Q. Okay. And when you did that, did you review the prior  
15 bylaws in 2011?

16 A. Yes.

17 Q. Did you review the bylaws before that in 1981?

18 A. No.

19 Q. Did you review the national church constitution and  
20 canons in that process?

21 A. No.

22 Q. Is Holy Cross the beneficiary of any trust?

23 A. No.

24 Q. Has Holy Cross received any grants, aid, or assistance  
25 from the diocese over the years?

1 A. From the diocese, yes.

2 Q. Can you describe such?

3 A. We received, to the best of my recollection, one grant  
4 from Builders for Christ.

5 Q. Do you know how much that grant was?

6 A. No, sir, I do not remember.

7 Q. Do you have personal knowledge of any other financial  
8 aid or grants from the diocese to Holy Cross?

9 A. No.

10 Q. Has Holy Cross been involved with the Church Pension  
11 Fund?

12 A. We have made payments into the Church Pension Fund as  
13 directed by the rector.

14 Q. Has your church ever had an insurance policy with the  
15 Church Insurance Company?

16 A. Yes, we have.

17 Q. Can you describe for me the signage that appears on your  
18 church, what it says, what it looks like?

19 A. We have a large sign out front on a piece of property  
20 the church owns that has Church of the Holy Cross and then  
21 Anglican on top.

22 Q. You testified that Thomas Sumter deeded the property to  
23 the Episcopal Church of Claremont; is that correct?

24 A. To the wardens and vestry, yes.

25 Q. Is that an Episcopal church?



1 A. At the time, yes, in 1788 the name of it was. They  
2 asked for petition then of the Episcopal Church of Claremont.

3 MR. SMITH: Very good. Thank you, sir.

4 THE COURT: Mr. Beers?

5 MR. BEERS: No questions, Your Honor.

6 THE COURT: Very well.

7 Redirect?

8 MR. CAMPBELL: No questions, Your Honor.

9 THE COURT: Thank you. You may come down.

10 Good morning.

11 MR. EASTERLING: Good morning, Your Honor. Harry  
12 Easterling, Jr. I represent St. Paul's Bennettsville. Your  
13 Honor, if I could ask the Court's indulgence to refer back to  
14 something that occurred on Friday.

15 THE COURT: Yes.

16 MR. EASTERLING: This is with regard to St. David's  
17 Church.

18 THE COURT: Yes.

19 MR. EASTERLING: The testimony of Mr. Lane Brown, I was  
20 asked to provide two improved exhibits, those being St.  
21 David's 2 and St. David's 11. I've enlarged them and my  
22 understanding is that there is no objection.

23 MR. TISDALE: Correct.

24 MR. EASTERLING: And so I would move to substitute those  
25 enlarged exhibits for the ones that were submitted on Friday.

1 MR. TISDALE: That's correct.

2 THE COURT: Thank you so much, Mr. Tisdale. I was going  
3 to hear from Mr. Beers or Ms. Kostel.

4 MR. BEERS: That's fine, Your Honor. I'm sorry, I was  
5 not paying adequate attention. We're busy over here in this  
6 corner.

7 THE COURT: I know it. It's just like watching bees  
8 working over there. Not a problem at all.

9 Thank you, Mr. Easterling. In other words, the  
10 conditional admission is now removed, they are admitted.

11 MR. EASTERLING: Thank you, Your Honor.

12 THE COURT: Thank you for bringing that to my attention.

13 (Plaintiff's Exhibits SPB-1 through SPB-18 premarked for  
14 identification.)

15 MICHAEL SUNDY WINBURN,  
16 being first duly sworn, testified as follows:

17 THE COURT: When you're seated, I'm going to ask you to  
18 state your name for the record. We do this as a sound check.

19 THE WITNESS: Michael Sundry Winburn, and there's no A in  
20 Sundry.

21 THE COURT: I was going to say, spell Sundry and Winburn  
22 for us, please.

23 THE WITNESS: Sundry is S-U-N-D-Y, Winburn,  
24 W-I-N-B-U-R-N.

25 THE COURT: Thank you. Your witness.

1 MR. EASTERLING: Thank you, Your Honor. Your Honor, if  
2 I may, regarding the exhibits that I have already passed up,  
3 Exhibits 1 through 16 are the same exhibits as found in my  
4 stipulations, Exhibit 17 is a trial exhibit which was not  
5 contained in my stipulation, and St. Paul's Bennettsville SPB  
6 18 is in fact our stipulations. And those would be our  
7 documents, which I understand are admitted, the stipulation  
8 by agreement, the Exhibits 1 through 17 inclusive as trial  
9 exhibits without objections.

10 THE COURT: All right. Is that correct?

11 MR. TISDALE: Correct.

12 MR. BEERS: Yes, ma'am.

13 THE COURT: Thank you. Very well.

14 (Plaintiff's Exhibits SPB-1 through SPB-18 admitted into  
15 evidence.)

16 DIRECT EXAMINATION BY MR. EASTERLING:

17 Q. Mr. Winburn, in what town do you live?

18 A. Bennettsville, South Carolina.

19 Q. And where do you worship in Bennettsville?

20 A. St. Paul's Parish.

21 Q. Is there more than one church which contains/uses the  
22 name or words St. Paul, Episcopal and Church in Marlboro  
23 County?

24 A. Yes, sir, there is.

25 Q. What is the name of the other church?

1 A. The name of that church is St. Paul's African Methodist  
2 Episcopal. And it's located, I believe, right outside of  
3 McColl.

4 Q. Has there been any controversy over the use of a similar  
5 name?

6 A. They are about 100 years older than our church and, to  
7 my knowledge, there's never been any controversy whatsoever.

8 Q. How long have you been a member at St. Paul's  
9 Bennettsville?

10 A. Since 1984.

11 Q. What is the average Sunday attendance there?

12 A. Around 30. Yesterday we had 28.

13 Q. All right, sir. You might have already said this, if so  
14 forgive me, but when was the church, meaning St. Paul's  
15 Bennettsville, founded, what year, if you know?

16 A. 1897, I believe.

17 Q. And is St. Paul's Bennettsville now incorporated?

18 A. Yes, it is.

19 Q. Okay. And were you part of that process?

20 A. Yes, sir.

21 Q. What positions of leadership have you held while you  
22 were in --

23 A. I have been a member of the vestry and junior warden and  
24 senior warden and lay reader and chalice bearer and search  
25 committee chair and a couple other things.

1 Q. And have you been senior warden on a recurring basis?

2 A. Yes, sir.

3 Q. In fact, some of the documents that are attached as  
4 exhibits bear your signature?

5 A. That's correct.

6 Q. And it reflects that at that time you served as senior  
7 warden; is that correct?

8 A. That's correct.

9 Q. And is senior warden analogous to president of the  
10 corporation as reflected by your bylaws?

11 A. Yes, sir, I believe it is.

12 Q. And is the vestry analogous to the board of directors?

13 A. Yes, sir, I believe they are.

14 Q. Do you remember when your church decided to incorporate  
15 or when the vestry decided to incorporate the church?

16 A. That was in 2002. And it was a vestry decision along  
17 with the rector.

18 Q. And when St. Paul's Bennettsville decided to  
19 incorporate, did it seek the help of the national church to  
20 determine how it should incorporate?

21 A. No, sir.

22 Q. Did it seek the help of the plaintiff diocese in  
23 deciding how it should incorporate?

24 A. Yes, sir, we did.

25 Q. And was that help actually given by the plaintiff

1 diocese?

2 A. Yes, there was. We received assistance from the canon  
3 at that time, which was Michael Malone.

4 Q. And did you also draw up some bylaws at that time?

5 A. Yes, sir, we began to do that.

6 Q. And do your bylaws cover how your annual meetings are  
7 conducted?

8 A. Yes, sir.

9 Q. And what's a quorum under your bylaws?

10 A. At that time our stated quorum was 20.

11 Q. Do the bylaws also provide for notice of the meeting?

12 A. Yes, they do.

13 Q. And you've had some annual meetings recently. Were  
14 quorums present at all meetings?

15 A. A quorum was present, annual meeting. We also have a  
16 covered dish luncheon and that pretty much guarantees quorum.

17 Q. And was notice provided as required by your bylaws?

18 A. Yes, sir.

19 Q. And did you use different kinds of notice as well?

20 A. Yes, sir. We had, of course, the rector or the  
21 appropriate officer, the senior warden, to stand in the  
22 chancel and give notice at least seven days, but there were  
23 also other notices in the parish hall, posted notices, email,  
24 and the church bulletins, of course.

25 Q. I would direct your attention to Exhibit 17, please,

1 sir.

2 Are you there?

3 A. Yes, sir, I am there.

4 Q. What are these?

5 A. These are vestry minutes from August 27, 2003.

6 Q. Did the vestry take any action with regard to the  
7 national church?

8 A. Yes, we did. The vestry voted to redirect monies from  
9 the national church portion of our pledge, and we asked that  
10 that be redirected to missions.

11 Q. All right, sir. And turn the page, please, sir. Did  
12 St. Paul's Bennettsville notify the diocese of what action  
13 the vestry took?

14 A. Yes.

15 Q. Okay. And what did the diocese -- and by "diocese" I  
16 mean, well, which diocese?

17 A. The Protestant Episcopal Church in the Diocese of South  
18 Carolina, the plaintiff diocese, yes, sir.

19 Q. All right, sir. What action did the plaintiff diocese  
20 take?

21 A. They redirected the monies as we asked them and no  
22 longer sent our portion of our pledge to them, to the  
23 national church.

24 Q. Okay, sir. What action was taken by St. Paul's  
25 Bennettsville at its 2012 annual meeting?

1 A. At our annual meeting in 2012 we received a report from  
2 the delegates to the -- our delegates to the recent called  
3 convention, and that report indicated that our delegates had  
4 voted to remain aligned with the plaintiff diocese.

5 Q. All right, sir. And did your congregation, did your  
6 parish, take any votes on that issue?

7 A. Yes. To ensure clarity we also had a ballot, balloting  
8 vote, by our congregation, and by a majority they agreed also  
9 to remain with the plaintiff diocese.

10 Q. And that was done in accordance with your bylaws?

11 A. Yes, sir, it was.

12 Q. Okay, sir. What happened after the new defendant  
13 diocese was formed with regard to any meeting that the parish  
14 may have had? Did you have a meeting in 2013, your annual  
15 meeting?

16 A. Our annual meeting, yes, we did.

17 Q. What action did you take there?

18 A. During our annual meeting we took action as a vestry to  
19 amend our bylaws to reflect our association with the  
20 plaintiff diocese, and that was done in accordance with our  
21 current bylaws.

22 Q. Okay. And did the congregation take a vote?

23 A. Yes.

24 Q. And what was the result of that vote?

25 A. It was unanimous.



1 Q. None opposed?

2 A. None opposed.

3 Q. Okay. And did you follow up that meeting with another  
4 meeting?

5 A. Yes, we did. And that meeting confirmed our action and  
6 that too was unanimous.

7 Q. Does St. Paul's Bennettsville have a continuing  
8 relationship with the national church?

9 A. No, we don't.

10 Q. Does it have a continuing relationship with the  
11 defendant diocese?

12 A. No, we do not.

13 Q. Did the parish send any delegates to the convention held  
14 by the defendant diocese?

15 A. No, sir, we did not.

16 Q. To the best of your knowledge, since 1984 has St. Paul's  
17 Bennettsville received any sort of payment or loan or grant  
18 from the national church?

19 A. Not to my knowledge, no, sir.

20 Q. But you don't deny in the past that St. Paul's  
21 Bennettsville had an Episcopal flag and we had directional  
22 signs and we had -- we used the Book of Common Prayer? You  
23 don't deny any of those things, do you?

24 A. No, sir.

25 Q. In fact, we still use the Book of Common Prayer?

1 A. We certainly do.

2 Q. But have we taken the other symbols and signs and flags  
3 down?

4 A. We have. To the best of my knowledge, we have.

5 Q. Why are we taking these actions?

6 A. To be clear, to be as crystal clear as we can make it at  
7 this time, our alliances and our allegiance to the plaintiff  
8 diocese.

9 MR. EASTERLING: Please answer any questions that  
10 opposing counsel may have.

11 THE COURT: Cross-examination?

12 MR. BEERS: No, Your Honor.

13 MR. TISDALE: I have some, Your Honor.

14 THE COURT: Mr. Tisdale, sure.

15 CROSS-EXAMINATION BY MR. TISDALE:

16 Q. Mr. Winburn, what is the name of the church? Is it  
17 still St. Paul's Episcopal Church?

18 A. Well, it's St. Paul's Church. We have a sign out front  
19 and it says St. Paul's Church and underneath that it says  
20 Episcopal.

21 Q. Okay. So you're still using the name Episcopal?

22 A. Yes, sir.

23 Q. And to the extent that you are using that name, you  
24 haven't severed your relationship with the Episcopal Church,  
25 have you?

1 A. I believe we have, sir. We are aligned with the  
2 plaintiff diocese, which also uses the name Episcopal.

3 Q. All right. And you're using the name Episcopal --

4 A. Yes.

5 Q. -- as part of your church name, right?

6 Now, you testified that, I think, the parish was founded  
7 in around 1897?

8 A. Yes, sir.

9 Q. And, in fact, the building that the church is in was  
10 consecrated -- and Mr. Easterling's produced this document  
11 saying this, I'm not trying to trick you or anything, I just  
12 don't have a copy of it with me right now, but that the  
13 building was consecrated by Bishop Capers, Ellison Capers, on  
14 June the 1st, 1898. Does the history reflect that?

15 A. I think that's correct, sir.

16 Q. I thought you would agree. And is it not a fact, Mr.  
17 Winburn, that the document, and what is called the official  
18 document, is called the sentence of consecration, meaning  
19 when it was consecrated by Bishop Capers, that that document  
20 provides, and I'm quoting now, for the sole use of the  
21 Protestant Episcopal congregation in this place in -- excuse  
22 me. Let me do that one more time.

23 The sentence of consecration, I'm representing to you,  
24 says, quote, that the church that he just consecrated is,  
25 quote, for the sole use of the Protestant Episcopal

1 congregation in said place, end quote. Do you have any  
2 dispute or argument about that?

3 MR. EASTERLING: Your Honor, please.

4 THE COURT: Okay. Yes.

5 MR. EASTERLING: To the extent that we have a document,  
6 it would be helpful to have that document here so that we  
7 don't add or -- add to the language, take away from the  
8 language.

9 THE COURT: In other words, you'd like for your client  
10 to have the document --

11 MR. EASTERLING: Yes, ma'am.

12 THE COURT: -- of which Mr. Tisdale speaks?

13 MR. TISDALE: Your Honor, they have produced that  
14 document, I just don't have it with me right now. So what I  
15 would propose to do with regard to this is give it to Mr.  
16 Easterling tomorrow to see if there's any disagreement about  
17 it. And if there's no disagreement, we'll mark it for  
18 identification. If there is a disagreement, we'll try and  
19 work it out.

20 THE COURT: Okay.

21 MR. TISDALE: They produced it and I'm quoting from it.

22 THE COURT: I understand. My concern is that the rules  
23 provide that if you are questioning the witness about a  
24 document and he asks to see it, it must be provided to the  
25 witness.

1 MR. TISDALE: I do not have it with me today.

2 THE COURT: If you wish to recall him, you can just  
3 recall him when you have the document. How about that?

4 MR. TISDALE: I don't want to cause him to make a trip  
5 here unnecessarily on another day, but I'd be glad to work  
6 with Mr. Easterling on that.

7 (Attorneys confer.)

8 MR. TISDALE: Okay. I'm going to go ahead and question  
9 him, and if we can pull it up, we'll pull it up.

10 THE COURT: Okay. So go on to something else and come  
11 back to it.

12 MR. TISDALE: I'm satisfied with his answer as it is.  
13 And if we could find the document now or later, we can  
14 address it again.

15 THE COURT: Okay. That would be fine.

16 MR. EASTERLING: Thank you, Your Honor.

17 MR. TISDALE: Thank you, Mr. Easterling.

18 MR. EASTERLING: Yes, sir, Mr. Tisdale.

19 Q. When did St. Paul's Bennettsville Episcopal disaffiliate  
20 from the Episcopal Church?

21 A. At our annual meeting in 2012 is my understanding.

22 Q. Okay. Now, Mr. Winburn, up until that time did St.  
23 Paul's conform its activities to the constitution and canons  
24 of the Diocese of South Carolina, now called the Episcopal  
25 Church in South Carolina, for this proceeding and the

1 Episcopal Church in the United States?

2 A. Could you repeat that question, please, sir?

3 Q. Up until when you disassociated from the Episcopal  
4 Church, did you all -- were you governed by the constitution  
5 and canons of the diocese?

6 A. Our charter, if I recall, if that's your question, sir,  
7 I think our purpose and our incorporation is to go by the  
8 canons of the Protestant Episcopal Church in the Diocese of  
9 South Carolina as amended from time to time.

10 Q. Right. And you did that, didn't you?

11 A. Our recollection is that we followed the plaintiff  
12 diocese. We really at that point had no knowledge to speak  
13 of of the national church.

14 Q. I was talking about before then, before you  
15 disassociated. Weren't you governed by the constitution and  
16 canons of the church?

17 A. We were, yes, of the Protestant Episcopal diocese,  
18 Protestant Episcopal Church in the Diocese of South Carolina.

19 Q. Prior to 2012?

20 A. Yes, sir.

21 Q. Okay. Now, did the parish send delegates to the annual  
22 convention of the diocese?

23 A. Of the plaintiff diocese? Yes, sir.

24 Q. Well, I'm not asking you about the plaintiff diocese,  
25 I'm asking about before 2012.

1 A. Yes, sir.

2 Q. And did you ever attend conventions of the diocese  
3 before 2012?

4 A. Yes, sir.

5 Q. And is it not a fact that that particular convention of  
6 the diocese elected delegates, deputies they call them, to  
7 the general convention of the Episcopal Church? Didn't it?

8 A. Never elected me, sir.

9 Q. I didn't ask you about that. I asked you didn't they  
10 elect deputies to represent the diocese?

11 A. Yes, sir, I believe so.

12 Q. And they did that every three years, didn't they?

13 A. I don't know the rules on that.

14 Q. Okay. Does the parish have any trust that it's a  
15 beneficiary of?

16 A. Not to my knowledge, sir. We have a -- we're a very,  
17 very small, very poor church and we have a CD scholarship  
18 fund of about \$11,000 and that pretty well covers it.

19 Q. Did someone contribute that?

20 A. Some time ago; yes.

21 Q. Who did that?

22 A. It's called the Jackson Scholarship. I don't know  
23 exactly who the benefactor is.

24 Q. Do you know whether or not there are any conditions or  
25 limitations on whether it has to be used for the Episcopal

1 Church?

2 A. No, sir.

3 Q. Do you have a copy of it?

4 A. I have not seen one. I live next door to the family  
5 that is in charge of it.

6 Q. Okay. Up until 2012 did the parish participate in the  
7 Church Pension Fund for its clergy and maybe other staff  
8 people?

9 A. Yes. We made contributions up until that time.

10 Q. To the Episcopal Church Pension Fund?

11 A. Well, it was our Church Pension Fund.

12 Q. And how about did you ever receive any grants of any  
13 sort from either the diocese or the Episcopal Church of  
14 money?

15 A. Not that I recall, no.

16 Q. Had you looked into it for your testimony today?

17 A. No, sir.

18 Q. I don't think I asked you this, but I might have: Where  
19 did the land come from that you built the church on in 1898?

20 A. From -- gosh. It was land given to us or given to  
21 trustees. I'd have to go back and look at the deed, sir.  
22 I'm not sure. But then we have about eight pieces of  
23 property.

24 Q. Do you know whether the one where the church is, whether  
25 you bought the land or was it a gift to you?



1 A. I think it was a gift.

2 Q. But you don't know from who?

3 A. I'd have to go back and look and see, sir, I really  
4 don't know.

5 Q. Do you know whether there were any conditions on that  
6 gift?

7 A. I don't know that.

8 MR. TISDALE: All right, sir.

9 Your Honor, I think that's it for me right now.

10 THE COURT: All right.

11 MR. TISDALE: We found the document that was in  
12 question, Your Honor.

13 THE COURT: All right.

14 MR. TISDALE: It has the number St. Paul Bennettsville  
15 73000579 I think. Save some time tomorrow with Mr. Winburn.

16 THE WITNESS: Thank you.

17 MR. TISDALE: Okay.

18 THE COURT: Mr. Tisdale --

19 MR. TISDALE: Yes, ma'am.

20 THE COURT: -- I'm going to hopefully be able to hand to  
21 you a laser pointer.

22 MR. TISDALE: That would be good. But I think I can do  
23 without it if you're having trouble.

24 THE COURT: Okay. You can go ahead.

25 Q. Mr. Winburn, this is the document here that I asked you

1 about, it's called "Sentence of Consecration," do you see at  
2 the top?

3 A. Yes.

4 Q. That was made by Ellison Capers, Mr. Winburn --

5 A. Mm-hmm.

6 Q. -- in 1898. And you are looking at it I think on your  
7 screen as well.

8 A. Yes, sir.

9 Q. And if you look at the place there, it says building by  
10 the name of, and then it's written in hand St. Paul's Church  
11 Bennettsville?

12 A. Yes, sir.

13 Q. Situated in Marlboro County?

14 A. Yes, sir.

15 Q. In the state aforesaid for the sole use of the  
16 Protestant Episcopal congregation in said place, end quote.  
17 Do you see that?

18 A. Yes, sir, I do.

19 Q. And so can we simply agree that when this building was  
20 consecrated for the use of the church in 1898, it has the  
21 language that you and I just read together?

22 A. It does have the language that you and I just read  
23 together. I've got to submit to you, sir, I don't know a  
24 heck of a lot about consecration.

25 Q. We'll leave it at that.

1 A. But --

2 Q. There are not many people that do.

3 A. That's right. But as I read it, it says the Protestant  
4 Episcopal congregation.

5 Q. Right.

6 A. Which is -- sounds like the plaintiff diocese to me.

7 Q. I understand your position on that. And your position  
8 is clear.

9 A. I want it to be.

10 Q. I simply wanted to get an agreement with you that that's  
11 what it says.

12 A. Yes.

13 MR. TISDALE: Thank you very much.

14 Thank you, Your Honor.

15 THE COURT: Thank you. Redirect?

16 MR. TISDALE: Your Honor, I would just -- we can mark a  
17 copy later, if I may just mark it for identification --

18 THE COURT: Please.

19 MR. TISDALE: -- Defendant's Exhibit.

20 THE COURT: Absolutely. What we can do is we can work  
21 together and get it printed and we can e-mail that to Becky  
22 and she can print it and we'll mark it. Very well.

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

24 THE COURT: All right. No redirect?

25 MR. EASTERLING: No, ma'am.

1 THE COURT: You may come down, sir.

2 THE WITNESS: Thank you.

3 THE COURT: Call your next witness, please.

4 (Plaintiff's Exhibits SJ-1 through SJ-15 premarked for  
5 identification.)

6 MARIANNE LEAL HOLMES,  
7 being first duly sworn, testified as follows:

8 THE COURT: Thank you so much. If you would state and  
9 spell your name for the record, please.

10 THE WITNESS: Marianne, M-A-R-I-A-N-N-E; Leal, L-E-A-L;  
11 Holmes, H-O-L-M-E-S.

12 THE COURT: Very good. Your witness, Mr. Platte.

13 MR. PLATTE: Thank you, Your Honor. Andrew Platte on  
14 behalf of St. Jude's Walterboro.

15 DIRECT EXAMINATION BY MR. PLATTE:

16 Q. Ms. Holmes, are you employed?

17 A. Yes, I am.

18 Q. Where do you work?

19 A. I work at the Veterans Victory Home in Walterboro.

20 Q. Are you a member of a parish?

21 A. I am.

22 Q. Which parish is that?

23 A. St. Jude's Church Walterboro.

24 Q. Where exactly is it located?

25 A. It's located on the corner of Fishburne and Wichman

1 Street in Walterboro.

2 Q. How long have you been a member of that parish?

3 A. Since 1992.

4 Q. Have you held any leadership positions?

5 A. I'm currently serving on vestry and I'm a member of the  
6 altar guild.

7 Q. What other positions have you held?

8 A. I have served on vestry before and I have also been a  
9 delegate to the diocesan convention.

10 Q. Have you been --

11 A. And senior warden right now.

12 Q. How long has St. Jude's Walterboro existed?

13 A. St. Jude's was established in 1850 as an expansion of  
14 St. Bartholomew's parish, which was originated by the Church  
15 Act of 1706, and became an independent parish in 1855.

16 Q. Has St. Jude's incorporated?

17 A. It is incorporated.

18 Q. When did that occur?

19 A. 1905.

20 Q. How large is the membership of St. Jude's?

21 A. We have 225 parishioners.

22 Q. Does the parish have a board of directors?

23 A. Yes; the vestry.

24 Q. Does it have officers?

25 A. It does; the rector, the wardens, and the treasurer.

1 Q. And through your positions on the vestry and your time  
2 as a member of the parish have you -- you've learned about  
3 the history and the corporate structure of the parish?

4 A. Yes.

5 MR. PLATTE: Your Honor, as part of agreement we have  
6 Exhibits 1 through 15, which are trial exhibits. The  
7 defendants have agreed to admit those. And then we also have  
8 Exhibit SJ 15, which is a set of stipulations that also have  
9 been agreed to be admitted into evidence.

10 THE COURT: All right.

11 Is that correct?

12 MR. TISDALE: Correct, Your Honor.

13 MR. BEERS: Yes, Your Honor.

14 THE COURT: Very well. Thank you.

15 (Plaintiff's Exhibits SJ-1 through SJ-15 admitted into  
16 evidence.)

17 Q. Ms. Holmes, are you familiar with the stipulations that I  
18 just spoke of, SJ 15?

19 A. Yes, mm-hmm, I am.

20 Q. If you were to testify at this Court about the items in  
21 there, that would be your testimony?

22 A. Yes.

23 Q. Were all notices for the various meetings at St. Jude's  
24 sent according to the bylaws?

25 A. Yes, they were.

1 Q. And was there a quorum present at all of those meetings?

2 A. Yes.

3 Q. And anything that gets voted on, does it pass by a  
4 majority that was required by those bylaws?

5 A. Everything was passed by majority overwhelmingly.

6 Q. And in December 2013 St. Jude's changed its name to what  
7 it currently is called, which is?

8 A. St. Jude's Church, which is the original name for St.  
9 Jude's.

10 Q. And did St. Jude's send any letter requesting the  
11 Episcopal Church in South Carolina to remove its name or  
12 stating that it was using its name unauthorized?

13 A. Yes. Our rector sent a letter to sir or madam in I  
14 think it was October 2012.

15 Q. Does St. Jude's Walterboro have a relationship with the  
16 Episcopal Church or the Episcopal Church in South Carolina?

17 A. No.

18 Q. Has St. Jude's sent any delegates to the Episcopal  
19 Church in South Carolina's meetings?

20 A. No.

21 Q. Is St. Jude's a parish in the Episcopal Church in South  
22 Carolina?

23 A. No.

24 MR. PLATTE: That's all the questions I have.

25 THE COURT: Very well.

1 Cross-examination.

2 MR. BEERS: No, Your Honor.

3 THE COURT: Very well.

4 MR. TISDALE: A few questions, Your Honor.

5 THE COURT: All right.

6 MR. TISDALE: Just a few routine questions.

7 THE COURT: Sure.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Ms. Holmes, just got a few questions, I think. One is  
10 that on January 13th, 2013, St. Jude's had a called vestry  
11 meeting, didn't it?

12 A. No, sir. It was January 14th.

13 Q. I'm sorry?

14 A. It was January 14th. You said January 13th.

15 Q. I should have said that, January 14th, 2013.

16 A. Mm-hmm, yes.

17 Q. Looking at the minutes, which is Exhibit SJ 9, and  
18 reading this paragraph, Jim Lewis stated that, quote, there  
19 is a potential for vulnerability, end quote, if a parish  
20 disassociates from TEC, the Episcopal Church, but is not  
21 named in the lawsuit. He also said: The second window of  
22 opportunity to join the lawsuit closes January 16th and that,  
23 quote, there will most likely be a third window of  
24 opportunity in February, end quote.

25 Now, did you understand or did the people understand



1 what vulnerability he was talking about?

2 A. Just that there was potential litigation that was going  
3 to happen.

4 Q. Well, he was recommending you join this lawsuit, wasn't  
5 he?

6 A. He was giving us information that would help us to make  
7 a decision about what we were going to do.

8 Q. Right. But did you understand what he meant by you were  
9 vulnerable?

10 A. Potentially losing our property if there was an  
11 unfavorable ruling.

12 Q. An unfavorable ruling in what?

13 A. In the lawsuit.

14 Q. Well, that wouldn't possibly be able to happen if you  
15 weren't a party to the lawsuit, would it?

16 A. I guess not.

17 Q. Ma'am?

18 A. I guess not.

19 Q. Okay. So does the parish use the word "Episcopal", the  
20 "Episcopal Church" on any of its signs now?

21 A. No, it does not.

22 Q. Did you take them all down?

23 A. Yes, sir.

24 Q. All right. And does the parish have any -- is the  
25 parish the beneficiary of any trusts?

1 A. We do receive a small amount of money from a trust, yes.

2 Q. And explain the nature of that trust for the Court, if  
3 you will.

4 A. It's called the Living Waters Trust and we receive  
5 monies for youth work, youth mission work.

6 Q. How was that trust first established, if you know?

7 A. I'm not familiar with how it's established.

8 Q. How much money is the body of the trust now?

9 A. \$43,000.

10 Q. And who administers that?

11 A. I'm not sure who's on that board. We just receive a  
12 gift. It's an anonymous donation.

13 Q. Is it a donation that takes place from time to time or  
14 it was just one donation?

15 A. It takes place from time to time if we continue with  
16 youth work.

17 Q. Someone just makes a gift occasionally, so it's not a  
18 trust in the sense that it was set up with a written document  
19 with a contribution made at the beginning?

20 A. Right, right.

21 Q. Okay. Does the church owe any money on its buildings or  
22 property?

23 A. No, it does not.

24 Q. Does not. I think you said you'd been involved in the  
25 parish for a number of years?

1 A. Yes.

2 Q. And prior to the disassociation from the Episcopal  
3 Church, did the parish send delegates annually to the annual  
4 convention of the Diocese of South Carolina?

5 A. Yes.

6 Q. And did you ever do that?

7 A. Did I ever attend?

8 Q. Did you ever attend as a delegate?

9 A. Yes, I did.

10 Q. And that was something the parish did regularly, did it  
11 not?

12 A. Yes.

13 Q. And as I've asked Mr. Winburn earlier, it is true, is it  
14 not, that that convention of the diocese elects deputies on a  
15 regular basis to the general convention of the Episcopal  
16 Church?

17 A. It did until 2012.

18 Q. When you left, of course?

19 A. Yes.

20 Q. And it hadn't done it since then?

21 A. Not that I'm aware.

22 Q. Okay. Did you say that the vestry was the board of  
23 directors of the corporation?

24 A. Yes.

25 Q. How did it get to be directors of the board of directors

1 of the nonprofit religious corporation?

2 A. Whenever we became an independent parish in 1855, when  
3 we became independent of St. Bartholomew's parish.

4 Q. And it's been called the board of directors and not the  
5 vestry ever since then?

6 A. It's been called the vestry of the wardens.

7 Q. The vestry of the wardens.

8 A. Yes.

9 Q. So my question to you, Ms. Holmes, was how did it get to  
10 be the board of directors at any one time, if it did?

11 A. I'm assuming through our bylaws. Our bylaws stipulated  
12 that that is the board of directors.

13 Q. And I'm sure your counsel would have produced the bylaws  
14 that would reflect that?

15 A. Our bylaws are included in the stipulations.

16 Q. In the stipulations.

17 A. Yes, sir.

18 Q. Okay. We'll look at that.

19 Now, do you all or did you before the disassociation  
20 make contributions to the Church Pension Fund for the clergy  
21 in your parish?

22 A. We did.

23 Q. And did you also use the Church Insurance Company to  
24 cover your property?

25 A. We did until 2012.

1 Q. Okay. And when, Ms. Holmes, did the parish disassociate  
2 from the Episcopal Church?

3 A. St. Jude's is not a member of the Episcopal Church so we  
4 didn't disassociate.

5 Q. So you didn't do anything?

6 A. Right. We confirmed our commitment to the diocese.

7 Q. But not to the Episcopal Church?

8 A. Exactly.

9 MR. TISDALE: All right. Thank you.

10 Thank you, Your Honor.

11 THE COURT: Very well. Any redirect?

12 MR. PLATTE: No, Your Honor.

13 THE COURT: You may come down. Call your next witness,  
14 please.

15 (Plaintiff's Exhibits GS-1 through GS-18 premarked for  
16 identification.)

17 SAMUEL PORCHER GAILLARD, IV,  
18 being first duly sworn, testified as follows:

19 THE COURT: State your full name for the record for us  
20 again and spell your last name. It's a sound check.

21 THE WITNESS: Samuel Porcher Gaillard, IV,  
22 G-A-I-L-L-A-R-D.

23 THE COURT: Thank you so much. Your witness.

24 MR. WALL: Judge, John Wall for the Church of the Good  
25 Shepherd.

1 THE COURT: Thank you.

2 DIRECT EXAMINATION BY MR. WALL:

3 Q. Father Gaillard, where do you live?

4 A. Charleston, South Carolina.

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

6 A. I'm the rector of the Church of the Good Shepherd.

7 Q. And how long have you been rector?

8 A. I've been rector for -- it will be eight years in  
9 January.

10 Q. And what are your duties as the rector?

11 A. As the rector I'm the pastor and spiritual leader of the  
12 church and I also act as a leader of the corporation in terms  
13 of convening and running vestry and congregational meetings.

14 Q. And when you came to Good Shepherd, what year was that?

15 A. I came to Good Shepherd in August of 2006.

16 Q. And are part of your duties to maintain the records?

17 A. To make sure that they are maintained, yes.

18 Q. Are you familiar with the stipulations that I filed on  
19 behalf of Good Shepherd in Exhibits 1 through 16?

20 A. I am.

21 Q. Do you agree with those?

22 A. I do.

23 Q. Stipulations and the documents.

24 A. I do.

25 MR. WALL: Your Honor, we would offer into the

1 stipulations by agreement in Exhibits 1 through 16 for the  
2 Church of the Good Shepherd.

3 THE COURT: Any objection?

4 MR. TISDALE: None.

5 MS. KOSTEL: No objection.

6 THE COURT: Thank you. So Exhibits 1 through 16, I  
7 think you said, are in evidence without objection --

8 MR. WALL: Yes, ma'am.

9 THE COURT: -- together with the stipulation.

10 (Plaintiff's Exhibits GS-1 through GS-16 admitted into  
11 evidence.)

12 THE COURT: You may proceed.

13 MR. WALL: May I approach the bench and give you those  
14 exhibits and stipulation?

15 THE COURT: That would be wonderful. Thank you very  
16 much.

17 MR. WALL: Your Honor, I also have two more exhibits,  
18 Exhibits 17 and 18, which were not with the stipulations that  
19 have been produced in this litigation.

20 THE COURT: So we're now talking about Exhibits 17 and  
21 18 or 16 and 17?

22 MR. WALL: Excuse me. 17 and 18.

23 THE COURT: Yes, 17 and 18. All right.

24 MR. WALL: And the witness has copies of those and they  
25 also have copies at the end of the stipulation.

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

2 THE COURT: And are you moving those into evidence?

3 MR. WALL: I'd like to introduce them first through the  
4 witness.

5 THE COURT: All right. Very well. In other words,  
6 they're not agreed to at this point.

7 MR. WALL: Unless they go ahead and agree to 17 and 18.

8 MR. TISDALE: We have no objection.

9 MS. KOSTEL: No objection.

10 THE COURT: Very well. All right. They're in evidence  
11 without objection, 17 and 18.

12 MR. WALL: Thank you, Your Honor.

13 (Plaintiff's Exhibits GS-17 and GS-18 admitted into  
14 evidence.)

15 Q. Father Gaillard, how many members do you have at Good  
16 Shepherd?

17 A. About 350 members.

18 Q. And when was Good Shepherd originally incorporated?

19 A. It was founded in 1833 as St. Peter's Church on Logan  
20 Street.

21 Q. Tell us a little bit about Good Shepherd and how many  
22 churches it has been and merged with, if you would, please?

23 A. It's a long history of four different churches in three  
24 different locations all ended up in -- on 1393 Miles Drive.  
25 That building was built in 1972. 1985 St. Peter's by the Sea



1 closed and merged in. And in 2003 St. John's came over, it  
2 closed and merged in. The church became the Episcopal Church  
3 of St. Peter and St. John's, and then that name was changed  
4 to be the Church of the Good Shepherd on January 1st or  
5 became active on January 1st, 2007.

6 MR. WALL: Thank you.

7 Thank you, Your Honor. No further questions.

8 THE COURT: Very well. Cross-examination.

9 CROSS-EXAMINATION BY MR. TISDALE:

10 Q. Good morning.

11 A. Good morning.

12 Q. One of the deeds that we have -- and we're going to pull  
13 something up to help us identify it in a minute -- from Good  
14 Shepherd is located in Charlestowne Estates. Are you  
15 familiar with that property?

16 A. Yes, sir.

17 Q. And what is that property used for?

18 A. It's used for the functions of the church.

19 Q. I mean, is that where the church is?

20 A. Yes, sir; 1393 Miles Drive.

21 Q. All right. And that's the church building --

22 A. Right.

23 Q. -- on this tract of land in Charlestowne Estates?

24 A. The church building and the surrounding property, yes.

25 Q. Right. That's what I mean.

1 A. Yes. Okay.

2 Q. And so according to this deed that Ms. Kostel is going  
3 to put up on the screen, it's a deed dated January 15th,  
4 1996?

5 MR. WALL: Your Honor, was this in the stipulations or  
6 is this a new document?

7 MR. TISDALE: This is a document that you all produced  
8 that I'm asking him about.

9 MR. WALL: All right.

10 Q. And the deed, it says that the current senior warden of  
11 St. Peter's confirmed title in St. Peter's of Charleston, St.  
12 Peter's Church of Charleston, for property described as Lot  
13 7, Block T, in Charlestowne Estates. That's the property  
14 where the church is, as we agreed; right?

15 A. That is.

16 Q. Now, if I can find it in this deed, I just wanted to get  
17 you to confirm that it contains a particular -- here it is  
18 right here. No, that's not it, I don't think. Let's see.  
19 Yes, this is it. And it's up on your screen as well. I just  
20 wanted you to confirm, as we see in this deed, that it says  
21 this, and I'm quoting from the document that we all are  
22 looking at, and it doesn't have a quotation mark but I'm  
23 quoting: This conveyance is made to the grantee, being the  
24 church, upon the grantee's agreement that it is subject to  
25 the constitution and canons of the Protestant Episcopal

1 Church in the United States -- it says State but I think an S  
2 was supposed to be there -- and the Protestant Episcopal  
3 Church in the Diocese of South Carolina as now, 1996, in  
4 force or as may hereafter be amended, including but not  
5 limited to, so forth and so on.

6 Do you agree with me that I've accurately recited/read  
7 the content of that document?

8 A. I do.

9 Q. Thank you.

10 THE COURT: Mr. Tisdale, for my purposes, is this a  
11 document that is currently in evidence?

12 MR. TISDALE: I would like to mark it for  
13 identification. It's a document they produced.

14 THE COURT: I heard that.

15 MR. TISDALE: May I mark it for identification?

16 THE COURT: Of course.

17 MR. TISDALE: We'll get a copy of it for the record.

18 THE COURT: Should be mark for identification purposes.

19 MR. TISDALE: It would be our Exhibit No. 8 if it comes  
20 in, I'm told. Mark it for identification No. 8.

21 MS. KOSTEL: Your Honor, may I speak to the exhibits?  
22 When we get to our case-in-chief, we will have a number of  
23 exhibits, including this one, that we'll submit to the Court  
24 and this will be included. And all the ones actually that  
25 we've shown on the screen that were not previously in

1 evidence will be included.

2 THE COURT: Got it. Let me ask your opinion, both of  
3 you, just for clarity purposes, because your perspective is  
4 going to be better than mine, do you think that as we mark  
5 this exhibit, does it make sense to mark this exhibit with  
6 numbers with the same prefix so that as I'm doing my review,  
7 I can put this document with this particular parish or is it  
8 such that you believe that these documents are going to be  
9 more universal?

10 MS. KOSTEL: Well, I can answer that. Some of them will  
11 be universal and some of them will be parish-specific, like  
12 this one. And we will suggest a numbering convention for the  
13 whole universe of them when we get to our case-in-chief. But  
14 you're correct, Your Honor, this particular document would be  
15 numbered in a way that it would mark out this parish.

16 THE COURT: So perhaps it makes sense for identification  
17 purposes to mark this exhibit for identification purposes and  
18 use the prefix and mark it 1. Does that make sense or is  
19 that going to mess up your numbering system? Because I don't  
20 want to do that.

21 MS. KOSTEL: It probably won't be 1 in our numbering  
22 system. That's a good question.

23 THE COURT: Because, otherwise -- and I will yield to  
24 whatever is best for you guys.

25 MS. KOSTEL: It might be that we mark it -- where are we

1 in our -- I think we've entered six or seven documents into  
2 actual evidence and then we have several that we've marked  
3 for identification. If we can keep with that numbering  
4 system now and then when we get to the actual submitting them  
5 as evidence, we refer back to the number that was marked for  
6 identification.

7 THE COURT: And we may even put it in parentheses and  
8 associate it with the parish.

9 MS. KOSTEL: Yes.

10 MR. TISDALE: If we continue on this, I'm told that this  
11 would be Defendant's, this Defendant's Exhibit No. 8.

12 THE COURT: For identification purposes. Got it.

13 MR. TISDALE: Until our case, I guess, technically.

14 THE COURT: Yes, absolutely. Got it.

15 MR. TISDALE: So it would be No. 8.

16 THE COURT: No. 8. And, again, we'll just print it so  
17 we've got a hard copy so that we can hold on to it.

18 MR. TISDALE: And we'll just move everything that's been  
19 marked for identification into evidence at the appropriate  
20 time, Your Honor.

21 THE COURT: Yes, absolutely. If you'll just email it,  
22 what we'll do is mark this one for identification purposes so  
23 we've got it.

24 (Defendant's Exhibit 8 marked for identification.)

25 Q. Just so we understand, Father Gaillard, the 1996 deed we

1 referred to was St. Peter's Church, but that is really now the  
2 Church of the Good Shepherd the way it's named; right?

3 A. That's correct.

4 Q. Okay. And just to help us on the history just a little  
5 bit, you said it was founded originally down on Logan Street  
6 as St. Peter's Church; right?

7 A. Yes, sir.

8 Q. And then I think it moved up to Rutledge Avenue, didn't  
9 it?

10 A. That's correct.

11 Q. Near Sumter Street?

12 A. That's right.

13 Q. Yes. And then from there it moved over to where it is  
14 now; right?

15 A. That's correct.

16 Q. And it had different names then?

17 A. It was St. Peter's starting in 1930. When it moved to  
18 Sumter, it took over Christ Church parish, they built a new  
19 church. Christ Church vestry agreed that it would be named  
20 St. Peter's.

21 Q. Where was that?

22 A. On Sumter Street.

23 Q. Right.

24 A. Right, yes, sir.

25 Q. And then from there it moved to where, where it is now?

1 A. Right. Yes, sir.

2 Q. And when it moved to its current location on Miles  
3 Drive, Charlestowne Estates, what was its name?

4 A. It's called St. Peter's, as far as I know.

5 Q. St. Peter's?

6 A. Yes, sir.

7 Q. When did it get to be Good Shepherd after that?

8 A. It was -- the name change was voted on in October of  
9 2006 at a parish meeting and it was made effective on the 1st  
10 of the year 2007.

11 Q. So the last seven years or so it's been Good Shepherd  
12 Church?

13 A. Yes, sir.

14 Q. All right. Have you all participated in the Pension  
15 Fund of the Episcopal Church throughout?

16 A. No, sir.

17 Q. You have not?

18 A. No, sir. We stopped paying into the Pension Fund. We  
19 had a crisis with cash flow and we stopped paying into the  
20 Pension Fund I think sometime in 2008 or '09, and then we  
21 didn't contribute any more after that.

22 Q. Up until then obviously you did?

23 A. Right, yes.

24 Q. And it stopped only because you didn't have the money to  
25 pay in?

1 A. At some point it became a choice of conscience.

2 Q. Does the parish have any trusts that it is the  
3 beneficiary of?

4 A. There's two old -- one older trust and one newer trust,  
5 the small -- both Gadsden trusts.

6 Q. Gadsden?

7 A. Gadsden, as in G-A-D-S-D-E-N, Gadsden trust. And it was  
8 established in the 1800s for the care of clergy and their  
9 families.

10 Q. Do you have a written copy of the terms of the trust?

11 A. We do in our files, yes, sir.

12 Q. You do?

13 A. Mm-hmm.

14 Q. I don't know whether that's been produced or not, but  
15 you can produce it to your lawyer if we need to see a copy,  
16 can't you?

17 A. Yes, sir.

18 Q. And how much is the value of that, roughly?

19 A. It's approximately \$76,000.

20 Q. And what is the other trust?

21 A. It's called the Fabian trust.

22 Q. Yes?

23 A. And it was established sometime in the -- in the last 20  
24 or 25 years.

25 Q. That was George Fabian?



1 A. Yes, sir.

2 Q. And did he fund the trust?

3 A. I think his family did. I'm not aware of exactly how.

4 Q. What is its purpose?

5 A. Its purpose is to benefit the parish. It doesn't have  
6 any specific designation that I'm aware of.

7 Q. Is there a written document that tells us what the terms  
8 of the trust are?

9 A. There is.

10 Q. And is it also in your files?

11 A. It is.

12 Q. What I'm going to ask you to do is give a copy of both  
13 of these to your lawyer and we'll confer with him about  
14 getting a copy.

15 A. All right.

16 Q. What's the value roughly of the Fabian trust?

17 A. 53, 54 thousand dollars, something like that.

18 Q. Okay. Now, up until late 2012 had the parish  
19 participated in the conventions of the Diocese of South  
20 Carolina on a regular basis?

21 A. We continue to, yes.

22 Q. And you, as the rector of the parish, did also; right?

23 A. Yes, sir.

24 Q. And sent delegates, four delegates, to each annual  
25 convention of the Diocese?

1 A. Yes.

2 Q. And did you govern your parish consistently with the  
3 provisions of the constitution and canons of the Episcopal  
4 Church in the Diocese of South Carolina?

5 A. The Episcopal Church -- I'm sorry, I lost you. Which --

6 Q. The Diocese.

7 A. The Diocese of South Carolina's constitution and canons?

8 Q. Right.

9 A. Yes.

10 Q. And did you follow those for your governance of your  
11 parish up until, say, late 2012?

12 A. I'm sorry, I didn't catch it.

13 Q. Did you follow the constitution and canons of the  
14 Diocese of South Carolina in the governing of your parish?

15 A. Yes, sir, to the best of our ability.

16 Q. Tried to?

17 A. Yes, sir.

18 Q. Intended to?

19 A. Intended to, yes.

20 Q. Right. And, of course, through delegates elected at the  
21 annual convention of the Diocese deputies were elected to the  
22 general convention of the Episcopal Church, were they not?

23 A. That's correct.

24 Q. Do you still, does the parish still, use any of the  
25 names Episcopal in its signs or advertisement?

1 A. The word "Episcopal" appears on our sign in this way, a  
2 parish of the Episcopal Diocese of South Carolina.

3 Q. Okay. And are there any other signs that do that?

4 A. No, sir.

5 Q. Do you have any other indicia of connection to the  
6 Episcopal Church, like flags, shields, and that sort of thing  
7 that are used?

8 A. We do not.

9 Q. Do you know whether the Diocese of South Carolina or the  
10 Episcopal Church has made grants or loans to the parish from  
11 time to time in the past?

12 A. We've received no money from the national Episcopal  
13 Church. We did receive a department of congregational  
14 development grant in I believe 2006 and '07, I'm not exactly  
15 sure, but it was early when I first got to Good Shepherd.

16 Q. What was the amount of that grant?

17 A. It was in the range of \$10,000, but I don't have the  
18 exact amount.

19 MR. TISDALE: That's close enough. Thank you.

20 Just one second, please.

21 THE COURT: Sure.

22 Q. Tell me one more time, if you will, what the sign in  
23 front of the church says that we talked about.

24 A. A parish of the Episcopal Diocese of South Carolina.

25 Q. And how long has that sign been there?

1 A. Since 2007.

2 Q. Do you recall what it was, if anything, before that?

3 A. It was prior to the name change, it said St. Peter and  
4 St. John, but I don't remember the exact.

5 Q. You don't remember whether it said of the Diocese or  
6 Episcopal Diocese?

7 A. I don't remember what was on the sign, no.

8 MR. TISDALE: Thank you.

9 Your Honor, thank you.

10 THE COURT: Redirect?

11 MR. WALL: No redirect.

12 THE COURT: Thank you. You may come down.

13 Call your next witness, please.

14 (Plaintiff's Exhibits OS-1 through OS-17 premarked for  
15 identification.)

16 MICHAEL LIVINGSTON CLARKSON,

17 being first duly sworn, testified as follows:

18 THE COURT: Your witness.

19 MR. PLATTE: Thank you, Your Honor. My name is Andrew  
20 Platte on behalf of the Church of Our Saviour.

21 DIRECT EXAMINATION BY MR. PLATTE:

22 Q. Would you please state your name for the record?

23 A. Michael Livingston Clarkson.

24 Q. Are you currently employed?

25 A. I am.

1 Q. And what are you employed as?

2 A. I am the rector of the Church of Our Saviour.

3 Q. Where is that located?

4 A. It's located on Johns Island out towards Kiawah and  
5 Seabrook Islands.

6 Q. How long have you been the rector there?

7 A. I've been the rector there since 2008.

8 Q. About how long has that parish existed?

9 A. The parish was created in 1980 and incorporated in 1981.

10 Q. How large is the parish?

11 A. Geographically or numerically?

12 Q. Members.

13 A. It's about 200 members.

14 Q. Does the parish have a board of directors?

15 A. It does.

16 Q. That is who?

17 A. That would be the rector, the vestry, including the  
18 senior, junior wardens, and the treasurer.

19 Q. And the senior and junior wardens and the treasurer  
20 would be officers?

21 A. Yes, that's correct.

22 Q. And during your time as rector at Church of Our Saviour  
23 you've learned about the history and the corporate structure  
24 of the parish?

25 A. I have.

1 MR. PLATTE: Your Honor, we have Exhibits OS 1 through  
2 17, OS 17 is the stipulations, and it's my understanding  
3 those have been agreed upon and to be admitted into evidence.

4 MR. TISDALE: Correct, Your Honor.

5 THE COURT: Very well. Correct.

6 MS. KOSTEL: (Nodding.)

7 THE COURT: Thank you. Exhibits 1 through 17 are in  
8 evidence without objection, including the stipulation.

9 You may proceed.

10 (Plaintiff's Exhibits OS-1 through OS-17 admitted into  
11 evidence.)

12 Q. Mr. Clarkson, you're familiar with the stipulations that  
13 I referenced as OS 17?

14 A. I am.

15 Q. And you had a chance to review those and that would be  
16 your testimony if you were to testify to that today?

17 A. Yes, it is.

18 Q. What type of meeting was the December 9th, 2012, parish  
19 gathering?

20 A. It was an opinion poll or referendum in order to  
21 ascertain the thinking of the parish.

22 Q. What occurred during the February 17th, 2013, parish  
23 meeting?

24 A. We amended our bylaws.

25 Q. And what occurred during the May 19th, 2013, meeting?

1 A. We amended our articles of incorporation.

2 Q. Were all notices for all meetings given according to the  
3 bylaws?

4 A. They were indeed.

5 Q. Was there a quorum present at all meetings?

6 A. Yes, there was.

7 Q. And did all the votes, did all the items that were voted  
8 on, pass with the required majority under the bylaws?

9 A. Yes.

10 MR. PLATTE: Your Honor, that's all I have.

11 THE COURT: All right. Cross-examination? Mr. Tisdale?

12 MR. TISDALE: Just a few, Your Honor.

13 THE COURT: Certainly.

14 CROSS-EXAMINATION BY MR. TISDALE:

15 Q. Father Clarkson, did the bylaw amendment that you  
16 testified about a minute ago amend bylaws that were  
17 originally enacted in 1981?

18 A. That's correct.

19 Q. And would you agree that the 1981 bylaws contained the  
20 following language: This mission -- and then I want to ask  
21 you about how it was amended, if it was. This mission, 1981  
22 mission, is organized for the purpose of operating an  
23 Episcopal Church mission pursuant to the constitution and  
24 canons of the Protestant Episcopal Church in the Diocese of  
25 South Carolina and of the Protestant Episcopal Church in the

1 United States now in force or hereafter may be adopted, end  
2 quote.

3 Was that amended in the 2013 amendments?

4 A. Might I see that document?

5 Q. Of course. I'm going to show you the language, but we  
6 can pull it up on the screen if we need to.

7 A. Okay.

8 Q. But I'm reading something that was taken from the --  
9 it's this paragraph right here (indicating).

10 A. Thank you.

11 MR. PLATTE: Your Honor, we would just ask that he be  
12 shown the document. He asked to see the document.

13 MR. TISDALE: If we have to take time to pull it up on  
14 the screen, we can do that.

15 THE COURT: All right.

16 Q. While she's doing that, perhaps we can take care of a  
17 couple other little --

18 A. Certainly.

19 Q. When did the Church of Our Saviour disassociate from the  
20 Episcopal Church?

21 A. The Church of Our Saviour has never disassociated from  
22 the Episcopal Church and in fact has never been a part of the  
23 Episcopal Church.

24 Q. All right. Does the Church of Our Saviour benefit from  
25 any trusts that have been bestowed upon it by others?



1 A. It does not.

2 Q. All right. Does the Church of Our Saviour have any debt  
3 on its property?

4 A. It does not.

5 Q. Up until -- when did you say you became the rector of  
6 the parish?

7 A. In 2008.

8 Q. To your knowledge has the parish participated in annual  
9 convention of the Diocese?

10 A. It has.

11 Q. All right. And did you yourself attend conventions of  
12 the Diocese of South Carolina?

13 A. Every year.

14 Q. All right. And you've heard me ask the same question of  
15 others.

16 A. Yes, sir.

17 Q. You are familiar with the fact, are you not, that the  
18 diocesan convention of which you participated elects deputies  
19 to the general convention of the Episcopal Church?

20 A. That is correct.

21 Q. Okay. Now we're going to try to find the -- okay.  
22 There we go. Do you see Article 1, the 1981 bylaws?

23 A. Yes, sir.

24 Q. And I read it earlier and you said you wanted to see a  
25 copy, and that's a copy. And all that I really was

1 interested in getting you to do is agree with me that that's  
2 what the bylaws said in 1981.

3 A. That is correct, that is what they say.

4 Q. All right. Well, thank you for that.

5 MR. TISDALE: Now, we will mark that for identification  
6 as No. 9.

7 THE COURT: Mm-hmm.

8 (Defendant's Exhibit 9 marked for identification.)

9 Q. Now, Father Clarkson, was that amended in 2013 or  
10 whenever?

11 A. Yes, it was.

12 Q. To the extent of doing what?

13 A. In 2013 we removed the language relating to the Diocese,  
14 the Episcopal Diocese of South Carolina.

15 Q. All right. How about the Protestant Episcopal Church in  
16 the United States?

17 A. We removed that in the amendment in 2009.

18 Q. All right. So it's been gone since 2009?

19 A. That's correct.

20 Q. Did you recommend that change in 2009 as rector of the  
21 parish?

22 A. We took advice from counsel and removed it at that time.

23 Q. What counsel? I don't want you to tell me what the  
24 lawyer told you necessarily right now, but what was the name  
25 of the counsel, the lawyer?

1 A. His name was Buddy Lindsay.

2 Q. And did he advise you on the amendments and formulation  
3 of other documents that governed the parish?

4 A. He did.

5 Q. And what other documents were involved, do you know?

6 A. He ran a complete evaluation of all of the documents,  
7 the official legal documents, of the parish and then made  
8 recommendations to us.

9 Q. Did the parish engage him to advise in order to prepare  
10 for the departure of the parish from the Episcopal Church?

11 A. Sir, we did not leave the Episcopal Church. We were  
12 never a member of the Episcopal Church.

13 Q. I understand you weren't a member.

14 MS. GOLDING: Your Honor, Mr. Tisdale is interrupting  
15 this witness.

16 MR. TISDALE: I'm sorry.

17 MS. GOLDING: The witness did not complete the answer.

18 MR. TISDALE: I'm very sorry for interrupting. Finish  
19 the answer if you wish.

20 THE WITNESS: He did not advise us to leave because we  
21 were not part of.

22 Q. Did you say you were not a member of it?

23 A. Yes.

24 Q. But you did elect deputies to go to the general  
25 convention of the Episcopal Church, didn't you?

1 A. The Diocese did, I believe.

2 Q. Well, weren't you a member of the convention that voted  
3 to do that?

4 A. Yes, that's correct.

5 Q. So you participated --

6 A. I did.

7 Q. -- at least to that extent, didn't you?

8 A. Yes, sir.

9 Q. Okay. And in 2009 was it the -- we'll try another word  
10 and see if it fits better. In 2009 was it the plan of the  
11 parish to disassociate from any involvement in the Episcopal  
12 Church?

13 A. We approached our lawyer, Buddy Lindsay, and asked him  
14 to evaluate all of our documents and prepare us as a  
15 corporation to be as safe as possible from intrusion by  
16 anyone from the outside.

17 Q. Did you have anyone particularly in mind who might  
18 intrude on your organization?

19 A. We were operating in an environment which appeared to us  
20 to be threatening. It was in the wake of the Pawleys Island  
21 operation and we weren't sure from what direction an attack  
22 might come. We understood that we were an independent  
23 corporation and believed it to be our fiduciary duty to put  
24 such protections as were possible in place.

25 Q. Has the parish ever been threatened with any sort of

1 notice from the Episcopal Church or anyone else that it had a  
2 claim against its property?

3 A. Our parish has not.

4 Q. Have not. Okay. And later the parish decided to join  
5 this lawsuit against the Episcopal Church, did you not?

6 A. That is correct.

7 Q. Yes. Up until 2012, 2013, did the parish participate in  
8 the Church Pension Fund of the Episcopal Church?

9 A. It did.

10 Q. Did the parish carry insurance through that same  
11 company, the Church Insurance Company?

12 A. That is correct.

13 Q. Have you received any grants from the Diocese of South  
14 Carolina prior to 2012?

15 A. Not to my knowledge.

16 Q. How about from the Episcopal Church?

17 A. We have not.

18 MR. TISDALE: Thank you, Father Clarkson.

19 THE COURT: Thank you. Redirect?

20 REDIRECT EXAMINATION BY MR. PLATTE:

21 Q. Just one brief question, Father Clarkson. Were you  
22 aware of any parish that actually received notice of interest  
23 in property that was filed by the Episcopal Church or the  
24 Diocese before they actually withdrew from the Diocese?

25 A. Yes. We are aware of an interest that -- and a filing

1 that was done regarding Pawleys, the Pawleys Island case.

2 Q. And that was done before they voted to withdraw from the  
3 Diocese?

4 A. That is correct.

5 MR. PLATTE: Thank you. That's all.

6 THE COURT: All right. Any recross from the national  
7 church?

8 All right.

9 And from Mr. Tisdale?

10 MR. TISDALE: Nothing, Your Honor.

11 THE COURT: Very well. You may come down.

12 Call your next witness, please.

13 (Plaintiff's Exhibits SMFM-1 through SMFM-18 premarked  
14 for identification.)

15 WILLIAM DERIEUX CLARKSON,  
16 being first duly sworn, testified as follows:

17 THE COURT: If you'd state your full name for the record  
18 and spell your middle name.

19 THE WITNESS: William Derieux Clarkson, D-E-R-I-E-U-X.

20 THE COURT: Thank you.

21 Your witness.

22 MR. MACK: May it please the Court.

23 THE COURT: Yes.

24 MR. MACK: Frank Mack. I represent the Vestry and  
25 Church Wardens of the Episcopal Church of the Parish of St.

1 Matthew's. We've been referring to it as St. Matthew's Fort  
2 Motte to distinguish it from the church in Darlington by the  
3 same name.

4 THE COURT: Got it.

5 MR. MACK: We have provided the defendants with a set of  
6 exhibits numbered 1 through 17. These were provided on  
7 Friday. It is my understanding that there is no objection to  
8 these --

9 MR. TISDALE: No objection.

10 MR. MACK: -- exhibits.

11 MS. KOSTEL: No objection.

12 MR. MACK: In addition, we have a set of stipulations  
13 which we've marked as SM-FM 18. And again, these were  
14 previously provided to the defendants.

15 THE COURT: All right. Very well.

16 MR. MACK: And if I may approach, Your Honor, I have a  
17 hard copy of our exhibits along with a flash drive --

18 THE COURT: Thank you kindly.

19 MR. MACK: -- for your use.

20 THE COURT: Thank you very much.

21 (Plaintiff's Exhibits SMFM-1 through SMFM-18 admitted  
22 into evidence.)

23 DIRECT EXAMINATION BY MR. MACK:

24 Q. Mr. Clarkson, tell the Court just briefly about your  
25 educational background.

1 A. I went to Sewanee. I have a Bachelor of Science in  
2 natural resources. And then I went to the University of  
3 Georgia and I have a doctorate in veterinary medicine.

4 Q. And do you practice as a veterinarian?

5 A. Yes, sir.

6 Q. Are you a member of the Parish of St. Matthew's in Fort  
7 Motte?

8 A. Yes, sir.

9 Q. Have you held any positions in the parish over the  
10 years?

11 A. Yes, sir.

12 Q. When did you first become a member of the parish and  
13 what are some of the positions you've held?

14 A. May of 1994 I've been on the vestry, I've been the  
15 treasurer, I've been the junior warden, and I have been the  
16 senior warden.

17 Q. Have you been the senior warden a number of times?

18 A. Yes, sir.

19 Q. And as senior warden and your other positions and just  
20 being a member of the parish are you generally familiar with  
21 the history of the parish?

22 A. With a lot of it, yes, sir.

23 Q. Okay. About what is the average Sunday attendance at  
24 the present time?

25 A. We're on a tremendous upswing. We're in the low 50s.



1 Q. And up until say a year, year and a half ago, about what  
2 was the average?

3 A. We were in the 40 or so.

4 Q. Going back to the history of the parish, when was the  
5 parish first formed?

6 A. 1765.

7 Q. And was that by the colonial assembly?

8 A. Yes, sir.

9 Q. And when was the parish incorporated?

10 A. 1788.

11 Q. And how was that incorporation done?

12 A. By the general assembly of the State of South Carolina.

13 Q. Was the name the vestry and church wardens of the  
14 Episcopal Church of the Parish of St. Matthew's part of the  
15 legislation that incorporated the parish?

16 A. Yes, sir.

17 Q. And that was in 1788?

18 A. Yes, sir.

19 Q. Now, when did the church move to its present location?

20 A. 1852.

21 MR. MACK: If I could have the first photo, please.

22 Q. Is this a picture of the church, St. Matthew's Fort  
23 Motte?

24 A. Yes, sir.

25 Q. In the middle of the cotton field?

1 A. Beautiful, isn't it?

2 Q. And is that the entire campus of the church?

3 A. Yes, sir.

4 Q. And the campus is about 2, 2-1/2 acres. Are there deeds  
5 to all of the property?

6 A. All except for the original acre that the church and  
7 churchyard are on.

8 Q. So going back to 1852 there's not a deed for that  
9 original?

10 A. No, sir.

11 Q. Okay. Did anything happen to the communion silver  
12 during the Civil War?

13 A. It was misplaced thanks to soldiers of the northern  
14 persuasion.

15 Q. Was it eventually returned to the parish?

16 A. There's a wonderful story of how the silver engraving  
17 was noticed years later and was returned; yes, sir.

18 Q. And is that the communion silver that we currently use?

19 A. Not for every Sunday, no.

20 Q. It's the historic silver?

21 A. It's our historic silver, yes, sir.

22 Q. Now, since the parish was incorporated in 1788, has it  
23 existed as a corporation since then?

24 A. Yes, sir.

25 Q. And has it continued as a parish or a mission

1 continuously since then?

2 A. Ever since then.

3 MR. MACK: If I could have the second photo, please.

4 Q. And what is this a picture of?

5 A. It's a miracle, it snowed in St. Matthew's, South  
6 Carolina. It's the front of the church.

7 Q. Now, the sign in front of the church has the word  
8 "Episcopal" on it; is that correct?

9 A. That is correct.

10 Q. And why is the church still using the name Episcopal  
11 Church?

12 A. It's still the name of the parish.

13 Q. Has that changed since it was given that name by the  
14 general assembly in 1788?

15 A. No, sir.

16 MR. MACK: Could I have the next photo, please?

17 Q. And what is this a photo of?

18 A. After church on Easter.

19 Q. And is this the entire congregation for the Easter  
20 service?

21 A. It's wonderful, isn't it? Yes, sir.

22 Q. Now, did the parish have any signs out on Highway 601  
23 regarding the parish?

24 A. Currently?

25 Q. In the past, prior to 2012.

1 A. Yes, sir.

2 Q. And were those signs the ones with the TEC or the  
3 national church seal on them?

4 A. Episcopal Church welcomes you, yes, sir.

5 Q. Have those been removed?

6 A. Yes, sir.

7 Q. Now, has the parish used any other symbols relating to  
8 the national church since 2012, 2013?

9 A. No, sir. They were all removed.

10 Q. Now, has the parish ever authorized TEC or the new  
11 diocese TECSC to use the parish's names on any website or  
12 other publications?

13 A. No, sir.

14 MR. MACK: Now, going back, I need one of the interior  
15 photos.

16 Q. I notice in the right-hand corner or looking this way on  
17 the right is the TEC flag. Do you see that?

18 A. I do.

19 Q. Has that been removed?

20 A. Yes, sir, it has.

21 Q. Was it removed at the same time the road signs were  
22 removed?

23 A. Yes, sir.

24 MR. MACK: And, Your Honor, this is a photo of my  
25 daughter's wedding. My wife wanted me to introduce another

1 two or three hundred photos into evidence, but I think that's  
2 all I have.

3 THE COURT: Very well. All right.

4 Cross-examination.

5 MR. SMITH: Thank you, Mr. Clarkson.

6 CROSS-EXAMINATION BY MR. SMITH:

7 Q. Can you describe your involvement in amendments made to  
8 I believe the bylaws and the constitution in 2010?

9 A. That's when we returned the bylaws. I was not on the  
10 vestry at that point in time. I do believe those amendments  
11 returned the bylaws to the condition they had been in prior  
12 to 1986.

13 Q. So you weren't part of those amendments at all; is that  
14 your testimony?

15 A. No, sir. I do not believe I was on the vestry at that  
16 time.

17 Q. Have you ever served as a delegate for the diocese  
18 convention?

19 A. Yes, sir, I have.

20 Q. Have you ever served as a delegate to the general  
21 convention?

22 A. No, sir.

23 Q. Is the parish the beneficiary of any trusts?

24 A. No, sir.

25 Q. Are you aware of any grants, financial aid, or

1 assistance that the parish has received from the Diocese?

2 A. Yes, sir.

3 Q. Can you elaborate?

4 A. Yes, sir. We received three Builders of Christ grants  
5 when we remodeled the parish house for landscaping and the  
6 parking lot totaling around 67, 68 thousand dollars over  
7 three years. And in the late '90s we received financial  
8 assistance to help cover the costs of a priest of around 7 or  
9 8 thousand dollars a year for three years.

10 Q. Does your parish -- or have they participated in the  
11 Church Pension Fund?

12 A. Yes, sir, we have.

13 Q. And the Church Insurance Company, have you --

14 A. Yes, sir, we have.

15 Q. Earlier you spoke about the signage. Can you explain  
16 why you changed the signs?

17 A. We removed the symbols that were symbols of the national  
18 church.

19 MR. SMITH: Okay.

20 THE COURT: All right. Any questions?

21 No.

22 Any redirect?

23 MR. MACK: Nothing further, Your Honor.

24 THE COURT: Very well, you may come down.

25 Call your next witness, please.

1           (Plaintiff's Exhibits SMI-1 through SMI-27 premarked for  
2     identification.)

3           MR. RUNYAN: The Protestant Episcopal Church of the  
4     Parish of St. Michael's in Charleston in the State of South  
5     Carolina, also known as St. Michael's Church, calls Ann  
6     Hester Willis.

7                                   ANN HESTER WILLIS,  
8     being first duly sworn, testified as follows:

9           MR. TISDALE: Your Honor, we're going in rapid fire  
10    fashion here. It would save time if we could have just a few  
11    minutes to get our papers together for this particular  
12    examination.

13          THE COURT: All right. So, counsel, let me see you just  
14    a second.

15          (The Court and attorneys confer.)

16          THE COURT: All right. We're going to take lunch now,  
17    that just seems to make sense, and we will begin at 2:00.  
18    We'll take our lunch now. I know that Ms. Willis has been  
19    sworn in, but because her testimony has not begun, I'm not  
20    going to keep her from discussing her testimony in the event  
21    that that's requested because she certainly has not begun and  
22    wouldn't have been sworn in if we had made that decision a  
23    few moments ago.

24          So you are at liberty to discuss your testimony if you  
25    all need to for whatever reason to further prepare.

1 I will see everyone at 2:00. Have a good lunch.

2 (Luncheon recess.)

3 THE COURT: All right. Mr. Runyan.

4 MR. RUNYAN: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. RUNYAN:

6 Q. Could you tell us one more time your name for the  
7 record?

8 A. Ann Hester Willis.

9 Q. Where do you live?

10 A. In downtown Charleston.

11 Q. Do you have an occupation?

12 A. I do. My husband and I own a company that owns real  
13 estate and we manage that real estate.

14 Q. Are you an attorney?

15 A. I am.

16 Q. Are you a member in good standing of the South Carolina  
17 Bar?

18 A. I am.

19 Q. Are you active or inactive?

20 A. I'm an inactive member.

21 Q. Are you a member of a church in Charleston?

22 A. I am.

23 Q. Where are you a member?

24 A. The Protestant Episcopal Church.

25 Q. You can give us a shorthand version.



1 A. St. Michael's Church.

2 Q. How long have you been a member?

3 A. For 14 years.

4 Q. Approximately how many members does St. Michael's have?

5 A. We have about 1,460 active members. If you have total  
6 active and inactive members, it's more like 1,850.

7 Q. Have you held any positions of leadership at St.  
8 Michael's?

9 A. Yes, I have.

10 Q. Could you briefly tell us what those are?

11 A. I've been a member of the vestry, which is a three-year  
12 term; I was junior warden, which is a two-year term; and I  
13 was senior warden for two years.

14 Q. Ms. Willis, when was the first worship service in the  
15 building that is now where it is located at the corner of  
16 Meeting and Broad, I believe? When was the first worship  
17 service?

18 A. The first worship service was held on February 1st,  
19 1761.

20 Q. Is St. Michael's legislatively incorporated?

21 A. It is.

22 Q. In whom are the powers of the corporation legislatively  
23 vested?

24 A. The vestry and church wardens.

25 Q. Do they sit in a civil capacity as well?

1 A. Yes, they do.

2 Q. What is that?

3 A. They are the board of directors. And the senior warden,  
4 junior warden essentially act as chairman of the board and  
5 vice chairman of the board.

6 Q. Has St. Michael's continuously carried out its religious  
7 purposes since it was formed?

8 A. Yes, it has.

9 Q. Has St. Michael's ever been a member of the  
10 unincorporated association known as the Protestant Episcopal  
11 Church in the United States of America?

12 A. It has not.

13 Q. Did St. Michael's play any role in the formation of the  
14 Diocese of South Carolina?

15 A. It did.

16 Q. Was it a signatory to the first constitution of the  
17 diocese?

18 A. Yes, it was.

19 MR. RUNYAN: Would you put some pictures up, please?

20 Q. I've got a series of pictures I'm going to ask you  
21 about. If we can go to the second picture. What is this a  
22 picture of?

23 A. The front of St. Michael's Church.

24 Q. Next photograph. What is this?

25 A. That's the narthex of the St. Michael's Church, that's

1 looking toward the door that enters into the church.

2 Q. From the outside?

3 A. From the outside. But that is an enclosed narthex.

4 Q. Next picture. What is this picture?

5 A. That's the same narthex looking to the door that goes  
6 outside to the sidewalk.

7 Q. Okay. Next.

8 A. That's looking from the balcony down into the church  
9 toward the altar.

10 Q. Next photograph.

11 A. That's the altar at St. Michael's Church.

12 Q. What is that?

13 A. That's, again, a picture just on the ground level,  
14 ground floor level, looking toward the altar down the center  
15 aisle of St. Michael's Church.

16 Q. Next picture. What is that a picture of?

17 A. The congregation, members of the congregation.

18 Q. Next picture.

19 A. That's St. Michael's Church's clock. It's on the  
20 steeple.

21 Q. That's pretty obvious.

22 Next picture. What is that?

23 A. Those are the bells of St. Michael's Church. They're  
24 located in the steeple.

25 Q. Where did they come from?

1 A. England.

2 Q. Next picture.

3 A. That's another picture of the bells from a different  
4 viewpoint.

5 Q. Next.

6 A. Another picture of the bells from up above.

7 Q. Looking down on them?

8 A. Looking down on them.

9 Q. Next picture. What is that monument?

10 A. That is a monument or it might be a tombstone for the  
11 Reverend Frederick Dalcho, who was a rector at St. Michael's  
12 Church.

13 Q. What is he known for?

14 A. He wrote a history of the church.

15 Q. Of which church?

16 A. St. Michael's and of the diocese actually.

17 Q. Next picture. Whose grave is that?

18 A. John Rutledge.

19 Q. Next photograph. Can you tell me if Mr. Rutledge, was  
20 he a judge?

21 A. He was Chief Justice of the South Carolina -- Chief  
22 Justice of the United States Supreme Court.

23 Q. And of the South Carolina Supreme Court?

24 A. And of the South Carolina Supreme Court.

25 Q. Did he have anything to do with the United States

1 Constitution?

2 A. He was a signer of the United States Constitution.

3 Q. And is this a picture of his grave on the grounds of St.  
4 Michael's?

5 A. It is, in St. Michael's graveyard.

6 Q. Next picture. Who was Charles Cotesworth Pinckney?

7 A. He also was a signer of the US Constitution.

8 Q. Back up one, please. What is this a photograph of?

9 A. His gravestone, Charles Cotesworth Pinckney's  
10 gravestone.

11 Q. Ms. Willis, in the exhibits that we'll mark in a moment  
12 as Exhibit 17, with regard to that exhibit which contains  
13 some service marks and applications, could you tell me who  
14 signed the application for the St. Michael's service marks?

15 A. I did.

16 Q. In what capacity did you sign?

17 A. Senior warden.

18 Q. Have you ever been to the website of the defendant, the  
19 Episcopal Church in South Carolina?

20 A. Yes, I have.

21 Q. When you went to that website, could you tell us if you  
22 observed anything with respect to St. Michael's?

23 A. Yes, I did. I observed that St. Michael's Church was  
24 listed on that website and represented as a member of the  
25 Episcopal Church in South Carolina.

1 Q. Did the Episcopal Church in South Carolina have  
2 permission to put that name on the website?

3 A. No, they did not.

4 Q. And did St. Michael's notify them to that effect?

5 A. Yes, they did.

6 Q. Is that document Exhibit 26 in the packet that you have?

7 A. It is.

8 MR. RUNYAN: Your Honor, at this time I'd move into  
9 admission the documents that are subject to the stipulation  
10 of counsel. It would be St. Michael's Exhibits SMI 1 through  
11 SMI 26, and the stipulation itself would be SMI 27.

12 MR. TISDALE: No objection, Your Honor.

13 THE COURT: Very well.

14 MS. KOSTEL: No objection.

15 THE COURT: Very well.

16 (Plaintiff's Exhibits SMI-1 through SMI-27 admitted into  
17 evidence.)

18 MR. RUNYAN: Thank you, Ms. Willis.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION BY MR. TISDALE:

21 Q. Ms. Willis, good afternoon.

22 A. Good afternoon.

23 Q. There are a number of, at least two, bishops of the  
24 Episcopal Church who either have been rector of St. Michael's  
25 or memorialized at St. Michael's, aren't there?

1 A. At least two.

2 Q. Yes. And one of them would be Bishop Albert Rhett  
3 Stuart, bishop of Georgia, no longer with us, who was a  
4 rector of St. Michael's Church back in the 1940s, wasn't he?

5 A. Say that name again.

6 Q. Albert Rhett Stuart, S-T-U-A-R-T.

7 A. Possibly. I don't know.

8 Q. Right. So that would certainly be one connection  
9 between St. Michael's and the Episcopal Church, wouldn't it,  
10 as far as the clergy goes?

11 A. I don't understand the question.

12 Q. You said that St. Michael's didn't have any connection,  
13 as I understood it, with the Episcopal Church.

14 MR. RUNYAN: I believe that misstates testimony.

15 MR. TISDALE: Well, I don't mean to misstate.

16 Q. But has St. Michael's been a constituent part of the  
17 Episcopal Church in the past?

18 A. St. Michael's has never been a member of the national  
19 Episcopal Church.

20 Q. I understand that, because the national Episcopal Church  
21 is made up of dioceses, isn't it?

22 A. That's correct.

23 Q. And St. Michael's has been a part of the Diocese of  
24 South Carolina throughout history, hasn't it?

25 A. It was obviously one of the parishes that helped form

1 the Diocese of South Carolina.

2 Q. Right. And it was one of the parishes that was involved  
3 when it became a part of the Episcopal Church in the United  
4 States, wasn't it, one of the original parishes?

5 A. It was one of the original parishes that helped the  
6 Diocese -- participated in the formation of the Diocese of  
7 South Carolina.

8 Q. Right. And there's another bishop of the Episcopal  
9 Church who's memorialized in a plaque, at least one, maybe  
10 two bishops who are memorialized in plaques in St. Michael's,  
11 aren't there?

12 A. I don't know.

13 Q. Well, you know about Bishop William Alexander Guerry?

14 A. Yes, I've heard of Bishop Guerry.

15 Q. Have you seen his plaque memorialized in St. Michael's?

16 A. I don't mean to be difficult, but I'm not really sure.  
17 We have several, we have a lot of plaques.

18 Q. So you don't know whether that's there or not?

19 A. I don't know.

20 Q. He was a bishop of the Episcopal Church, was he not?

21 A. He was.

22 Q. And he served in the Diocese of South Carolina, didn't  
23 he?

24 A. Yes, he did.

25 Q. Okay. Have you been on the standing committee of the



1 diocese?

2 A. Yes, I have.

3 Q. When did you serve?

4 A. From 2010 until 2013.

5 Q. And did you hold any offices on the standing committee?

6 A. Yes, I did.

7 Q. What were you?

8 A. The secretary.

9 Q. Did you take minutes of all the meetings?

10 A. Yes, sir.

11 Q. Now, just to clear up the issue about the connection  
12 between St. Michael's and the Episcopal Church, let me ask  
13 you this. And if you've been in the courtroom, you've heard  
14 these questions before of other witnesses. Does St.  
15 Michael's send delegates to the annual and other conventions  
16 of the Diocese of South Carolina?

17 A. It elects delegates, yes, and sends them to the Diocese  
18 of South Carolina's conventions.

19 Q. Have you served in that capacity?

20 A. Yes, I have.

21 Q. How many times, if you can remember?

22 A. I believe it could be three, but I believe it's two or  
23 three times.

24 Q. Several times anyway?

25 A. More than once.

1 Q. More than one?

2 A. Yes.

3 Q. And so it is true that the convention of the Diocese of  
4 South Carolina elects deputies, they're called, to  
5 participate in the general convention of the Episcopal  
6 Church, doesn't it?

7 A. It has, yes.

8 Q. And throughout history it has, as far as you know,  
9 hasn't it?

10 A. As far as I know.

11 Q. Yes. And the general convention of the Episcopal Church  
12 meets every three years, doesn't it?

13 A. That's what I understand.

14 Q. In fact, Mr. Wade Logan, who testified in this case last  
15 week, has served on more than one occasion as a deputy to the  
16 general convention of the Episcopal Church, hasn't he?

17 A. Yes, he has.

18 Q. Do you know anyone else from St. Michael's who served in  
19 that capacity?

20 A. I don't know of anyone else.

21 Q. Now, this might be a difficult question, but perhaps you  
22 could help me about this: Is St. Michael's Church the  
23 beneficiary of any trusts that have been left to benefit it  
24 by various people and perhaps institutions?

25 A. There is a trust and the beneficiary of that trust is

1 St. Michael's Church.

2 Q. What is the name of that trust?

3 A. Declaration of trust of St. Michael's Church, I think.

4 Q. Well, who set up or organized that trust for St.

5 Michael's?

6 A. The vestry of St. Michael's Church.

7 Q. All right. How long ago was that done?

8 A. It was either in -- I believe it was in 2011. It could

9 have been 2012.

10 Q. Do you know roughly what the value of that trust corpus

11 is right now?

12 A. I do.

13 Q. What is it?

14 A. It's roughly 900,000.

15 Q. All right. But aside from that, are there any outside

16 individuals, I mean other than the parish itself, who has

17 bestowed trust benefits on the parish?

18 A. None that I know of that exist today.

19 Q. Has there been some in the past?

20 A. None that I know of.

21 Q. Do you recall whether or not St. Michael's Church was

22 the recipient of a quitclaim deed?

23 A. Yes, I do.

24 Q. When did that happen?

25 A. I believe the quitclaim deeds are part of the

1 stipulation, so the documents themselves are in evidence and  
2 they're the best evidence, but I believe they were dated July  
3 of 2011 and November of 2011.

4 Q. I'm not holding you to the date, I was just trying to  
5 establish that it did happen.

6 A. Yes, sir.

7 Q. And I wanted to ask you, what did St. Michael's -- what  
8 was conveyed to St. Michael's by those deeds or that deed?

9 A. Well, a quitclaim deed simply conveys/says if we have  
10 any interest, we're saying we don't -- we're not claiming any  
11 interest to the property.

12 Q. Well, did the person or institution who signed that deed  
13 have any claim against St. Michael's to your knowledge?

14 A. Not to my knowledge.

15 Q. Well, what otherwise did it convey, if anything?

16 A. The purpose of a quitclaim deed is to say -- to  
17 establish on the record that there -- that there is no  
18 interest in the property that the party granting the  
19 quitclaim deed has.

20 Q. Did St. Michael's request that deed?

21 A. I don't believe so.

22 Q. Just came in the mail one day gratuitously, as far as  
23 you know?

24 A. I think we were informed that it was coming, but we did  
25 not ask for it.

1 Q. Now, Ms. Willis, up until, say -- perhaps it was before,  
2 but for purposes of my question up until -- Bishop Lawrence  
3 departed the Episcopal Church, St. Michael's through the  
4 years, was it governed and did it adhere to the constitution  
5 and canons of the Diocese of South Carolina?

6 A. We in our -- in the time period I have been familiar  
7 with the governance of St. Michael's, we did not refer to the  
8 canons and constitution of either the diocese or the national  
9 church.

10 Q. And why was that?

11 A. We had our own bylaws.

12 Q. But was not the parish a member of the Diocese of South  
13 Carolina?

14 A. It was.

15 Q. And do you acknowledge that as a member of the Diocese  
16 of South Carolina one would be required to adhere to the  
17 constitution and canons of the church?

18 A. I didn't know that's a requirement and I don't know  
19 that.

20 Q. Well, instead of using "adhere," did you follow the  
21 canons and constitution of the church as it put requirements  
22 upon the parish to be a member of the diocese?

23 A. We may have, but I don't think we did so purposefully.

24 Q. May have, though?

25 A. We may have.

1 Q. Okay. You certainly did not purposefully not -- you  
2 didn't purposefully ignore them, did you?

3 A. We just -- we didn't adhere to -- we didn't specifically  
4 adhere to them or ignore them, we just operated under our own  
5 bylaws.

6 Q. Either one?

7 A. Either one.

8 Q. Right. And would the same be true of the canons and  
9 constitution of the Episcopal Church during that same period  
10 of time?

11 A. I don't know that anyone in leadership at St. Michael's  
12 even has read the canons and constitution of the national  
13 church.

14 Q. Right. Well, you said Mr. Logan had been a deputy to  
15 general conventions.

16 A. Yes.

17 Q. He might have some familiarity with the governance?

18 A. He hasn't served on the vestry or been a warden for  
19 quite some time. He has in the past, but it has been a long  
20 time ago.

21 Q. Now, I wanted to ask you just a couple questions about  
22 your service on the standing committee of the diocese during  
23 the time that you were secretary. In reviewing those minutes  
24 it seems that -- well, first of all, at the standing  
25 committee meetings, did anybody attend those meetings other

1 than members of the committee and perhaps Bishop Lawrence?

2 A. Yes.

3 Q. For example, who attended?

4 A. Wade Logan and Alan Runyan.

5 Q. And Mr. Runyan being an attorney for the diocese; right?

6 A. That's correct.

7 Q. Mr. Logan being the chancellor?

8 A. That's correct.

9 Q. When you all had what, according to the minutes, were  
10 frequent executive sessions, was there ever anybody else  
11 there who had to leave the meeting during those executive  
12 sessions?

13 A. No one else was there that wasn't a member of the  
14 standing committee to my --

15 Q. And so why would it be necessary to go into an executive  
16 session if there wasn't anybody else there except those who  
17 were supposed to be there for the business of the committee?

18 A. We chose to go into executive session.

19 Q. For what reasons?

20 A. I can't remember. But we did that when we felt like it  
21 was something I guess partially, some of the time, we were  
22 getting advice of counsel, but may have been some other -- I  
23 mean, I think even if it was a personnel matter or some -- I  
24 don't know, but...

25 Q. I guess my question to you as a parliamentary matter is

1 if nobody else was present to hear what was being talked  
2 about, why was the executive session necessary?

3 A. I don't know.

4 Q. Don't know. Did you or someone else keep minutes of  
5 those executive sessions?

6 A. I did not.

7 Q. Did anyone?

8 A. No.

9 Q. And why was that?

10 A. I had understood that you don't need to take minutes  
11 during the executive session.

12 Q. So as far as you know then, there's no written record  
13 anywhere of what discussions the standing committee undertook  
14 in the frequent executive sessions?

15 A. That's correct.

16 Q. Was there any reason why it shouldn't be known to  
17 members of the church?

18 A. Well, there were -- I don't know. It depends upon the  
19 reasons why we went into executive session.

20 Q. Okay. Typically what were some of the reasons that  
21 you'd go into executive session. You mentioned employment  
22 matters.

23 A. Well, I mean, if there was some issue that was  
24 confidential with regard to a particular person. But I do  
25 clearly remember that we would go into executive sessions



1 when we were getting advice from counsel.

2 Q. Advice from counsel, legal advice?

3 A. Legal advice.

4 Q. And I don't, of course, want to ask anything about what  
5 kind of legal advice you were getting from your lawyer, but  
6 what sort of -- well, I won't get into that. I think that  
7 might be close to inappropriate.

8 MR. TISDALE: Excuse me just one minute. Let me check  
9 with my colleagues.

10 THE COURT: Certainly.

11 Q. I asked you about trusts and so forth. Does St.  
12 Michael's have any signs anywhere on the property that say  
13 it's an Episcopal Church or using the word "Episcopal"?

14 A. Not that I'm aware of.

15 Q. Throughout the years, as far as you know, has the parish  
16 contributed to the pension or toward the pension of the  
17 clergy staff to the Church Pension Fund of the Episcopal  
18 Church?

19 A. Our clergy have been participants in the Church Pension  
20 Fund.

21 Q. And the parish contributes, makes contributions, to  
22 that?

23 A. The parish did contribute as a benefit to the clergy.

24 Q. At I think perhaps 19 percent of the salaries?

25 A. I don't remember the percentage. It seemed -- I vaguely

1 remember it was something like 18 percent, but I'm not sure  
2 if I'm remembering that clearly.

3 Q. If I'm saying 19, we're pretty close. But a percentage  
4 of the income?

5 A. Yes.

6 Q. And that's a Church Pension Fund sponsored by the  
7 Episcopal Church, is it not?

8 A. I don't know its -- I don't know whether it's correctly  
9 stated that it's sponsored by the Episcopal Church. I  
10 believe it has some relationship to the Episcopal Church.

11 Q. Connected to it in some way?

12 A. Yes.

13 Q. So all parishes of the Episcopal Church supposedly use  
14 that Pension Fund if they are part of the Episcopal Church,  
15 isn't that correct?

16 A. I don't know. But I don't believe you can participate  
17 in that Pension Fund unless you are a member or you're a  
18 member of a diocese that's part of the Episcopal Church.

19 Q. Exactly. And did St. Michael's then, not since,  
20 recently, but did St. Michael's use the insurance company,  
21 the Church Insurance Company, the Episcopal Church Insurance  
22 Company, for its insurance?

23 A. We purchased our insurance, property insurance, from the  
24 Church Pension Fund.

25 Q. And liability insurances --

1 A. Yes.

2 Q. -- things like that? Okay. When you were a member of  
3 the standing committee of the diocese and served as  
4 secretary, did you review and study and become familiar with  
5 the constitution and canons of the Diocese of South Carolina  
6 of which your committee was a part?

7 A. At a retreat I was given copies of the constitution and  
8 canons, but I can't say that I studied them.

9 Q. Was that a retreat of the standing committee?

10 A. It was.

11 Q. And were all the members given copies of the  
12 constitution and canons of the church?

13 A. At one of our retreats I believe we were given -- Wade  
14 Logan as chancellor was there and gave us just a description  
15 of what our duties and responsibilities were as the standing  
16 committee.

17 Q. Under the constitution and canons, including other  
18 things?

19 A. Under the constitution and canons of the Diocese of  
20 South Carolina.

21 Q. Exactly. Now, Ms. Willis, were you involved in the  
22 process of St. Michael's changing its bylaws and corporate  
23 charter in recent years?

24 A. We did not change our corporate charter.

25 Q. Okay.

1 A. We changed our bylaws. I was in in recent years and I  
2 was involved in that.

3 Q. Was that for the purpose primarily of removing any  
4 mention in them of the relationship with the Episcopal  
5 Church?

6 A. That wasn't its primary purpose.

7 Q. What was the primary purpose?

8 A. In 2010 we -- I became junior warden and I had been  
9 aware that our bylaws were outdated and needed lots of  
10 changes to bring them up to date, so I initiated the process  
11 of discussing changing our bylaws for that reason.

12 Q. Right. Did the work end up including taking out any  
13 reference to the Episcopal Church in there?

14 A. It included taking out two references that were in the  
15 1989 bylaws.

16 Q. Regarding the Episcopal Church and the parish's  
17 relationship to it?

18 A. Well, they -- it stated in I think it was the first  
19 paragraph of the bylaws, it stated that Episcopal could be  
20 added to our name for purposes of saying that we were a  
21 member of the national church.

22 Q. Yes.

23 A. And that was incorrect.

24 Q. Right.

25 A. So that needed to be changed and removed. And then

1 there was a second paragraph that said that we acknowledged  
2 the authority of the diocese and the national church. And I  
3 didn't know what that really meant so it was -- I thought we  
4 should take it out.

5 Q. When were the bylaws amended in the way that you just  
6 described?

7 A. They were considered at one meeting of the vestry and  
8 then voted on at the second meeting of the vestry that was  
9 held on March 25th, 2010.

10 Q. 2010, so that was about four years ago, a little more  
11 than four years ago; right?

12 A. That's correct.

13 Q. Now, do you know anything about the changes to the  
14 corporate charter of the Diocese of South Carolina to change  
15 the 1973 charter to something else?

16 A. I don't know anything about that.

17 Q. Don't know anything about amending the 1973 charter?

18 A. No, I do not.

19 Q. And I don't know whether I asked you this question or  
20 not, I asked you about trusts, but does the parish from time  
21 to time receive what we would say significant gifts from  
22 individuals, both living gifts and a person's will?

23 A. Yes.

24 Q. And has the parish recently received a gift of a million  
25 dollars or more from the estate of Mary B. Wilson?

1 A. No.

2 Q. Do you know anything about Ms. Wilson's death and what  
3 she might have done with regard to St. Michael's?

4 A. Yes, I do.

5 Q. What did she do?

6 A. She left a bequest to St. Michael's Church.

7 Q. What was the value of that bequest?

8 A. My memory is it was, I want to say, 50,000.

9 Q. 50,000?

10 A. (Witness nods.)

11 Q. And was that last year?

12 A. Yes, sir.

13 MR. TISDALE: Thank you very much. I think Ms. Kostel  
14 might have some questions, Your Honor.

15 Thank you. Thank you, Ms. Willis.

16 THE WITNESS: Thank you.

17 THE COURT: All right.

18 CROSS-EXAMINATION BY MS. KOSTEL:

19 Q. Good afternoon, Ms. Willis.

20 A. Good afternoon.

21 Q. Just a couple of follow-up questions. I'm showing on  
22 the screen -- I think you spoke about the 1989 bylaws;  
23 correct?

24 A. That's correct.

25 Q. Let's look at those. These will be marked, I believe,

1 as Defendant's Exhibit for identification No. 10.

2 (Defendant's Exhibit 10 marked for identification.)

3 Q. Read for us -- I think you referred to this, but read for  
4 us Article 1, Section 1.1, of what the 1989 bylaws of St.  
5 Michael's said.

6 A. Name, and that's underlined. The name of the church  
7 shall be St. Michael's Church, parentheses, St. Michael's,  
8 the church, or the parish. The designation Episcopal may be  
9 used as part of the official name on printed material or as  
10 otherwise needed for clarifying that St. Michael's is a  
11 member of the Protestant Episcopal Church in the United  
12 States (as read).

13 Q. Thank you. Now, you've testified that St. Michael's in  
14 fact never has been a member of the Episcopal Church; is that  
15 right?

16 A. That's correct.

17 Q. Now, were you involved in the adoption of 1989 bylaws?

18 A. I was not.

19 Q. Okay. So when you say that this was incorrect, you  
20 don't know what was in the minds of the persons that adopted  
21 this provision, do you?

22 A. No. I know the person that was involved in preparing  
23 these amended bylaws and so I can sort of guess, but...

24 Q. Well, we're not asking you to guess. We're asking what  
25 you know. And you were not involved in the adoption of these

1 bylaws, were you?

2 A. I was not.

3 Q. So all you know is what you know today, what you believe  
4 about the membership of the parish?

5 A. That's correct.

6 MS. KOSTEL: Thank you. Nothing further.

7 THE COURT: All right. Redirect?

8 MR. RUNYAN: No, Your Honor.

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

10 Call your next witness, please.

11 MR. RUNYAN: I do have one request to admit to read at  
12 this time, to publish.

13 THE COURT: All right.

14 MR. RUNYAN: This is a request for admissions from St.  
15 Michael's and others to the Episcopal Church dated October 8,  
16 2013. It's Request for Admissions No. 2: Parish churches  
17 are not members of the Episcopal Church.

18 Answer: Admitted.

19 MR. MCKENZIE: Your Honor, Stephen McKenzie here for St.  
20 Matthias Church, Summerton. We call David Thurlow to the  
21 stand.

22 DAVID WILLIAM TACKABERRY THURLOW,  
23 being first duly sworn, testified as follows:

24 THE COURT: All right. If you'd please state your name  
25 again for our record and spell your last name.



1 THE WITNESS: David William Tackaberry Thurlow.

2 Tackaberry is T-A-C-K-A-B-E-R-R-Y, Thurlow, T-H-U-R-L-O-W.

3 THE COURT: Your witness.

4 MR. MCKENZIE: Thank you, Your Honor. Your Honor, a bit  
5 of housekeeping before we get started. Our stipulations have  
6 not been marked as an exhibit. I want to just move to have  
7 those marked. I think we're marking ours as STM, and it  
8 would be STM 16, the stipulation page on the front page.

9 THE COURT: All right. Are there any other exhibits?  
10 How about 1 through 15?

11 (Plaintiff's Exhibits STM-1 through STM-16 marked for  
12 identification.)

13 MR. MCKENZIE: Yes, 1 through 15 are also contained in  
14 our packet.

15 THE COURT: All right.

16 And is there any objection?

17 MR. TISDALE: No objection, Your Honor.

18 MS. KOSTEL: No objection.

19 THE COURT: Very well. Exhibits 1 through 16 are in  
20 evidence without objection, STM 1 through 16.

21 MR. MCKENZIE: Thank you, Your Honor.

22 THE COURT: All right.

23 (Plaintiff's Exhibits STM-1 through STM-16 admitted into  
24 evidence.)

25 DIRECT EXAMINATION BY MR. MCKENZIE:

1 Q. Your name is David Thurlow?

2 A. Yes, sir.

3 Q. And, Mr. Thurlow, tell us where you work.

4 A. I am the rector of St. Matthias in Summerton, South  
5 Carolina.

6 Q. How long have you been there?

7 A. Since October 1st, 2001.

8 Q. And tell us where you -- you were ordained obviously.  
9 And where were you ordained at?

10 A. I was ordained in Ottawa, Ontario, Canada as a deacon  
11 and ordained as a priest at the Cathedral Church of St. Alban  
12 the Martyr in Prince Albert, Saskatchewan.

13 Q. And you said you came to St. Matthias when?

14 A. I moved to South Carolina in September of 2001 and took  
15 pastoral duties on October 1st of 2001.

16 Q. And prior to -- when you moved to St. Matthias of  
17 Summerton, it is a small church, is it not?

18 A. Yes, sir. About 78, 80 people on the parish registry  
19 and about 42 on Sunday attendance.

20 Q. When you first came to St. Matthias, it was not a  
21 parish; is that correct?

22 A. That is correct. St. Matthias was a mission in union  
23 with the convention of the Diocese of South Carolina until  
24 March of 2005, when it applied for and was granted by  
25 unanimous vote to be admitted as a parish.

1 Q. Tell us what your duties are at St. Matthias other than  
2 the obvious.

3 A. Well, preaching and teaching and, as a small church,  
4 photocopying 500 pages of exhibits for court cases. It's a  
5 little bit of everything. If a light bulb goes out in the  
6 church on a Sunday morning, I'll take care of that. And  
7 really it's a small town, do what it takes to get the job  
8 done.

9 Q. Are you familiar with other churches in the area?

10 A. Yes, sir, I am.

11 Q. Are you familiar with other churches in the area that  
12 use the word "Episcopal" in their name?

13 A. There's approximately 50 in our county, in the area,  
14 that use the word "Episcopal" in the name as well.

15 Q. And that would be churches that are not affiliated with  
16 yourself?

17 A. That's correct, yes, sir.

18 Q. Are you familiar -- as you said, you copied most of  
19 these exhibits. I think you copied all the exhibits; is that  
20 correct?

21 A. Pretty much, yes, sir.

22 Q. And all the discovery, you did all that also?

23 A. Yes, sir. We have a part-time administrator who helped.

24 Q. So you're very familiar with the stipulation of facts  
25 and the -- Exhibits 1 through 15 and stipulation of facts,

1 which are 16; right?

2 A. Yes, sir, I am.

3 Q. I think recently there was a parish hall that was built;  
4 is that correct?

5 A. That is correct.

6 Q. Okay. And can you tell us when that was completed?

7 A. It was completed in 2011. We had approximately 3,800  
8 square feet of space and we added and renovated, so we're  
9 about 10,000 square feet of space now.

10 Q. Is there a debt owed on that parish hall?

11 A. Currently just under \$400,000, I believe, 390-some  
12 thousand dollars yes, sir.

13 Q. Who helps pay for that debt?

14 A. Entirely the members of the congregation are paying the  
15 debt.

16 Q. When you go to and you decide to build a fellowship hall  
17 or parish hall, as you did, what do you do in regards to  
18 borrowing that money? Do you have to call a meeting?

19 A. Yes, sir. The vestry, its board of directors was able  
20 to go to the local bank and secure a loan, a construction  
21 loan, which enabled us to undertake the project.

22 Q. Okay. And whenever you do something like that in this  
23 situation with the parish hall, did you at some point in time  
24 have a called meeting of the -- or an annual meeting, at your  
25 annual meeting to decide whether or not to borrow the money?

1 A. Yes, sir, we did.

2 Q. And so is that how you operate normally?

3 A. Yes, sir.

4 Q. And so whenever you need to do something as far as a  
5 corporate body, you have a meeting, an annual meeting, and  
6 it's voted on?

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

8 Q. Give you another example of that, I believe on January  
9 13th, 2013, you had an annual meeting and there was a motion  
10 of support for Bishop Lawrence; is that correct?

11 A. That is correct, yes, sir.

12 Q. And tell us who, if there was any dissenting votes on  
13 that.

14 A. It was a unanimous motion of support for the bishop of  
15 South Carolina, Mark Lawrence, and a motion of affiliation  
16 with the diocese under his leadership.

17 Q. And, again, you have to notice that all the notice  
18 provisions were done in regards to that?

19 A. That is correct, duly noticed.

20 Q. And any amendments to your bylaws. And you amended your  
21 bylaws; is that correct?

22 A. Yes, sir, we did, we amended the bylaws at that same  
23 annual meeting.

24 Q. And was proper notice and a quorum present for the  
25 amendment and the vote on the bylaws?

1 A. Yes, sir.

2 Q. And do you recall when the bylaws that you were amending  
3 were approved?

4 A. In January of 2006.

5 Q. Okay. And how about the latest amendment to the bylaws?

6 A. January of 2013.

7 Q. Okay. And you were amending what bylaws in 2006? The  
8 1984 bylaws?

9 A. I can't recall.

10 Q. Okay. Who are the officers of the church?

11 A. The vestry is our board of directors and the officers  
12 are the rector, the junior and senior warden, treasurer and  
13 secretary.

14 Q. And so you are a member of that body?

15 A. Yes, sir; as the rector.

16 Q. Do you have a vote in that?

17 A. Yes, sir.

18 Q. Do you have any likenesses for the Episcopal Church or  
19 any of the defendants in this matter in your sanctuary?

20 A. No, sir, we do not.

21 Q. How about out front?

22 A. No, sir, we do not.

23 Q. In your annual meeting in 2013 was there a vote of  
24 affiliation with the plaintiff in this case?

25 A. Yes, sir, there was.

1 Q. And that was done, again, after due notice was given to  
2 the congregation and a quorum was present for the vote?

3 A. That is correct.

4 MR. MCKENZIE: Thank you. That's all the questions I  
5 have. Answer any questions the defendants may have.

6 THE COURT: Cross-examination.

7 MR. TISDALE: Mr. Smith, Your Honor.

8 THE COURT: All right.

9 CROSS-EXAMINATION BY MR. SMITH:

10 Q. Can you explain to me what, if any, corporate authority  
11 you have as rector of your church?

12 A. I chair the vestry meetings that are held on a monthly  
13 basis and I also chair the annual congregational meetings or  
14 any special congregational meetings that might be called.

15 Q. Are you -- you chair those meetings?

16 A. Yes, sir.

17 Q. Do you sign corporate documents on behalf of the church?

18 A. I have.

19 Q. Have your bylaws recently been amended?

20 A. Yes, sir, they have.

21 Q. In what year?

22 A. 2013.

23 Q. And what were the -- what year were the previous bylaws?

24 A. 2006.

25 Q. Can you explain to me the differences?

1 A. They're before us in the -- they've been entered into  
2 evidence and they're before us. And the differences, minor  
3 changes I think in wording the first paragraph in the 2006  
4 bylaws has a little more explanation that's simply been  
5 abbreviated to say we were established in 1899. And there  
6 is -- I believe there's other small issues like that that  
7 were amended in 2013.

8 Q. Are there removals of references to the Episcopal Church  
9 in the United States?

10 A. I believe there is one removal in the -- from the 2006  
11 to 2013 of the Episcopal Church canons and constitutions of  
12 the general convention.

13 Q. Okay.

14 A. And that had to do with voting members in 2006 there  
15 was -- associated with voting members.

16 Q. When that amendment was made in 2013, did you review the  
17 Episcopal Church's constitution and canons in that respect?

18 A. No, sir. We had no need to do so.

19 Q. Has your church sent delegates to the diocese  
20 convention --

21 A. Yes, sir, we have.

22 Q. -- over the years?

23 And have delegates from that convention been elected to  
24 go to the general convention of the Episcopal Church?

25 A. How do you mean?



1 Q. At the diocese convention are there delegates elected to  
2 go to the convention, the general convention?

3 A. Yes, that's true.

4 Q. In any instance was a parishioner from your church  
5 elected as a delegate to serve at the general convention?

6 A. To my knowledge no parishioners of St. Matthias have  
7 attended general convention.

8 Q. In the history of the church?

9 A. To my knowledge that would be correct.

10 Q. Okay. Have you ever served in any capacity at the  
11 general convention?

12 A. Yes, sir, I have.

13 Q. And how was that?

14 A. I was elected to represent as a deputy the Diocese of  
15 South Carolina as one of the 110 autonomous dioceses that  
16 gather every three years for general convention.

17 Q. When you attended that general convention, were you --  
18 did you identify yourself in any respect as being rector of  
19 St. Matthias?

20 A. No. I believe my name tag simply stated I was a deputy  
21 for the Diocese of South Carolina.

22 Q. Is the church a beneficiary of any trust interest?

23 A. No, sir, it is not.

24 Q. Has it participated in the Church Pension Fund?

25 A. For some of its years as a mission and parish, yes, sir.

1 Q. Has it been insured by the Church Insurance Company?

2 A. It has in the past, yes, sir.

3 Q. I believe you -- we touched on the signage, but can you  
4 explain exactly what the sign looks like in front of your  
5 church?

6 A. We currently don't have a sign, actually, just the  
7 church. There's a billboard, there's a marquee sign that we  
8 can put sermon titles on and things like that out front, but  
9 there is -- oh, actually on top of that engraved in metal  
10 it's St. Matthias Episcopal Church.

11 Q. And that still stands today?

12 A. It's a cabinet that's affixed to the outside wall of the  
13 church.

14 Q. Has your church ever used "Episcopal Church Welcomes  
15 You" signs?

16 A. Yes, sir, they've been used in the past.

17 Q. And they're not used anymore?

18 A. No, sir, they are not.

19 Q. When did you stop using those?

20 A. Really I suppose we've never really used them per se,  
21 there's some that have been up and taken down. We had some  
22 that were taken down when the City of Summerton decided to do  
23 a new streetscape and they removed signs, and other signs  
24 were taken down as recently as this year.

25 Q. And why were they taken down?

1 A. They were taken down, I would say, in part to show in an  
2 outward sign that we no longer desired to be associated or  
3 affiliated with what would be known as the Protestant  
4 Episcopal Church in the United States of America.

5 Q. Thank you. Have you ever served as a standing committee  
6 member of the diocese?

7 A. Yes, sir, I have.

8 Q. What approximate timeframe was that?

9 A. I believe 2009 to 2012.

10 Q. When you were serving on the standing committee, did you  
11 vote to approve bishops in other dioceses?

12 A. Yes, that would be one of the roles of the standing  
13 committee.

14 Q. Did you vote on any other issues, any other national  
15 issues?

16 A. Could you be more specific? I don't know what you're  
17 asking.

18 Q. Did you vote on approval of ordination of clergy?

19 A. No, sir. The best of my knowledge ordination of clergy  
20 is entirely a diocese by diocese decision with no external  
21 influence from anyone beyond the diocese.

22 Q. Okay. Did you ever vote on allowing another diocese to  
23 elect a bishop?

24 A. I don't know the answer to that.

25 Q. Did you have any involvement with changes made to the

1 diocesan corporation that was chartered in 1973?

2 A. I have no knowledge of that.

3 Q. Did you have any involvement in the changing of bylaws  
4 that relate to that corporation?

5 A. If memory serves, I believe I was involved in part of  
6 that, but I can't remember for certainty.

7 Q. Can you describe, to the extent you can, what your  
8 involvement may have been?

9 A. I really can't recall. Not to be evasive, I just don't  
10 recall the details.

11 Q. Did you understand what the purposes of those changes  
12 were?

13 A. Again, I don't really remember the details.

14 Q. So you don't remember anything about those bylaws; is  
15 that your testimony?

16 A. I believe that -- can you give me the date of when the  
17 bylaw changes -- what bylaw changes you're referring to?

18 Q. I believe they start in 2010.

19 A. You believe or for certain? I'm just not sure of the  
20 date.

21 Q. I'm for certain.

22 A. Okay. 2010. Well, then I would have been privy to some  
23 of those.

24 Q. But you don't remember?

25 A. I don't remember. Again, all I could say is that the

1 standing committee acting as a board of directors is free to  
2 amend bylaws under their purview, and so amendments made  
3 would be consistent with the role and responsibility of that  
4 committee. Without a copy of the changes, I can't speak to  
5 it more definitively, I'm sorry.

6 Q. Do you remember you voted on those issues or you don't  
7 remember?

8 A. There was a period of time under which we were doing our  
9 building program and we had a building project, and my  
10 ability to attend all of those meetings was -- I was unable  
11 to make all of the meetings so I can't say for certain.

12 Q. Do you remember reviewing and studying the constitution  
13 and canons of the national church in relation to any of these  
14 amendments?

15 A. To the best of my knowledge, as an autonomous diocese  
16 that is not needed, that's not a --

17 Q. So you weren't concerned with what those constitution  
18 and canons of the national church might have said?

19 A. No, sir. The best of my knowledge, as an incorporated  
20 company, incorporated not-for-profit in the State of South  
21 Carolina, we were more concerned about State law than what  
22 someone outside the state might have directed us to do.

23 MR. SMITH: Thank you very much.

24 MS. KOSTEL: I don't have anything.

25 THE COURT: All right. Very well. Redirect?

1 MR. MCKENZIE: No redirect, Your Honor.

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

3 Call your next witness, please.

4 (Plaintiff's Exhibits PG-1 through PG-17 premarked for  
5 identification.)

6 WILLIAM DAVID STARNES,  
7 being first duly sworn, testified as follows:

8 MR. OXNER: If it please the Court.

9 THE COURT: Yes, sir.

10 MR. OXNER: Harry Oxner for Prince George Winyah, and  
11 Winyah is technically spelled with a W, W-I-N-Y-A-W.

12 THE COURT: Your witness.

13 MR. OXNER: We call Dave Starnes.

14 MR. TISDALE: How do you spell that last name, Harry?

15 MR. OXNER: S-T-A-R-N-E-S.

16 MR. TISDALE: Thank you.

17 DIRECT EXAMINATION BY MR. OXNER:

18 Q. Mr. Starnes, can you give us your full name, please?

19 A. William David Starnes.

20 Q. Where do you live?

21 A. Georgetown, South Carolina.

22 Q. How old are you?

23 A. 60.

24 Q. Can you give us a brief -- tell us your educational  
25 experience?

1 A. I graduated from The Citadel in '76.

2 Q. And are you employed?

3 A. I am.

4 Q. Where do you work?

5 A. South State Bank.

6 Q. And that's formally SCBT?

7 A. That's correct.

8 Q. And how long have you been employed with SCBT?

9 A. Seven years, thereabouts.

10 Q. Prior to that were you at First Citizens?

11 A. I was.

12 Q. Have you generally been a banker your entire career?

13 A. I have.

14 Q. Do you attend church?

15 A. I do.

16 Q. Where do you attend?

17 A. I attend the vestry and church wardens of the Episcopal  
18 Church of the parish of Prince George Winyah.

19 Q. How long have you attended Prince George Winyah?

20 A. 20-plus years.

21 Q. How many members does Prince George Winyah currently  
22 have?

23 A. I think we have about 650 on roll probably.

24 Q. If we can at this time look at some photos of Prince  
25 George, if you can describe for us very quickly as we go

1 through these what we're looking at?

2 A. The front of the church building.

3 Q. Next?

4 A. The parish hall.

5 Q. Next?

6 A. The rector doing baptism in the church building.

7 Q. That's Paul Fuener?

8 A. Paul Fuener.

9 Q. That's our current rector?

10 A. That's correct.

11 Q. This one?

12 A. A children's Christmas program.

13 Q. Next?

14 A. That's a memorial to the parishioners that have served  
15 in the wars from I believe the Revolution to the Vietnam War.

16 Q. Next?

17 A. Graveyard.

18 Q. Next?

19 A. Interior of the church building.

20 Q. It's got the old pews?

21 A. Box pews.

22 Q. Those have been there since day one?

23 A. Since the church's construction in 1755.

24 Q. Next?

25 A. That's looking back towards the front door and the choir



1 loft.

2 Q. That's your organ up there at the top?

3 A. That's correct.

4 Q. Next?

5 A. Probably maybe confirmation class with the bishop.

6 Q. Next?

7 A. That is in the garden of the rectory, some church  
8 function.

9 Q. All right.

10 A. Again, the garden of the rectory.

11 That is the parish hall.

12 And that is, we call it, the Bourne building,

13 B-O-U-R-N-E.

14 That is the dining room in the church rectory.

15 Q. That the ECW?

16 A. That's probably a gathering of ECW. No, that's probably  
17 Prime Timers.

18 Q. Prime Timers. All right. Thank you.

19 Have you held any positions of authority with Prince  
20 George Winyah?

21 A. I have.

22 Q. What positions have you held?

23 A. I've been on the vestry; I've been treasurer, first term  
24 I think was about ten years; senior warden for two terms; and  
25 I'm currently treasurer.

1 Q. So have you basically been in a position of authority  
2 for the last 15 years?

3 A. That's correct.

4 Q. Does Prince George Winyah have a board of directors?

5 A. We do.

6 Q. Does it have officers?

7 A. We do.

8 Q. Who are the board of directors?

9 A. Board of directors are the vestry.

10 Q. And what type of officers does the church have?

11 A. Senior warden, junior warden, clerk, and treasurer.

12 MR. OXNER: Your Honor, at this time I'd like to -- I  
13 think it's been agreed upon -- admit into evidence Exhibits 1  
14 through 16, madam court reporter has, and No. 17, which is  
15 the stipulations.

16 THE COURT: All right. Any objection?

17 MR. TISDALE: No objection, Your Honor.

18 MS. KOSTEL: No objection.

19 THE COURT: Very well. In evidence without objection.

20 (Plaintiff's Exhibits PG-1 through PG-17 admitted into  
21 evidence.)

22 MR. OXNER: Thank you.

23 Q. Are you familiar with the corporate documents where  
24 Prince George was founded and given its vested rights?

25 A. I am.

1 Q. What year was Prince George Winyah founded?

2 A. Well, the church established in 1721, which, of course,  
3 predates the formation of the United States, the diocese, and  
4 the national church.

5 Q. And when was it incorporated?

6 A. 1788.

7 Q. And that was done by the legislature?

8 A. Correct.

9 Q. Does the word "Episcopal" appear in your corporate  
10 documents in 1788?

11 A. It does. Of course, Episcopal merely means we have a  
12 bishop.

13 Q. Correct. And 1788 is prior to the formation of the  
14 Episcopal Church?

15 A. That's correct.

16 Q. On all the deeds that Prince George Winyah has, was the  
17 name put in there as it was given by the legislature, the  
18 Vestry and Church Wardens of the Episcopal Church of the  
19 Parish of Prince George Winyaw?

20 A. Correct, yes.

21 Q. And Winyaw being with a W?

22 A. With a W.

23 Q. Where it commonly now has an H most of the time?

24 A. That's right.

25 Q. Have the government documents ever had an abstention

1 clause, to your knowledge, in any documents that you've seen  
2 for Prince George Winyah?

3 A. No, sir.

4 Q. Does the word "the Episcopal Church" or "the Episcopal  
5 Church in South Carolina" ever appear in any corporate  
6 documents of Prince George Winyah?

7 A. It does not.

8 Q. In regards to the Episcopal Church in South Carolina,  
9 has Prince George Winyah ever sent delegates to their  
10 convention?

11 A. We have not.

12 Q. Ever attended any meetings?

13 A. We have not.

14 Q. Ever authorized the use of Prince George Winyah on its  
15 website or on any other document that they may have?

16 A. We have not.

17 Q. Has Prince George Winyah ever been a member of TECSC?

18 A. No, sir.

19 Q. Has Prince George Winyah ever had any relationship with  
20 TECSC?

21 A. No, sir.

22 Q. Does Prince George Winyah currently have any  
23 relationship with the Episcopal Church?

24 A. No, sir.

25 Q. To your knowledge has the Episcopal Church or the

1 Episcopal Church South Carolina ever helped pay for the  
2 repair of the church or its pews?

3 A. No.

4 MR. OXNER: That's all the questions I have. If you'll  
5 answer any questions defense counsel might have of you.

6 THE COURT: All right. Yes, sir, Mr. Tisdale.

7 MR. TISDALE: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. TISDALE:

9 Q. Mr. Starnes, you have served on the vestry of the  
10 parish?

11 A. Yes, sir.

12 Q. Senior warden?

13 A. Yes, sir.

14 Q. What are you presently serving as?

15 A. Treasurer.

16 Q. How long have you been treasurer?

17 A. This is my second year, my second term.

18 Q. And have you on occasion served as a delegate to the  
19 convention of the Diocese of South Carolina prior to, say,  
20 2012?

21 A. Yes, sir.

22 Q. And at those meetings, as you have heard questions to  
23 other witnesses, would it be true that you have participated  
24 in the election of deputies to the general convention of the  
25 Episcopal Church?

1 A. Yes, sir; to represent the diocese.

2 Q. And what?

3 A. To represent the diocese, yes.

4 Q. Of course, represent the diocese. And Prince George is  
5 a part of the diocese because you're at that convention; is  
6 that correct?

7 A. That's correct.

8 Q. So it kind of goes up the ladder a little bit.

9 MR. OXNER: Object to the form.

10 Q. To get to the general convention, it's a higher level  
11 than the diocesan convention, isn't it, in the order of  
12 things.

13 MR. OXNER: Same objection. Object to the form of the  
14 question. He's trying to imply some hierarchy level when  
15 testimony all has been that Prince George Winyah is a member  
16 of the Diocese of South Carolina. He's never said that it  
17 has any relationship with the Episcopal Church or the  
18 Episcopal Church in South Carolina.

19 MR. TISDALE: Right.

20 THE COURT: All right.

21 MR. TISDALE: I will not pursue that, Your Honor. I  
22 think it's been made abundantly clear in the record in  
23 previous testimony.

24 THE COURT: Okay.

25 Q. Mr. Starnes, have you served on any offices or

1 committees or positions in the Diocese of South Carolina?

2 A. No, sir.

3 Q. You have not?

4 A. Have not.

5 Q. Do you live in Georgetown, the town of Georgetown --  
6 City of Georgetown?

7 A. Have I lived there?

8 Q. Do you live there now?

9 A. I do live there, yes.

10 Q. What is your residence address?

11 A. 935 Cuttino Street.

12 Q. Has Prince George ever received grants, loans, or gifts  
13 from the Diocese of South Carolina?

14 A. No, sir.

15 Q. How about from the Episcopal Church?

16 A. No, sir.

17 Q. And may I ask, is any of the property owned by Prince  
18 George mortgaged?

19 A. Yes, sir.

20 Q. Because of a debt?

21 A. Yes, sir. The rectory is and what we call the Freeman  
22 House is.

23 Q. What is the Freeman House?

24 A. It's a youth house. It's contiguous to the church  
25 property.

1 Q. Has there ever been a mortgage on the church?

2 A. Not since the mid-'80s probably.

3 Q. What was the situation in the mid-'80s?

4 A. We renovated the church building and obtained a  
5 mortgage.

6 Q. What sort of debt was incurred for that?

7 A. I was the banker then, probably \$100,000 perhaps,  
8 something like that.

9 Q. On the occasion of the mortgage on the church and on the  
10 Freeman House and on the rectory -- and I understand there's  
11 not one on the church now?

12 A. That's correct.

13 Q. -- on each of those occasions has the standing committee  
14 of the Diocese of South Carolina been informed of those  
15 arrangements and approved such indebtedness in accordance  
16 with the constitution and canons of the Diocese?

17 A. I believe -- I know on the Freeman property and the  
18 rectory we notified the standing committee. The mortgage in  
19 the '80s, I don't believe the standing committee was  
20 notified.

21 Q. You don't know of any consent by standing committee or  
22 approval?

23 A. Yes; on the last two transactions.

24 Q. And the standing committee, of course, had to approve  
25 that or you wouldn't be able to go forward with whatever the



1 money was for; is that correct?

2 A. Yes, sir.

3 Q. All right. But what did you say that you don't think it  
4 was obtained in the --

5 A. In the mid-'80s, again, I was the banker on that  
6 transaction and I don't remember obtaining, the church  
7 obtaining, permission from the standing committee.

8 Q. You weren't representing the parish?

9 A. I was the parish's banker.

10 Q. So if the parish got approval from the standing  
11 committee, you were not informed of it?

12 A. I don't know that they were informed. We would have as  
13 a matter of -- on the banking side we would have required it  
14 if it was needed. I don't remember it being required.

15 Q. Right. But the mortgage has been satisfied now?

16 A. Correct.

17 Q. So it's neither here nor there if it wasn't approved?

18 A. Correct.

19 Q. But am I correct, Mr. Starnes, that your understanding  
20 was, as evidenced by the two that have been approved now,  
21 that when a parish mission incurs debt that burdens the  
22 property by way of a mortgage or something like that, you're  
23 supposed to get consent permission from the standing  
24 committee of the diocese? Is that correct?

25 MR. OXNER: I'm going to object to that question. He's

1 already answered that question in the fact that he said it  
2 was not required for the mortgage in 1980's.

3 MR. TISDALE: He said he didn't know.

4 MR. OXNER: No. He said it wasn't required. He was the  
5 banker, he said it wasn't required, therefore that's  
6 inconsistent with his prior testimony.

7 MR. TISDALE: Let me ask the question again.

8 Q. Did the constitution and canons of the diocese require  
9 approval when a parish mortgages a property or otherwise  
10 encumbers it?

11 A. It's my understanding that it does require that.

12 Q. Thank you. Now, is Prince George a beneficiary of any  
13 trusts that have been bestowed on it by others?

14 A. We are beneficiary of no trust.

15 Q. No trust?

16 A. No, sir.

17 Q. By any chance do you remember a deputy or delegate to  
18 the convention of the Diocese of South Carolina in 1987?

19 A. No.

20 Q. Now, Mr. Starnes, Exhibits 9 and 10 before you there, I  
21 think they're before you, are quitclaim deeds?

22 A. Yes, sir.

23 Q. I want to just ask you a couple questions about the  
24 quitclaim deeds --

25 A. All right.

1 Q. -- 9 and 10. We'll look at 9 first.

2 A. Is that PG Exhibit No. 9?

3 Q. Exactly. And then we'll talk about 10 in a minute. PG  
4 9 is a quitclaim deed to the parish, is it not?

5 A. It is.

6 Q. And who granted that deed? If you can look at the last  
7 page, it's probably the easiest place to pick it up, the  
8 second page.

9 A. Bishop Lawrence and Reverend Miller.

10 Q. Well, at the top, though, who is the grantor that they  
11 were signing on whose behalf they were signing?

12 A. The Episcopal Diocese of South Carolina.

13 Q. Now, did Prince George request this deed be granted to  
14 it?

15 A. We did not.

16 Q. How did you find out about it?

17 A. It was handed to me.

18 Q. It was what?

19 A. Handed to me.

20 Q. Who handed it to you?

21 A. I don't remember.

22 Q. Where were you when it was handed to you?

23 A. I was in the bishop's office.

24 Q. Bishop's office?

25 A. Yes.

1 Q. And was it explained to you what it was for?

2 A. It merely cleared up any question that any party might  
3 have as to who had rights to the property.

4 Q. You mean so far as the Episcopal Diocese of South  
5 Carolina was concerned?

6 A. As far as anyone was concerned.

7 Q. Anyone.

8 A. Yes, sir.

9 Q. So this deed, you were told, was if anyone anywhere had  
10 any claim to your property, this was to clear it up?

11 A. We didn't feel anyone had a claim to our property except  
12 for our parish.

13 Q. Of course not. But I was asking what was explained to  
14 you.

15 A. That was not explained to us. This was our  
16 understanding.

17 Q. That if anyone anywhere had a claim to your property,  
18 this was intended to clear it up, Exhibit 9?

19 A. That would clear any questions to the title to the  
20 property.

21 Q. As to what?

22 A. Any questions as to the true titleholder of the  
23 property.

24 Q. True titleholder to the property?

25 A. Yes, sir.

1 Q. But you all at Prince George, it never occurred to you  
2 that anybody would have a claim on the property, did it?

3 A. We felt we owned the property, yes, without any other  
4 claim.

5 Q. Exactly. Did you ask why these were being granted?

6 A. No, sir.

7 Q. Did not. You just took it and --

8 A. Yes, sir.

9 Q. -- recorded it?

10 A. It was recorded later. I don't remember when it was  
11 recorded.

12 Q. All right, sir. But subsequently at some point  
13 recorded?

14 A. Yes.

15 Q. Now, look at 10 with me for a minute. Is this another  
16 quitclaim deed?

17 A. It is.

18 Q. The first one you said was dated -- I don't know whether  
19 you said, but --

20 A. I didn't.

21 Q. -- it says January 13th, 2010, on the first one, doesn't  
22 it?

23 A. Yes, sir.

24 Q. And when is the second one, Exhibit 10, dated?

25 A. November 16th, 2011.

1 Q. So that's almost two years later, isn't it?

2 A. Almost, yes.

3 Q. Yes. And what were the circumstances that you received  
4 this deed?

5 A. I don't know. I did not receive this deed.

6 Q. You don't know anything about it?

7 A. I know it because I see the document.

8 Q. Yes. But you did not have anything to do with  
9 processing it or receiving it or anything?

10 A. No, sir.

11 Q. Well, it is a deed to the vestry and church wardens of  
12 the Episcopal Church of the parish of Prince George Winyah,  
13 isn't it?

14 A. Yes, sir.

15 Q. And it is dated, as you said, November 2011. And who is  
16 the grantor on this deed?

17 A. The Protestant Episcopal Church in the Diocese of South  
18 Carolina.

19 Q. Basically the same grantor as the one before; right?

20 A. Yes, sir.

21 Q. Same one?

22 A. Well --

23 Q. I know the name is a little different, but --

24 A. The name is different, yes.

25 Q. -- the Diocese of South Carolina?

1 A. Correct.

2 Q. And who signed this deed?

3 A. Paul Fuener.

4 Q. Now, he was rector of Prince George, wasn't he?

5 A. Yes.

6 Q. Was and is now?

7 A. Correct.

8 Q. And did you ask Father Fuener what this was about?

9 A. No.

10 Q. Did not. And it says: Protestant Episcopal Church in  
11 the Diocese of South Carolina by Paul C. Fuener as president.

12 Did you know he was president of the diocese?

13 A. He's president of the standing committee.

14 Q. President of the standing committee.

15 A. Yes, sir.

16 Q. Okay. And did the standing committee have any kind of  
17 claim against your property as far as you knew?

18 A. No, sir.

19 Q. Did anybody in the parish ask anybody to give any  
20 explanation as to why you all were getting these deeds  
21 apparently conveying the same thing, which was nothing?

22 A. Not to my knowledge, no.

23 Q. Has Prince George used the pension facilities of the  
24 Episcopal Church Pension Fund to get pensions for its clergy  
25 staff?

1 A. From time to time.

2 Q. Right. And do you also use the Church Insurance  
3 Corporation, Episcopal Church Insurance Corporation, to get  
4 insurance for your property?

5 A. No, sir.

6 Q. You never have?

7 A. We have. We don't need to do it now.

8 Q. That's what I mean, in the past. I'm sorry.

9 A. In the past we have, yes.

10 Q. And don't do it now, though, because you're in a  
11 different situation; correct?

12 A. We found another carrier.

13 Q. Found another carrier. And when did Prince George  
14 disaffiliate from the Episcopal Church?

15 A. We never had an affiliation with the Episcopal Church.

16 Q. And we went through that thing about the general  
17 convention and all of that, and that's the sort of  
18 affiliation I was really kind of getting toward. But when's  
19 the last time you had any connection at all to the Episcopal  
20 Church?

21 A. I don't know of one.

22 Q. Ever?

23 A. Ever.

24 Q. Okay. Mr. Starnes, has Prince George in the past had  
25 signs like one we've heard a good bit about in this



1 testimony?

2 A. We have.

3 Q. "The Episcopal Church Welcomes You"?

4 A. I don't remember that sign.

5 Q. What signs have you had that would identify you as an  
6 Episcopal Church?

7 A. There was a directional sign, used to be a directional  
8 sign, on 17 north of Georgetown and it deteriorated and never  
9 was replaced.

10 Q. Are there any other signs that identify right now Prince  
11 George as an Episcopal Church?

12 MR. OXNER: Your Honor, I'm going to object to that  
13 question in the fact that he's characterized it as the  
14 Episcopal Church, when we were Episcopal prior to the  
15 Episcopal Church ever being Episcopal. So I want to make  
16 sure that we understand what he's asking.

17 MR. TISDALE: Excuse me. I said an Episcopal church,  
18 not the Episcopal Church.

19 THE WITNESS: Could you ask the question again, please.

20 Q. Do you have any signs anywhere now identifying printing  
21 George as an Episcopal church?

22 A. I believe there's a sign on the church building, it's  
23 more of a historic sign, it doesn't have the shield, it says  
24 the word "Episcopal."

25 Q. Right. What does it say?

1 A. I can't recall. I mean, I see it every Sunday but I  
2 don't recall what it says.

3 Q. See it too often?

4 A. Right.

5 Q. Any other signs?

6 A. Mr. Tisdale, I don't believe we do.

7 Q. Do you have any flags of the Episcopal Church --

8 A. No, sir.

9 Q. -- or shields exhibited anywhere?

10 A. No, sir.

11 MR. TISDALE: Thank you. Your Honor, I have nothing  
12 further.

13 Thank you, Mr. Starnes.

14 THE COURT: All right. Very well.

15 Nothing from the national church?

16 MS. KOSTEL: Nothing. Thank you.

17 THE COURT: Redirect?

18 MS. GOLDING: I just have a question of Mr. Starnes.

19 THE COURT: Sure.

20 REDIRECT EXAMINATION BY MS. GOLDING:

21 Q. Do you recall in a notice that was filed in the public  
22 records of Georgetown County in September 2000 that stated  
23 that the national church had an interest in the Prince George  
24 property?

25 A. I have a vague memory of a filing. It was by the bishop

1 at that time.

2 Q. And did you agree or do you know if your church agreed  
3 that the national church had an interest in Prince George  
4 property back in September 2000?

5 A. No. We would have not agreed to that, we'd never agree  
6 to that.

7 MS. GOLDING: Thank you. No further questions.

8 THE COURT: All right. Redirect?

9 MR. OXNER: None, Your Honor.

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

11 THE WITNESS: Thank you.

12 THE COURT: Call your next witness.

13 (Plaintiff's Exhibits SPS-1 through SPS-29 premarked for  
14 identification.)

15 ROBERT LAWRENCE ARMSTRONG,  
16 being first duly sworn, testified as follows:

17 MR. SHELBOURNE: Brandt Shelbourne, St. Paul's,  
18 Summerville.

19 THE COURT: Can you state your full name for the record  
20 again for me?

21 THE WITNESS: Robert Lawrence Armstrong.

22 THE COURT: Mr. Shelbourne, your witness.

23 MR. TISDALE: Your Honor, excuse me just a minute,  
24 please. This one apparently is out of order, at least on my  
25 list. Can you just give us a couple minutes to get the

1 paperwork straight?

2 THE COURT: Sure. We'll take our afternoon break. And  
3 maybe if you could do this for the defendants, if we're  
4 having an amended afternoon schedule, if you all could just  
5 share that with them, that would be terrific. That would be  
6 great. We'll take our 15-minute afternoon break.

7 (Recess held.)

8 MR. SHELBOURNE: Thank you, Your Honor. Brandt  
9 Shelbourne on behalf of St. Paul's, Summerville. Your Honor,  
10 we have marked as Exhibits 1 through 29, SPS 1 through 29. I  
11 believe those are admitted --

12 MR. TISDALE: Yes.

13 MR. SHELBOURNE: -- without objection?

14 THE COURT: Very well.

15 (Plaintiff's Exhibits SPS-1 through SPS-29 admitted into  
16 evidence.)

17 MR. SHELBOURNE: Your Honor, for purposes of the record,  
18 29 is the stipulations. I have a copy of the stipulations,  
19 which include actually the exhibits. There's some redundancy  
20 to that. Plus -- because we have four other exhibits which  
21 are part of 1 through 28. We have all copies and extras. We  
22 erred on the abundance of caution. I also have a copy of a  
23 zip drive that if the Court would have requested one, we have  
24 as well, which is a lot easier to store, but it's up to the  
25 Court.

1 THE COURT: Absolutely. I'll take the copies so I can  
2 follow along. It's a little easier for me.

3 MR. SHELBOURNE: So I'll hand these up. May I approach?

4 THE COURT: Yes. Thanks.

5 MR. SHELBOURNE: Your Honor, these are the stipulations  
6 with exhibits. They're all in here. And I'll be referring  
7 to the exhibits.

8 THE COURT: Thank you so much.

9 DIRECT EXAMINATION BY MR. SHELBOURNE:

10 Q. Mr. Armstrong, your name's Bob Armstrong?

11 A. My name's Robert Armstrong. Most folks call me Bob.

12 Q. You go by Bob at church?

13 A. Correct.

14 Q. Where do you go to church?

15 A. St. Paul's Summerville.

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

17 A. 13 years.

18 Q. And do you live in Summerville?

19 A. I live in North Charleston in the Archdale subdivision.

20 Q. And is that in Dorchester County?

21 A. Yes, it is.

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

23 A. I'm a manager at a defense contractor.

24 Q. And you served in the service?

25 A. Yes, sir. I was in the Navy for 12 years.

1 Q. And in St. Paul's have you had any positions of  
2 authority over those years that you've been a member?

3 A. I was elected to vestry, I served a three-year term on  
4 vestry. During that period for two years I was the senior  
5 warden.

6 Q. What is the role of the vestry at St. Paul's?

7 A. We're essentially the board of directors. We handle all  
8 the business functions and non-liturgical management for the  
9 church.

10 Q. How about the role of senior warden?

11 A. I'm essentially the chairman of the board of directors.

12 Q. And is there another kind of warden? Is there a junior  
13 warden?

14 A. There is a junior warden, yes.

15 Q. What's that role?

16 A. To act in my absence in any meetings I'm not able to  
17 attend. He is also a -- he or she is also allowed to sign  
18 documents, the junior and senior warden sign the church  
19 documents.

20 Q. And where is St. Paul's?

21 A. We're in the heart of Summerville. We're on west  
22 Carolina between Waring and Gadsden.

23 Q. Do you know in the course of your service on the vestry  
24 have you come to know any of the history of St. Paul's?

25 A. Both as a member of the vestry and as a general

1 parishioner we have a history that's available, and I  
2 familiarized myself with that before joining St. Paul's and  
3 had occasion to refer to it since then.

4 Q. And that history is marked as an exhibit. Do you have  
5 those exhibits in front of you?

6 MR. SHELBOURNE: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. I'm going to hand you what's been marked as Exhibit 1  
9 through 29. Does that history appear as Exhibit 1?

10 A. Yes, it does.

11 Q. Does that appear to be accurate, as far as you know?

12 A. This is the one that I'm familiar with, yes.

13 Q. You have no reason to doubt its authenticity?

14 A. No.

15 Q. Or its accuracy?

16 A. No.

17 Q. Do you know when St. Paul's first came into being? Can  
18 you tell the Court briefly what its history is?

19 A. St. Paul's was a parish formed out of earlier parishes.  
20 The first of those was St. Paul's Stono, which was formed in  
21 the early 1700s. The practice at the time was for folks to  
22 take their summer retreats out in what later became known as  
23 Summerville, so parishioners began to meet in Summerville  
24 throughout the 1700s. We were recognized by the legislature  
25 of South Carolina in 1855. We had actually been in existence

1 for a bit prior to that, but that's the first formal  
2 governmental recognition of the parish.

3 Q. I'm going to direct your attention to Exhibit 24. Could  
4 you tell me what that is?

5 A. This is a plaque to commemorate Reverend Gadsden who was  
6 the first rector of our church.

7 Q. Does that have some dates on there?

8 A. It has a number of dates on there. I think the date of  
9 interest might be that St. Paul Summerville was built in  
10 1829, the second St. Paul's which was -- reconstruction was  
11 in 1857.

12 Q. And are you aware whether St. Paul's has existed and  
13 continuously carried outside its religious purposes since  
14 then?

15 A. I believe that it has been uninterrupted since then.

16 Q. What, if any, other ministries or organizations use St.  
17 Paul's campus?

18 A. We host a number of ministries on our campus. Among  
19 them are the Boy Scouts of America. We have a troop that we  
20 sponsor. There's a Meals on Wheels which provides food for  
21 folks that are unable to conveniently get to it. We have a  
22 Medical Outreach Clinic. There is a Salvation Army  
23 administrative office located on our campus. We have Impact.  
24 There are several ministries we support. Alcoholics  
25 Anonymous has several sessions that meet weekly on our



1 campus.

2 Q. What, if any, other ministries -- does St. Paul  
3 contribute to other ministries financially?

4 A. We do. It's a notable point about St. Paul's, is that  
5 we're very ministry-focused. We have some international  
6 ministries, such as there's a parish in Wahoo Bay, Haiti,  
7 that we support along with other churches, some other  
8 denominations that support that. The LAMB Institute in  
9 Honduras, which provides an orphanage and home for children  
10 of sex workers, provides ministry to them as well as housing  
11 for them. A number of other domestic and international  
12 ministries. There's some churches in Kenya that we support,  
13 for example.

14 Q. Over the last ten years are you aware of approximately  
15 how much money St. Paul's has given away?

16 A. We have given over a million dollars to external  
17 ministries in the past ten years.

18 Q. What, if any, ownership interest does St. Paul's  
19 Summerville claim in those ministries to which its given over  
20 a million dollars?

21 A. None.

22 Q. And what, if any, of that money, that million dollars,  
23 came from the national church?

24 A. None.

25 Q. How about the Episcopal Church in the Diocese of South

1 Carolina?

2 A. None. This was all from parishioners donation.

3 Q. Does the corporation have any bylaws?

4 A. Yes, we do.

5 Q. And do you have a copy of those in front of you?

6 A. Yes, I do.

7 Q. Is that at Tab 17, Exhibit 17?

8 A. Exhibit 17 are our current bylaws.

9 Q. And when are the first bylaws that the church can find?

10 Do you know how far back they go?

11 A. I personally have seen bylaws from the -- during World  
12 War II, I believe in 1941. There may be bylaws earlier than  
13 that, but I'm personally aware of the ones from the '40s.

14 Q. And have you had a chance to review those bylaws in  
15 1941?

16 A. 1941 bylaws, yes, I have looked at them.

17 Q. What, if any, reference did they have in them to the  
18 Episcopal Church in the United States?

19 A. None that I'm aware of.

20 Q. Do you know when the first -- were they ever amended?

21 A. The bylaws have been amended a number of times, yes.

22 Q. When did the first reference to the Episcopal Church in  
23 the United States first appear to your knowledge?

24 A. I recall it was sometime in the 1990s. I don't know the  
25 exact year.

1 Q. And what, if anything, did the church do with regard to  
2 the bylaws and revising the bylaws in 2011-2012?

3 A. The vestry met to review some changes to the bylaws.

4 Q. When was that?

5 A. That was in either November or December of 2011,  
6 possibly late October of 2011.

7 Q. Would there have been minutes with that?

8 A. There would have been minutes from this, yes.

9 Q. And would that be Exhibit 16?

10 A. Yes.

11 Q. Then what happened?

12 A. So there was discussion during the vestry meeting  
13 regarding proposed changes to the bylaws. We reviewed the  
14 process by which the bylaws are amended, determined that we  
15 needed to notify the parish.

16 Q. Let me ask you about the vestry meeting. Was there a  
17 vote by the vestry?

18 A. There was a vote by the vestry, yes.

19 Q. What was the vote?

20 A. The vote was to adopt some changes to the bylaws.

21 Q. And how many members of the vestry?

22 A. I believe that it was a unanimous vote. There may have  
23 been one abstention. I would have to refer to the minutes in  
24 more detail.

25 Q. But the minutes would say what it says, what happened?

1 A. Yes.

2 Q. Was there a vote by the members of the church?

3 A. There was a vote held during an annual meeting in  
4 January.

5 Q. Do you remember when that was?

6 A. Towards the end of January.

7 Q. If I gave you the date of January 29th, 2012, would that  
8 sound accurate?

9 A. That sounds accurate.

10 Q. Do you know if notice was given?

11 A. Notice was given by a variety of communication channels:  
12 Electronic, oral. Notice was given from the pulpit during a  
13 service, email communications. There may have been a letter  
14 sent to parishioners; I'm not certain of that.

15 Q. Did that notice include the proposal to amend the  
16 bylaws?

17 A. Yes, it did.

18 Q. Are those marked as exhibits in this case?

19 A. They may be marked as exhibits. I'd have to see which  
20 ones they were.

21 Q. If you look at Exhibit 18, does that look like it?

22 A. Yes. That looks like the electronic communication that  
23 would have provided one of the means to provide notice of  
24 this.

25 Q. And how many members, active members, voting members,

1 are at St. Paul's approximately?

2 A. Approximately 650 communicants in good standing would  
3 have been eligible to vote on this issue.

4 Q. Do you know whether there was a quorum present?

5 A. There was a quorum present, there was a count taken, it  
6 was certified.

7 Q. What's a quorum required of the membership?

8 A. 10 percent of the communicants in good standing.

9 Q. So it was required to have 65?

10 A. About 65, yes.

11 Q. And were there more than 65?

12 A. I believe there were in excess of 200 present.

13 Q. How was that determined?

14 A. The members would self-certify on a sign-in roster.  
15 That roster was then checked against the church records to  
16 determine if they were communicants in good standing.

17 Q. And was there a determination as to whether those people  
18 who signed in were members in good standing?

19 A. There was, yes.

20 Q. What, if any, certification was done?

21 A. Our parliamentarian would have certified them.

22 Q. And who was that?

23 A. John Frampton.

24 Q. He's a lawyer?

25 A. I'm not certain if he's a lawyer or not. I don't know

1 what his profession is.

2 Q. But he was the parliamentarian?

3 A. He was the parliamentarian.

4 Q. What, if any, objection was raised by any member there  
5 or any member who wasn't there as to whether or not there was  
6 a quorum present?

7 A. I'm not aware of any questions regarding a quorum either  
8 at the time or subsequently.

9 Q. Was there a vote?

10 A. There was a vote, yes.

11 Q. And what was the vote?

12 A. The vote was to adopt the proposed changes to the  
13 bylaws. It was a voice vote and it was overwhelmingly in  
14 favor.

15 Q. And what did those bylaws -- how did they change?

16 A. There were two sections of the bylaws that were revised,  
17 one was in the introductory section.

18 Q. Is that Article 2?

19 A. Let me refer to the bylaws. Article 2, "Purpose and  
20 Vision," there was a revision there.

21 Q. What did that do? What was added or amended?

22 A. The text previously said that St. Paul's would follow  
23 the doctrine, discipline, and practices of both -- of three  
24 bodies, the Anglican communion, the Episcopal Church, and the  
25 Diocese of South Carolina.

1 Q. All right.

2 A. And the revision was to remove the national church from  
3 that. Given differences in doctrine, discipline, and  
4 practices, we could no longer conform with both sets of those  
5 practices. We could not conform with the diocese and with  
6 the national, as they were not the same.

7 Q. Okay. What else was amended?

8 A. Article 7 regarding the rector, there was language --  
9 there had previously been language indicating that the  
10 pastoral relationship would be in accordance with the  
11 diocesan and with the national candidates. And, again, those  
12 were no longer in conformance with each other and reference  
13 to the national canons were removed.

14 Q. And that vote, was it a voice vote or how was the vote  
15 taken?

16 A. It was a voice vote.

17 Q. And how clear was it as to whether it passed or not  
18 passed?

19 A. I would say it was overwhelmingly clear. There were  
20 some objections, but they were a small minority of those  
21 present.

22 Q. Did anybody raise an issue as to whether -- or a  
23 question as to whether the vote was properly taken?

24 A. I was not aware of any questions regarding the  
25 legitimacy of the vote.

1 Q. Did the vestry also pass some resolutions?

2 A. The vestry has passed a number of resolutions over the  
3 years.

4 Q. Are they marked as exhibits into the binder you have in  
5 front of you to the best of your knowledge?

6 A. Yes, to the best of my knowledge, they are contained  
7 within these exhibits.

8 Q. Does St. Paul's Summerville have any ongoing  
9 relationship with the national church?

10 A. No.

11 Q. Does it have any relationship with the Episcopal Church  
12 in South Carolina?

13 A. No.

14 Q. What, if any, permission has St. Paul's Summerville  
15 given the Episcopal Church in South Carolina to use its name?

16 A. None.

17 MR. SHELBOURNE: I have no further questions, Your  
18 Honor, at this time.

19 THE COURT: Cross-examination.

20 MR. TISDALE: Mr. Smith's going to handle this one, Your  
21 Honor.

22 THE COURT: All right.

23 CROSS-EXAMINATION BY MR. SMITH:

24 Q. The recent amendments you were just discussing to the  
25 bylaws, did you review the Episcopal Church's, the national



1 church's constitution and canons when you made those  
2 amendments?

3 A. I did not personally review them. I was acting on  
4 advice of counsel regarding interpretation of the canons.

5 Q. Okay. And when those amendments were made, was there  
6 any -- were there people that were opposed to -- I'm trying  
7 to phrase this in a way that won't be objected to -- were  
8 there people that were opposed to the amendments?

9 A. Yes. There were parishioners that did not vote to pass  
10 the revised bylaws.

11 Q. Do you know, can you tell me what's happened to those  
12 parishioners?

13 A. I do not know for certain who all of those objecting  
14 were so I don't know for certain what may have happened to  
15 them.

16 Q. Can you tell me a little bit more about the vote itself?  
17 Was it a vote of just the vestry or the church in general?

18 A. There were two votes held. The first was a vote of the  
19 vestry. And subsequently there was a vote of the parish as a  
20 whole through our -- through a meeting. And it was indicated  
21 at that time that the vestry had approved it, but it was  
22 being put before the parish for approval.

23 Q. So of the individuals that -- of the vote, of the  
24 minority vote of the parish as a whole, do you know what  
25 happened to those individuals? Are they still involved with

1 your church?

2 A. I do not believe so. But, again, I am not certain of  
3 every person that may have objected in the voice vote -- not  
4 objected, did not affirm at the voice vote.

5 Q. Are you aware of a new mission called the Church of the  
6 Good Shepherd?

7 A. I have heard of it. I have not attended any of its  
8 meetings or met with parishioners of that mission.

9 Q. Are you aware that many individuals that used to be  
10 members at your church now are part of this other mission?

11 MR. SHELBOURNE: Objection, Your Honor; calls for  
12 speculation. He said he doesn't know about it.

13 THE COURT: Let me hear the question again because it  
14 sounds very close to speculation. You may ask.

15 MR. SMITH: I'm asking about his personal awareness of  
16 individuals that used to be parish members at his church that  
17 now have left and have become part of a different mission  
18 known as the Good Shepherd.

19 MR. SHELBOURNE: Same objection, Your Honor.

20 THE COURT: I'll sustain it.

21 Q. Is your church the beneficiary of any trusts?

22 A. We are no longer the beneficiary of any trusts. There  
23 was one in place. It went bankrupt and was unable to have  
24 any proceeds.

25 Q. Has your church been involved with the Church Pension

1 Fund?

2 A. We did have contributions to the Church Pension Fund on  
3 behalf of the clergy. We haven't had that in the past two  
4 years.

5 Q. How about the Church Insurance Company?

6 A. We did purchase our property and casualty through the  
7 Church Insurance Company. Again, we no longer do that.

8 Q. Can you describe what the sign or signs look like at  
9 your parish?

10 A. So we have a number of signs on our parish. Some of  
11 them are a stylized logo consisting of the initials S and P  
12 with a cross in the center. Some say St. Paul's Summerville  
13 in a cursive script. There's a plaque on the church that  
14 says St. Paul's.

15 Q. Do any of these signs have the word "Episcopal" in them?

16 A. I'm not aware of any that have Episcopal in them.

17 Q. Have any of the signs been changed recently?

18 A. We changed some signage in 2006. We changed some  
19 signage when we adopted our new block initial logos. I'm not  
20 aware of any other sign changes that we've had.

21 Q. Did you ever use the sign "The Episcopal Church Welcomes  
22 You"?

23 A. I did not see that in my 13 years as a member. It may  
24 have been used prior to that. I've seen it on other parishes  
25 but not at St. Paul's.

1 MR. SMITH: That's all. Thank you.

2 THE COURT: Yes, Mr. Beers.

3 CROSS-EXAMINATION BY MR. BEERS:

4 Q. Good morning, sir. My name is David Beers and I  
5 represent the Episcopal Church.

6 A. Good day, sir.

7 Q. Refresh my recollection, what were the changes that you  
8 made in the signs in 2006?

9 A. I'm trying to think exactly what those changes consisted  
10 of. I know that we made a change in typeface. We went to  
11 sort of an oval-shaped design. I'm not aware of any precise  
12 wording changes that may have occurred.

13 Q. Were any of the changes related to the national  
14 Episcopal Church?

15 A. They may have incidentally touched on them. Again,  
16 without knowing exactly what the prior wording was, I can't  
17 say for certain that that's --

18 Q. I'm looking for more of an overall answer. It was an  
19 overall question. Did it delete reference to the Episcopal  
20 Church?

21 A. We may have. There was a movement in general across  
22 multiple denominations to remove specific denominational  
23 affiliations. It was felt that that was an impediment to  
24 bringing in new members. Many other churches at the time did  
25 similar things, Baptist churches removing Baptist from their

1 titles, things like that. So that was a -- that was a  
2 thought going on that we could become more accessible to new  
3 church members by not immediately presenting a denominational  
4 affiliation.

5 Q. Now, you testified that there was an edition of the  
6 bylaws in 1992 or at least it was --

7 A. The bylaws were in effect in 1992.

8 Q. I'm sorry?

9 A. There were bylaws in effect in 1992.

10 Q. And do you recall that they, in whatever verbiage was  
11 used, did recognize the authority of the national Episcopal  
12 Church at that time?

13 MR. SHELBOURNE: Objection, Your Honor. The bylaws  
14 speak for themselves.

15 MR. BEERS: Just asking him if he recalls in general  
16 what the nature of those bylaws were.

17 MR. SHELBOURNE: Well, that's a different question.

18 THE COURT: So you don't object to generally what are  
19 the nature of the bylaws?

20 MR. SHELBOURNE: I don't object to him asking what the  
21 nature of our bylaws are.

22 THE COURT: All right.

23 Q. What I mean to say, were there provisions in the bylaws  
24 relating to the national Episcopal Church?

25 A. National Episcopal Church --

1 MR. SHELBOURNE: I do object to that, Your Honor. They  
2 speak for themselves.

3 MR. BEERS: I need this introduction, Your Honor, to  
4 where I'm trying to get at.

5 THE COURT: If he has any knowledge, he certainly can  
6 answer that if he has knowledge. Overruled.

7 THE WITNESS: So the national church was referenced in  
8 the bylaws. I wouldn't go so far as to say that it conferred  
9 authority upon them.

10 Q. Would you go so far as to say that the Parish was  
11 charged with obeying the rules of the national church?

12 A. I would have to refer to the bylaws with a closer  
13 reading.

14 Q. Weren't there amendments in 2005?

15 A. There were changes in 2005.

16 Q. And do any of those changes relate to the national  
17 Episcopal Church?

18 A. I was not directly involved in the changes at that time.  
19 I was a simple parishioner and probably didn't pay much  
20 attention to it.

21 Q. As you sit there, could you give us a very rough idea of  
22 the value of the real estate that the parish owns, either for  
23 insurance purposes or from appraisals or from informal  
24 discussions with real estate agents, whatever -- whatever.

25 A. I'm trying it to recall the balance sheet value.

1 Q. Roughly.

2 A. A few million dollars.

3 Q. And how about personal property; I don't mean the  
4 silver, but I mean bank accounts and endowments and  
5 portfolios and so forth?

6 A. We do have some monetary assets. They're probably  
7 \$100,000 or so.

8 Q. In 2012, when the vestry met to talk about the change in  
9 the bylaws, not everyone was in favor of the move that you  
10 were making?

11 A. To my knowledge we had one abstention on vestry to the  
12 proposed changes.

13 Q. Was there anyone, do you remember, a member of the  
14 vestry who complained that what you were doing was weakening  
15 your relationship with the national Episcopal Church?

16 A. I don't recall that specific conversation.

17 Q. Do you recall anything like that?

18 A. Not along those specific lines, no.

19 Q. What does that mean?

20 A. There were a number of -- we had debate amongst the  
21 vestry as to how these changes might be perceived either by  
22 parishioners or by a larger public forum. There was concern  
23 that this might appear to be an aggressive move on our part.

24 A number of different considerations were brought up and  
25 discussed.

1 Q. Did anyone express a concern that the parish might be  
2 moving away from its historic roots in the Episcopal Church?

3 A. Given that our historical roots in the Episcopal Church  
4 went back to the 1700s, we felt that was our heritage and we  
5 certainly were not moving away from that.

6 Q. Away from your historic roots in the Episcopal Church?

7 A. Well, there are a number of Episcopal churches so the  
8 term is kind of loose. We saw and continued to see ourselves  
9 principally as a parish under the authority of a bishop and  
10 that there is a line of succession of bishops that go back  
11 prior to the founding of the United States. That's the  
12 heritage that we recognize.

13 Q. You just said a few moments ago that your historic roots  
14 go way back, but they were historic roots in the Episcopal  
15 Church, weren't they?

16 MR. SHELBOURNE: Objection. This has been asked and  
17 answered already, Your Honor.

18 MR. BEERS: Well, this is cross-examination and there's  
19 some leeway.

20 THE COURT: You can't ask him exactly the same question,  
21 but I'll allow it, it's cross-examination.

22 Q. I just want to be clear, I thought I heard you say that  
23 the church's historic roots go way back into the 18th  
24 century. You did say that, didn't you?

25 A. Yes, I did.



1 Q. Someone on the vestry did make maybe a complaint or  
2 maybe a note of sadness that what you were doing at the time  
3 seemed to be moving the parish away from its historic roots  
4 in the Episcopal Church?

5 MR. SHELBOURNE: Your Honor, objection; calls for  
6 speculation, the sadness, things like that, Your Honor.

7 MR. BEERS: No.

8 THE COURT: Sustained.

9 Q. Did anyone voice that opinion?

10 A. Not in those words.

11 Q. Do you remember what words it was?

12 A. I do not recall the specifics of any conversation like  
13 that.

14 MR. BEERS: Thank you. That's all I have.

15 THE COURT: Okay. Any redirect?

16 MR. SHELBOURNE: No, Your Honor.

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

18 Call your next witness, please.

19 (Plaintiff's Exhibits SPC-1 through SPC-10 premarked for  
20 identification.)

21 MR. SHELTON: Good afternoon. May it please the Court,  
22 Your Honor, Robert Shelton for St. Paul's of Conway.

23 JULIAN THOMAS JEFFORDS, III,

24 being first duly sworn, testified as follows:

25 THE COURT: State your name and spell your last name for

1 the record, please, sir.

2 THE WITNESS: Julian Thomas Jeffords, J-E-F-F-O-R-D-S,  
3 III.

4 THE COURT: Your witness.

5 MR. SHELTON: Good afternoon. Thank you, Your Honor.

6 DIRECT EXAMINATION BY MR. SHELTON:

7 Q. Are you also commonly known as Father Jeffords?

8 A. Yes.

9 Q. Do you mind if I call you that today?

10 A. That would be fine.

11 Q. Where do you live, Father Jeffords?

12 A. Conway, South Carolina.

13 Q. How old are you?

14 A. 47.

15 Q. Would you briefly give me a nutshell of your educational  
16 background?

17 A. Received a Bachelor degree in 1990 from the University  
18 of South Carolina in religion, a Master's degree in divinity  
19 from Duke University in '93, and an Anglican studies diploma  
20 from Virginia Theological School in '94.

21 Q. Where are you currently employed?

22 A. St. Paul's in Conway, South Carolina.

23 Q. And what is your position there?

24 A. I am the rector.

25 Q. And as the rector of St. Paul's, are you familiar with

1 the day-to-day operations of St. Paul's?

2 A. Fairly, yes.

3 Q. Okay. And the governance of St. Paul's?

4 A. Yes.

5 Q. Okay. Has St. Paul's ever been affiliated in any way  
6 with the Episcopal Church in South Carolina, the defendant  
7 Episcopal Church in South Carolina?

8 A. No.

9 Q. Has St. Paul's ever asked permission from the national  
10 Episcopal Church or the Episcopal Church in South Carolina  
11 for any of St. Paul's actions?

12 A. No.

13 Q. Are you familiar with the stipulations that we're about  
14 to enter into the record here?

15 A. I've read over them, yes.

16 Q. Are you in agreement with them?

17 A. I am in agreement, yes.

18 MR. SHELTON: Your Honor, if I may approach?

19 THE COURT: You may.

20 MR. SHELTON: These are the stipulations.

21 THE COURT: Thank you.

22 MR. SHELTON: And, Your Honor, St. Paul also has nine  
23 trial exhibits already agreed to be admitted without  
24 objection. But the tenth one, which I'm entering now, is the  
25 stipulations themselves.

1 THE COURT: Yes. Any objection?

2 MR. TISDALE: None.

3 MS. KOSTEL: No objection.

4 THE COURT: Very well. Exhibits 1 through 10 in  
5 evidence without objection.

6 (Plaintiff's Exhibits SPC-1 through SPC-10 admitted into  
7 evidence.)

8 MR. SHELTON: Father Jeffords, would you please answer  
9 any questions the defendants may have of you?

10 THE WITNESS: Certainly.

11 THE COURT: Very well. Cross-examination.

12 CROSS-EXAMINATION BY MR. TISDALE:

13 Q. Is St. Paul's, Conway an Episcopal Church?

14 A. In that we have a bishop duly elected by the convention  
15 of the Diocese of South Carolina, yes.

16 Q. Doesn't have any connection at this point with the  
17 Episcopal Church in the United States, does it?

18 A. Not with the defendants, no.

19 Q. Sir?

20 A. No, sir.

21 Q. And Father Jeffords, do you run ads in the newspaper  
22 saying that St. Paul's is an Episcopal Church?

23 A. I cannot remember having an ad in the newspaper.

24 Q. You can't?

25 A. I can't.

1 Q. Now, let me ask you this: How long have you been at St.  
2 Paul's?

3 A. 16 years.

4 Q. What clergy staff do you have there at your parish?

5 A. At this moment it's just me as the parish priest and I  
6 have got two deacons.

7 Q. What are their names?

8 A. Ann Boucher and Dawn Rider, R-I-D-E-R.

9 Q. First name?

10 A. Dawn, D-A-W-N.

11 Q. Now, have some people in Conway left St. Paul's as a  
12 result of the, whatever you want to call it, division with  
13 the Episcopal Church and formed a new church body to worship  
14 in?

15 A. Yes, they have.

16 Q. And what is the name of that new mission, if you know?

17 A. St. Ann's.

18 Q. And where does it meet?

19 A. Currently I believe it's still meeting in Lackey Chapel  
20 on Coastal Carolina University's campus.

21 Q. Is Coastal Carolina basically in Conway?

22 A. It is in Conway, yes.

23 Q. Now, did the people at St. Ann's, now at St. Ann's, when  
24 this we'll call it division, for lack of a better word,  
25 occurred ask you whether it would be possible for them to use

1 a building on the St. Paul's property to engage in worship  
2 services?

3 A. Yes, they did.

4 Q. And were they allowed to do that?

5 A. We gave them -- yes, we allowed permission for that.

6 Q. Did they do that?

7 A. They did. They worshiped there one Sunday, and then  
8 they found the Lackey Chapel available and decided that that  
9 would better meet their needs.

10 Q. All right. Does St. Paul's have any trusts that have  
11 been bestowed upon it for beneficiary purposes?

12 A. No.

13 Q. Does St. Paul's have any mortgages on any of its  
14 property?

15 A. Yes.

16 Q. And just generally describe the property. Not with the  
17 mortgages but generally. You have a church, of course?

18 A. We have a historic chapel that has had reconstruction  
19 done on it, I believe, in about '70. We have an old parish  
20 hall that is now the administrative offices. We have a newer  
21 parish hall built in the middle '80s. And then we have the  
22 church proper with an east wing that has a choir practice  
23 facility and also a nursery.

24 Q. What sort of mortgage debt does the parish have now?

25 A. Right now it's about \$822,000.

1 Q. And what property is encumbered by that mortgage?

2 A. The church building, the new church that we built, I  
3 think it was consecrated in about 2001.

4 Q. 2001. On that occasion to incur this debt of  
5 800-something thousand dollars, was it all incurred at one  
6 time or was it different loans for different purposes?

7 A. There was a construction loan originally and it was, I  
8 believe, much more than 822, maybe around 950.

9 Q. Yes.

10 A. And subsequently we have refinanced I think twice on  
11 that same loan.

12 Q. All right. And on those occasions beginning in 2001  
13 have you obtained approval of the standing committee of the  
14 Diocese of South Carolina for the purpose of incurring that  
15 debt and encumbering the property?

16 A. I hate to say this as rector, but I do not think we  
17 officially wrote a letter to the standing committee.

18 Q. And you are aware that the constitution and canons of  
19 the diocese require such approval, don't you, especially on a  
20 church building?

21 A. I know that that's the expectation. I don't think I've  
22 read it in the constitution and the canons.

23 Q. You have not?

24 A. No.

25 Q. But in any case it hadn't been conformed with even if it

1 is required?

2 A. I do not remember writing that official letter when we  
3 refinanced the church.

4 Q. Bishop Salmon was the bishop, wasn't he, in 2001 when  
5 you incurred the major part of the debt?

6 A. Yes, he was.

7 Q. He knew about it, didn't he?

8 A. He knew about the debt, he knew about our financial  
9 position, and we also met with the architectural review board  
10 of the Diocese of South Carolina.

11 Q. Okay. Now, about what size is your congregation at this  
12 point?

13 A. At this point I would say between 310 and 330 baptized  
14 members.

15 Q. What's the roughly average Sunday attendance?

16 A. At this point I would estimate that to be 190.

17 Q. 190?

18 A. Yes.

19 Q. Have you all participated -- you can probably anticipate  
20 these questions because we're asking most of the witnesses  
21 some of the same. Have you all participated in before the  
22 division, we'll call it, the Church Pension Fund for your  
23 pension and other clergy members?

24 A. Yes, we did.

25 Q. Sponsored by the Episcopal Church up until when you made



1 the change? You're not doing it now, are you?

2 A. No, we're not now.

3 Q. But you did?

4 A. We did.

5 Q. And would the same be true for insurance on your

6 property, using the Church Insurance Corporation?

7 A. We've not used the Church Insurance Corporation for at

8 least three to four years, I believe.

9 Q. Correct. So that would put it back to about 2010 or so

10 or 2011?

11 A. 2010 probably or before, yes.

12 Q. But it's your testimony before that you did?

13 A. Before that we did.

14 Q. Church Insurance Corporation was sponsored by the

15 Episcopal Church?

16 A. Yes.

17 Q. Where were you serving as a priest prior to going to St.

18 Paul's?

19 A. I spent three years as the associate to the rector at

20 St. Helena's in Beaufort.

21 Q. And was that your first responsibility as a priest?

22 A. Yes, it was.

23 Q. And you were ordained by Bishop Salmon?

24 A. I was, yes.

25 Q. When was that, as a priest?

1 A. December 3rd, 1995.

2 Q. With the same ordination a little bit before that for a  
3 deacon?

4 A. Yes; in June of that same year.

5 Q. Now, when did St. Paul's decide to sever any  
6 relationship with the Episcopal Church Diocese or national  
7 churchwise?

8 A. We never felt like we needed to decide to leave the  
9 national church so there was no juncture where we left  
10 because we were never members of it.

11 Q. You had no direct membership connection like you did  
12 with the diocese?

13 A. Correct.

14 Q. But it is true, as others have testified, would you  
15 agree, that you have attended diocesan conventions every year  
16 you've been a priest? Haven't you?

17 A. I have.

18 Q. And you've participated in elections of deputies to the  
19 general convention of the Episcopal Church, haven't you?

20 A. I have cast a vote, yes.

21 Q. And as you've already testified, you've used the pension  
22 plan of the Episcopal Church, the national church, and also  
23 the insurance facilities of the national church?

24 A. Correct.

25 Q. All right. On both my last two questions?

1 A. Yes.

2 Q. You agree with me?

3 A. I agree.

4 Q. Okay. Well, we're getting back to my question before  
5 you said you had no direct connection because you weren't a  
6 member in the sense that you described it. When did you no  
7 longer have any affiliation with the -- when did you not have  
8 any further affiliation with the Episcopal Church-sponsored  
9 diocese?

10 A. We never had an affiliation with the Episcopal  
11 defendant-sponsored diocese.

12 Q. Well, I understand that. But you know what I'm getting  
13 at.

14 A. When did we stop paying into the Pension Fund?

15 Q. There was a division we've talked about when you no  
16 longer had any connection to the Episcopal Church, indirectly  
17 or directly. I'm trying to get an answer as to when that  
18 occurred, when the division occurred or separation or  
19 whatever you want to call it?

20 A. The moment in our minds that disassociation occurred was  
21 the moment that our bishop's ministry was inhibited.

22 Q. All right. That would have been in the fall of 2012,  
23 wouldn't it?

24 A. I'm not sure on the correct timeline of that, but that's  
25 close.

1 Q. Okay. And why did you support that separation,  
2 division, or whatever we want to call it, departure?

3 A. We're constituent members of the Diocese of South  
4 Carolina, and the standing committee had a resolution that  
5 had already been passed that the moment the national church  
6 inhibited our bishop's ministry, then we would automatically  
7 be disassociated; and because of that direct resolution, we  
8 were automatically disassociated from them.

9 Q. And St. Paul's Conway agreed to that disassociation?

10 A. We did agree to that. In fact, the vestry passed a  
11 resolution in support of its continued affiliation with the  
12 Diocese of South Carolina in full support of the bishop of  
13 South Carolina.

14 Q. And can you tell me any more about why you were in  
15 agreement with that move?

16 A. I believe that that's the way the church is structured.  
17 Ecclesiologically the bishop is our primary overseer of St.  
18 Paul's and I operate as his second man in charge of the local  
19 parish.

20 Q. Okay. I just want to ask you a couple questions about  
21 Exhibit SRC 5, which is a quitclaim deed. Are you familiar  
22 with the quitclaim deed?

23 A. Yes, I am.

24 Q. And it would appear that this exhibit, SRC -- I think  
25 it's supposed to SPC, for St. Paul's, 5?

1 A. Yes, sir.

2 Q. I think mine is just blurred a little bit on the R -- I  
3 mean, on the P. Yes, it's supposed to be SPC --

4 A. Yes.

5 Q. -- 5.

6 Did you or someone else at the parish receive this deed,  
7 indeed if it was received?

8 A. Someone in the parish received this quitclaim deed. I  
9 did not receive it personally.

10 Q. All right. But you got to know about it, didn't you?

11 A. Yes. I knew it was coming and I knew from a phone call  
12 that it had been received. I think our chancellor, Rob  
13 Shelton, called me and made me aware of that. I'm not sure  
14 on the details.

15 Q. How did you know it was coming?

16 A. The first recollection I got of it was that I had heard  
17 from the standing committee that they would be disseminated  
18 and that the parishes would have an opportunity to file them  
19 if they feel so called.

20 Q. Who on the standing committee notified you with that  
21 information?

22 A. I think I was at the standing committee.

23 Q. Were you on the standing committee?

24 A. I was at the time, yes.

25 Q. Tell me generally when you served on the standing

1 committee.

2 A. 2012, '13, and I'm finishing up my stint on standing  
3 committee in '14.

4 Q. Excuse me. I wasn't paying close enough attention.

5 A. I'm in my third year of a three-year stint.

6 Q. So the first time you began was around 2011?

7 A. Yes, thereabouts, yes.

8 Q. All right. Now, were you on the standing committee at a  
9 meeting when you discovered this issuance of these quitclaim  
10 deeds?

11 A. That's, I believe, the first that I had heard that they  
12 were going to be disseminated to the parish.

13 Q. And since one of the grantors on this quitclaim deed is  
14 the standing committee of the Episcopal Diocese of South  
15 Carolina, Exhibit SP 5, you were certainly aware that you  
16 were on a committee granting this deed, weren't you? Didn't  
17 you know that?

18 A. Yes, that's what I'm saying.

19 Q. Well, why were the deeds granted? What did the standing  
20 committee decide? Why did they want to issue these deeds?

21 A. In my recollection it was to create a strengthened  
22 position of the local churches against any outside entities  
23 who may believe that they have an interest in the local  
24 church's property so that we can go on and do the ministry of  
25 the church without fear of outside encumbrance.

1 Q. Did anyone, to your knowledge, have a claim against the  
2 property except the bank?

3 A. You never know who might assume that they have a claim  
4 against your property. We wanted to be protected if someone  
5 did have that assumption.

6 Q. All right. So then you wanted to be protected then.  
7 And perhaps now somebody has a claim that you don't know  
8 about; right?

9 A. I can't speculate on that.

10 Q. Did you all at St. Paul's just get one quitclaim deed?

11 A. To my knowledge we did, yes.

12 Q. Do you know why, as a member of the standing committee,  
13 some other people got more than one?

14 A. I have no idea on that.

15 Q. Okay. Did this deed convey any property to St. Paul's?

16 MR. SHELTON: Your Honor, that calls for a legal  
17 conclusion.

18 MR. TISDALE: All right. I withdraw it.

19 Q. Did St. Paul's record this quitclaim deed?

20 A. Yes, we did.

21 Q. Father Jeffords, going in just very briefly to your  
22 position on the standing committee, I gather that you  
23 participated in votes and that sort of thing of the standing  
24 committee on various topics, did you not?

25 A. Yes, I have.

1 Q. And does the standing committee have the responsibility  
2 of either consenting or not consenting to the election of any  
3 bishop of the Episcopal Church in the United States?

4 A. That is part of the duties, yes.

5 Q. And did you participate in such votes to consent or not  
6 consent to various bishops' elections?

7 A. I cannot remember 100 percent if a bishop has had to get  
8 standing committee approval since I've been serving. To the  
9 best of my recollection, I believe I have had to sign at  
10 least one, yes.

11 Q. Okay. And, of course, I'm referring to before the fall  
12 of 2012 --

13 A. Sure.

14 Q. -- when the separation resolution occurred.

15 Were you on the committee when that separation  
16 resolution was adopted?

17 A. Yes.

18 Q. And, Father Jeffords, in fact, the standing committees  
19 of the various dioceses even have to consent or not consent  
20 when another diocese in the United States wants to elect a  
21 new bishop, isn't that correct, proposes to elect?

22 A. They give their consent approval after the election, I  
23 believe. Is that right?

24 Q. You're not familiar with having to do it beforehand?

25 A. No, I'm not.



1 MR. TISDALE: All right. Bear with me just one second.

2 THE COURT: All right.

3 Q. Does the standing committee approve the ordination of  
4 any priests in the diocese in which the committee is  
5 responsible?

6 A. Yes.

7 Q. Same for a deacon; right?

8 A. Yes.

9 Q. And I'm referring to the constitution and canons of the  
10 Episcopal Church 2012 edition to ask you these questions.  
11 Does the --

12 MR. SHELTON: Your Honor, if he's going to ask him  
13 questions about this document, I'd like him to be provided a  
14 copy.

15 MR. TISDALE: I'm not asking about the document. I just  
16 wanted him to know what I was looking at to ask the  
17 questions. I'm not asking him about the document.

18 THE COURT: Let me hear the question.

19 Q. I've forgotten what the last one was, but I can say  
20 this: Is one of the standing committee's responsibilities to  
21 act as counsel in advice to the bishop?

22 A. Yes.

23 Q. All right. Is one of the responsibilities of the  
24 standing committee to act as the ecclesiastical authority in  
25 the diocese in the absence of the bishop?

1 A. Yes.

2 Q. All right. And is it the standing committee's  
3 responsibility to approve the formation of new parishes in  
4 the diocese?

5 A. Yes.

6 Q. And is it the standing committee's responsibility to  
7 issue and agree to testimonials and certificates for bishops  
8 elect in the diocese in which you serve?

9 MR. RUNYAN: Your Honor, I'm going to object.

10 Mr. Tisdale's paraphrasing some information from the national  
11 canons inaccurately and because of that the witness is  
12 confused, or he doesn't know he's confused but I know he's  
13 confused, so I object to the mischaracterization.

14 MR. TISDALE: Your Honor, just so I don't get the burden  
15 of this, I was not paraphrasing anything. I was reading from  
16 the index from the canons of the constitution and canons of  
17 the Episcopal Church under the heading of "Standing  
18 Committees." That's all I was doing.

19 THE COURT: I'm with you.

20 MR. TISDALE: I wasn't paraphrasing. I was reading the  
21 index. I just wanted to ask him was what I read part of the  
22 responsibility of his committee, and he has said yes to my  
23 questions.

24 THE COURT: Let me tell you what my concern is. He has  
25 not responded to the last question because there was an

1 objection. If you want him to respond to the last question,  
2 you have to show him the document.

3 MR. TISDALE: I understand that.

4 THE COURT: Because when we first went down this road on  
5 behalf of his client, counsel asked for the document. And  
6 you said I'm not really using the document, but you were  
7 using the document. So he needs to be shown the document you  
8 want him to answer.

9 So don't answer unless you get the document --

10 THE WITNESS: Yes.

11 THE COURT: -- because your lawyer wants you to have it.

12 MR. TISDALE: Your Honor, thank you very much and I  
13 appreciate the concern. And I was really -- it was just like  
14 I had notes in my hand; but since you've asked about it, I  
15 will show it to him just to show my accuracy is not impaired  
16 here.

17 MR. SHELTON: Your Honor, I'd appreciate being provided  
18 a copy as well.

19 THE COURT: It's not about the accuracy; it's about the  
20 rules.

21 MR. TISDALE: Well, I don't have a copy. This is out of  
22 a book. We're going to put this in evidence pretty soon, not  
23 right now. But I just wanted to make him aware of what I was  
24 reading from if there's any question about it.

25 THE COURT: That would be great. He's delighted to have

1 it.

2 MR. SHELTON: Your Honor, can a copy be made for his  
3 counsel?

4 MR. TISDALE: We'd be glad to give you one. We just  
5 don't have one right now. This is a book. But I'd be glad  
6 to make a copy for you.

7 THE COURT: Would you like to see it before it goes to  
8 your client?

9 MR. TISDALE: Mr. Beers is bringing another copy. I  
10 don't want to belabor this. I'm really not trying to waste  
11 time on this.

12 MR. SHELTON: Mr. Tisdale, what page are you on?

13 MR. TISDALE: Page 266.

14 MS. GOLDING: Would you hand it to the witness?

15 MR. TISDALE: I'm getting ready to. I'm getting him to  
16 identify what I'm handing him first.

17 Q. Do you see what I'm handing you?

18 A. I do.

19 Q. Constitution and Canons of the Episcopal Church, 2012?

20 A. Mm-hmm.

21 Q. Do you agree?

22 A. I see that that's what that document is.

23 Q. Exactly. That's all I wanted to know. And I'm turning  
24 to Page 266. And I don't want to belabor this, but I've just  
25 read you a series of things. And would you take the book

1 from me and read this heading right here and confirm for  
2 everybody who needs to know that some of the contents of that  
3 index are what I asked you about in my previous question?

4 What is the heading?

5 A. "Standing Committees of the Dioceses."

6 Q. Okay. And just so there's no potential for my  
7 misleading you on this, do you see some of the issues that I  
8 asked you about and asked you whether or not when you were on  
9 the standing committee, these are some of the things that you  
10 all considered and were performing?

11 A. The subject headings seem to have been read according to  
12 this book.

13 MR. TISDALE: Thank you very much.

14 Thank you, Your Honor.

15 THE COURT: Yes. Thank you.

16 MR. TISDALE: I don't have any questions, but I see Mr.  
17 Beers coming around.

18 THE COURT: All right.

19 Q. Oh, yes. One other quick question: Do you all have any  
20 signs that call yourself the Episcopal Church in Conway,  
21 signs that say St. Paul's Conway Episcopal or anything like  
22 that?

23 A. No.

24 Q. You do not?

25 A. No.

1 Q. Church flags?

2 A. No.

3 Q. Shields?

4 A. No.

5 CROSS-EXAMINATION BY MR. BEERS:

6 Q. Father, I want to ask you about the procedure for giving  
7 consents to the sale or alienation of parish property. What  
8 is the procedure in the Diocese of South Carolina, at least  
9 during your tenure on the standing committee, if a parish  
10 wants to sell or alienate a portion of its property? How  
11 does it begin the process?

12 A. I can't speak to that. I know that we have to -- we've  
13 had documents and requests come through the standing  
14 committee and we, as members, have been asked to sign them.  
15 That's all I can say. I don't know what the process is.

16 Q. Who gives you the documents, Canon Lewis or the bishop's  
17 office?

18 A. Canon Lewis administrates things in the background. I  
19 don't know who draws them up.

20 Q. Do you know whether -- when they come to you, do you  
21 know whether or not the bishop has already consented?

22 A. I have no idea.

23 MR. BEERS: Okay. Thank you. That's all I have.

24 THE COURT: All right. Redirect?

25 MR. SHELTON: I just have a couple questions on one

1 matter, Your Honor.

2 REDIRECT EXAMINATION BY MR. SHELTON:

3 Q. Father Jeffords, Mr. Tisdale asked you about the  
4 parishioners who formed another church using the chapel on  
5 the St. Paul's property?

6 A. Yes.

7 Q. Has that Chapel been used for other congregations of  
8 other religions as well?

9 A. Yes. We have an African-American congregation that is  
10 using it currently. Prior to that we had a Hispanic  
11 congregation that had used it. Prior to that for four years  
12 we had another African-American congregation that has used it  
13 freely each time.

14 Q. And are any of those congregations related to the  
15 Episcopal Church?

16 A. Not at all.

17 Q. Or the Diocese of South Carolina?

18 A. Not at all.

19 MR. SHELTON: Thank you.

20 MR. TISDALE: No questions, Your Honor.

21 THE COURT: All right. We have more from the  
22 plaintiffs' side.

23 MS. GOLDING: I've got a question.

24 THE COURT: All right.

25 REDIRECT EXAMINATION BY MS. GOLDING:

1 Q. This book that has not been provided to the defendants  
2 as an exhibit, the canons and the constitution, constitution  
3 and canons of the national Episcopal Church, under the same  
4 page that Mr. Tisdale was referring to, "Standing Committees  
5 of the Diocese," is there any header in there that states  
6 that no diocese can ever leave the national church?

7 A. No.

8 MS. GOLDING: Thank you. No further questions.

9 MR. TISDALE: Your Honor, I don't have any questions,  
10 further questions.

11 THE COURT: Very well. Any further questions on behalf  
12 of the national church?

13 All right. Very well.

14 You may come down, sir.

15 Call your next witness, please.

16 (Plaintiff's Exhibits TC-1 through TC-15 premarked for  
17 identification.)

18 CHARLES EDWARD OWENS, III,  
19 being first duly sworn, testified as follows:

20 THE COURT: Would you state your full name for the  
21 record and spell your last name, please?

22 THE WITNESS: Charles Edward Owens, III, O-W-E-N-S.

23 THE COURT: Your witness, Mr. Platte.

24 MR. PLATTE: Thank you, Your Honor.

25 DIRECT EXAMINATION BY MR. PLATTE:



1 Q. Father Owens, how old are you?

2 A. 70.

3 Q. And how are you currently employed?

4 A. I'm the rector of the Church of the Cross in Bluffton.

5 Q. And where exactly in Bluffton is that located?

6 A. It's on Calhoun Street, at the corner of Calhoun and  
7 Water Streets.

8 Q. How long have you been at that parish?

9 A. I'm just concluding my 18th year.

10 Q. How long has Church of the Cross existed?

11 A. We're the successors to churches in that area that were  
12 first there in 1767.

13 Q. When was the current iteration of Church of the Cross  
14 incorporated?

15 A. There were two buildings before the present building was  
16 built, and that building was begun in 1854, concluded in  
17 1857.

18 Q. When was the parish incorporated?

19 A. 1979.

20 Q. And as your time as rector of the parish have you  
21 learned about the history and the corporate structure of the  
22 parish?

23 A. Yes, sir.

24 Q. As part of the exhibits there's an Exhibit TC 13, it's a  
25 set of stipulations. Are you familiar with those

1 stipulations?

2 A. Yes, sir.

3 Q. And those stipulations are representative, if you would  
4 testify today those would be, what's included in those  
5 stipulations would be included in your testimony?

6 A. That's correct.

7 MR. PLATTE: Now, there are two additional -- by  
8 agreement of counsel there was Exhibits TC 1 through 13. TC  
9 13 were the stipulations. And we recently gave counsel,  
10 defense counsel, TC 14 and TC 15. It's an order of judgment  
11 dated December 7, 1989, and a deed from November 17, 1969.  
12 And those -- we would move those into evidence unless there's  
13 an objection.

14 MR. TISDALE: No objection.

15 MS. KOSTEL: No objection.

16 THE COURT: Very well.

17 (Plaintiff's Exhibits TC-1 through TC-15 admitted into  
18 evidence.)

19 Q. Could you briefly describe all the real property Church  
20 of the Cross parish owns?

21 A. We own an L-shaped piece of property that's in two  
22 portions. The first is approximately a half a block, and  
23 that is on 9 Water Street. That would be the building that  
24 was built as a rectory. Across the street from there is the  
25 parcel of land that has the church and the parish hall and

1 mechanical building.

2 Q. And at some point the deed for a portion of that land  
3 was burned by the soldiers from the north as they came  
4 through Columbia?

5 A. That's correct. The early records of the church were  
6 all kept at the State House in Columbia for Beaufort County  
7 and our records were burned during that time.

8 Q. And that order of judgment in Exhibit TC 14, that was a  
9 quiet title action to declare that you had ownership rights  
10 in this property and there was no one else?

11 A. That's correct.

12 Q. And then the second deed, TC 15, is that other portion  
13 of property that you were talking about?

14 A. Yes, sir.

15 Q. Now, there's a couple more pieces of property included  
16 in the quitclaim deed, the Buckwalter tract and 17 Water  
17 Street. Does Church of the Cross currently own those?

18 A. No, we do not.

19 Q. Was all the notice that was given for meetings done  
20 according to the bylaws?

21 A. Yes, sir.

22 Q. And for all the meetings where bylaws or articles  
23 changed was there a quorum present?

24 A. Yes, sir.

25 Q. Did the vote pass by the required majority according to

1 the bylaws in those meetings?

2 A. Yes, sir.

3 Q. Now, there were some bylaws that were -- some changes  
4 that were suggested in a September 22nd, 2010, meeting, and  
5 they were voted on by the vestry at that point. When were  
6 those bylaws first discussed?

7 A. Late 2008, early 2009.

8 Q. Was there a meeting on September 20th, 2010, where the  
9 vestry discussed that they had gone through a process of  
10 doing some new bylaws and decided that was not what they  
11 wanted to do and scrapped them and started over?

12 A. I don't remember the vestry scrapping those, no, sir.  
13 This is in 2010?

14 Q. That's 2010, September 2010.

15 A. No. I believe that's when we had the meeting in 2010 to  
16 adopt the new bylaws.

17 Q. If I hand you a document, would that refresh your  
18 recollection?

19 A. Yes, sir, it would.

20 Q. I'm going to hand you what has been marked as TC 4. If  
21 you would take a look at No. 3.

22 A. Yes, sir.

23 Q. Does that refresh your recollection if there was a set  
24 of bylaws that were proposed on September 20th, 2010?

25 A. I thought your question was was there a set that was

1 proposed to be scrapped.

2 Q. That may have been. I may have misworded it.

3 A. Yes, this is where we proposed the new bylaws.

4 Q. And then the September 22nd, 2010, meeting was a special  
5 meeting, and at that meeting you voted on those proposals?

6 A. That's correct.

7 Q. Does Church of the Cross have a relationship, currently  
8 have a relationship, with TEC or TECSC?

9 A. No, sir.

10 Q. Does Church of the Cross send delegates to the TEC to  
11 any TECSC meetings?

12 A. No, sir.

13 Q. Is Church of the Cross parish in TECSC?

14 A. No, sir.

15 Q. Has Church of the Cross authorized TECSC to use its name  
16 or likeness?

17 A. No, sir.

18 MR. PLATTE: That's all.

19 THE COURT: Very well.

20 Cross-examination, Mr. Tisdale.

21 MR. TISDALE: Just a few questions, Your Honor.

22 THE COURT: Yes.

23 CROSS-EXAMINATION BY MR. TISDALE:

24 Q. Father Owens, did you say you had been at the Church of  
25 the Cross for 17 years?

1 A. 18, I'm just completing my 18th year.

2 Q. Where did you serve as a priest before that?

3 A. I was an assistant at the Church of the Redeemer in  
4 Orangeburg, South Carolina.

5 Q. Who were you serving under there?

6 A. Reverend Dow Sanderson.

7 Q. When did you enter the priesthood?

8 A. 1994 January.

9 Q. Before that what had your career been?

10 A. I was an independent school headmaster for 28 years.

11 Q. Was that all the time at Thomas Sumter Academy or  
12 different places?

13 A. Yes, sir, Thomas Sumter was where I headmastered.

14 Q. 28 years?

15 A. Yes, sir.

16 Q. Wow. Now, are you any longer a priest in the Episcopal  
17 Church?

18 A. No, sir. I'm a priest of the Anglican Communion.

19 Q. Sir?

20 A. I'm a priest of the Anglican Communion.

21 Q. Are you currently a priest of the Episcopal Church?

22 A. No, sir.

23 Q. Okay. What size is the parish of the Church of the  
24 Cross Bluffton?

25 A. As of the end of June we had 1,649 active members.

1 Q. And the average Sunday attendance is about what?

2 A. For June was 1,003.

3 Q. Per Sunday?

4 A. We have a Saturday afternoon service, and that's  
5 included in that as well.

6 Q. I see. What size clergy staff do you have?

7 A. I have an assistant.

8 Q. What is that person's name?

9 A. Jonathan Riddle, R-I-D-D-L-E.

10 Q. Thank you. Is the church indebted by way of any  
11 mortgage indebtedness on the property?

12 A. Yes, sir.

13 Q. What is the size of the mortgage roughly?

14 A. Approximately 3-1/2 million.

15 Q. \$3-1/2 million?

16 A. Yes, sir.

17 Q. Who holds that mortgage?

18 A. BB&T.

19 Q. When was that debt incurred, if there was one time, or  
20 has it been over a period of time?

21 A. It's been over a period of time.

22 Q. Does the church have any trust fund endowment? And by  
23 that I mean is it the beneficiary of any trusts that have  
24 been bestowed on it?

25 A. No, sir.

1 Q. Does it have an endowment?

2 A. No, sir.

3 Q. Does the parish have an endowment?

4 A. No, sir.

5 Q. Does not. Now, these are my usual questions. Prior to  
6 2012, let's say, has the parish contributed to pensions of  
7 the clergy to the Church Pension Group of the Episcopal  
8 Church?

9 A. We've offered that as an option for our clergy. Some  
10 have participated in it; some have not. I have.

11 Q. You have?

12 A. I have.

13 Q. And are you currently an active priest or retired  
14 priest?

15 A. A retired priest.

16 Q. Are you drawing right now a pension?

17 A. Yes, sir.

18 Q. From the Church Pension Fund of the Episcopal Church?

19 A. Yes, sir.

20 Q. You are?

21 A. Yes, sir.

22 Q. When did you start doing that?

23 A. Two years ago when I completed 20 years.

24 Q. Of vested --

25 A. Yes.



1 Q. -- it was more or less vested and you were the  
2 appropriate age to do that?

3 A. That's correct.

4 Q. Does the church also pay your salary?

5 A. Yes, sir.

6 Q. Is it limited in any way because you're drawing a  
7 pension?

8 A. No, sir.

9 Q. It's not. By the same token, has the parish used up  
10 until let's say 2012 the insurance programs of the Episcopal  
11 Church? I've forgotten exactly the name of the company, but  
12 you know what I'm talking about?

13 A. Sometimes we regularly put our insurance coverage out  
14 for bids and sometimes we've gone with church concerns and  
15 sometimes we've gone with other agencies.

16 Q. All right, sir. And I think you've heard me ask others,  
17 and I won't go into it because I don't want to have to take  
18 the time to do it, but you did attend an annual convention of  
19 the Diocese of South Carolina up until 2012, did you not?

20 A. Yes, sir.

21 Q. And you did participate, did you not, in the election of  
22 deputies to the general convention of the Episcopal Church at  
23 that meeting from time to time?

24 A. Yes, sir.

25 Q. And have you yourself served on any diocesan boards or

1 commissions or committees?

2 A. I was on the Diocesan Council for a few years back in  
3 the 1990s.

4 Q. Ever serve on the standing committee?

5 A. No, sir.

6 Q. Any other significant diocesan posts?

7 A. I'm a dean for the Beaufort deanery.

8 Q. That's a geographical area?

9 A. Yes, sir.

10 Q. That has a certain number of parishes in it and you've  
11 been appointed dean of that?

12 A. There are six churches in it.

13 Q. To call meetings and that sort of thing?

14 A. Yes, sir.

15 Q. Now, just let me ask you this: Did the Church of the  
16 Cross -- well, I know you did because I'm looking at TC 2,  
17 Exhibit TC 2, which is a quitclaim deed. Do you recall the  
18 Church of the Cross receiving a quitclaim deed?

19 A. Yes, sir.

20 Q. And the grantor on the one I'm looking at and the only  
21 one I'm -- did you ever see more than one quitclaim deed?

22 A. No, sir.

23 Q. And the grantor on this one, that is TC 2, the  
24 Protestant Episcopal Diocese of South Carolina signed by  
25 Bishop Lawrence and Jeffrey Miller. Was Bishop Lawrence the

1 Bishop of the Protestant Episcopal Diocese of South Carolina  
2 when this deed was granted?

3 A. Yes, sir.

4 Q. And was Jeffrey Miller president of the standing  
5 committee?

6 A. Yes, sir.

7 Q. So far as you know, did this institution, the Protestant  
8 Episcopal Diocese of South Carolina, have any claim or any  
9 interest in the Church of the Cross property?

10 A. No, sir.

11 Q. And did you know this deed was coming before you got it?

12 A. Yes, sir.

13 Q. How much in advance? This deed is dated February 1st,  
14 2010. When did you know about the deed? And then I'll ask  
15 you a question or two about it.

16 A. Perhaps a week or two before.

17 Q. And what's your understanding of why the deeds were  
18 granted?

19 A. So that there would not be -- from our perspective, we  
20 wanted to have a quitclaim deed because we didn't want to  
21 have a cloud over our property.

22 Q. Was there a cloud over your property?

23 A. Well, banks felt like we had to have the approval of the  
24 diocese to execute any kind of mortgage papers.

25 Q. Right. Well, the standing committee requires every

1 parish that mortgages property, borrows money or encumbers  
2 their property --

3 A. That's correct.

4 Q. -- to get approval from the standing committee of the  
5 diocese across the board, don't they?

6 A. Yes, sir, they do.

7 Q. What did that have to do with the quitclaim deed?

8 A. We wanted to get out from under having to have that  
9 approval.

10 Q. Approval to mortgage property?

11 A. That's correct.

12 Q. And did you mortgage any property in 2010?

13 A. We refinanced; yes, sir.

14 Q. You did?

15 A. Yes, sir.

16 Q. All right. And you considered this to be, at least in  
17 part, approval from the standing committee that you could do  
18 that?

19 A. Well, it eliminated the responsibility -- we felt like  
20 it would eliminate any requirement that we had to get  
21 approval from the standing committee to refinance.

22 Q. Did you apply to the standing committee for approval?

23 A. No, sir.

24 Q. Did not?

25 A. No, no, sir.

1 MR. TISDALE: Okay. Your Honor, bear with me just one  
2 second.

3 THE COURT: Okay.

4 Q. I think finally, Father Owens, you all have signage on  
5 the church that refers to the Episcopal Church?

6 A. No, sir.

7 Q. Do you use any symbols, emblems, anything else that  
8 represent the Episcopal Church?

9 A. No, sir.

10 Q. All right. So you have no Episcopal Church indicia on  
11 the property as far as you know?

12 A. No, sir.

13 MR. TISDALE: One second.

14 Q. Did you ever call yourself an Episcopal Church in  
15 Bluffton?

16 A. Our name has never had Episcopal in it from the  
17 inception and never was it on the sign.

18 Q. It never was on the sign?

19 A. That's right.

20 MR. TISDALE: Mr. Beers may have a question, Your Honor.

21 THE WITNESS: May I clarify that just a little bit, sir?  
22 When I say it was never on the sign on our property, at one  
23 point we did have out on the highway one of those signs that  
24 says "The Episcopal Church Welcomes You."

25 Q. I gather you don't have that anymore?

1 A. No, sir. We haven't had that since 2008 or '09.

2 MR. TISDALE: Thank you very much, Father.

3 THE WITNESS: Yes.

4 THE COURT: Mr. Beers.

5 CROSS-EXAMINATION BY MR. BEERS:

6 Q. Father, I'm David Beers and I represent the Episcopal  
7 Church.

8 A. Yes, sir.

9 Q. Let me see if I understand your testimony a few moments  
10 ago about the reason for getting the quitclaim deed. Is it  
11 your contention or is it the opinion of your parish that  
12 having gotten the quitclaim deed, you no longer have to  
13 comply with a diocesan canon to get permission from the  
14 bishop and the standing committee before alienating or  
15 selling real property?

16 A. That's our contention.

17 Q. Now, that canon is still there. Is that canon still  
18 there?

19 A. I don't know, sir.

20 MR. BEERS: I see. Thank you.

21 Excuse me. May I have just a moment.

22 THE COURT: Indeed.

23 MR. BEERS: Excuse me. Thank you, Your Honor.

24 THE COURT: No problem at all.

25 All right. Any other questions from the plaintiffs?

1 All right. Redirect.

2 MR. PLATTE: None, Your Honor.

3 THE COURT: Very well, you may come down, sir.

4 All right. We are four minutes until 5:00. We will  
5 take one more.

6 (Plaintiff's Exhibits CC-1 through CC-38 premarked for  
7 identification.)

8 KENNETH NIXON WILSON,  
9 being first duly sworn, testified as follows:

10 THE COURT: All right. Yes, sir. State your full name  
11 for the record, please, sir, and spell your last name.

12 THE WITNESS: Kenneth Nixon Wilson, W-I-L-S-O-N.

13 MR. SLOAN: Your Honor, I'm Chip Sloan for the Vestry  
14 and Church Wardens of the Episcopal Church of the Parish of  
15 Christ Church. We have already marked as trial Exhibits CC 1  
16 through 38, which are exhibits, and the stipulations are  
17 actually Exhibit 38. If I could pass up our stipulations to  
18 you.

19 THE COURT: Wonderful. Thank you. And, of course,  
20 that's without objection, is that right, Mr. Tisdale?

21 MR. TISDALE: Is he asking about exhibits?

22 THE COURT: 1 through 38, yes, and the stipulation.

23 MR. TISDALE: The only problem we have is there are  
24 several that I can't read, Chip.

25 MR. SLOAN: I've got certified color copies from the RMC

1 office that I can submit.

2 MR. TISDALE: We don't want to object to them. If we  
3 could read them I don't think we would.

4 MR. SLOAN: Let me just put these in, Your Honor, as CC  
5 1A1 through 23, and if there's any problem, we can talk about  
6 them in the morning if you all can't read these. How's that?

7 MR. TISDALE: Those are legible copies of the same ones  
8 that we can't read?

9 MR. SLOAN: Yes. I believe -- I can read them.

10 THE COURT: Here's what we are going to do. You just  
11 put those in evidence; is that correct?

12 MR. SLOAN: Yes, Your Honor.

13 THE COURT: And those are the certified copies from the  
14 RMC?

15 MR. SLOAN: Yes, Your Honor.

16 THE COURT: And you believe that those are the best  
17 reproductions?

18 MR. SLOAN: Yes, Your Honor.

19 THE COURT: All right.

20 MR. TISDALE: If they're the same document, we're not  
21 going to have a problem.

22 THE COURT: That's not my concern. Here's what we'll  
23 do: We'll take direct, we won't take cross until you've had  
24 a chance to look at them, and that will be your choice  
25 whether it will be this evening or in the morning prior to



1 your cross.

2 MR. TISDALE: Thank you. Very well.

3 THE COURT: You may proceed.

4 DIRECT EXAMINATION BY MR. SLOAN:

5 Q. Mr. Wilson, can you tell us where you live, please?

6 A. Mount Pleasant.

7 Q. What do you do for a living?

8 A. I'm a technology operations manager for a trading firm.

9 Q. Do you attend a church in Mount Pleasant?

10 A. I do.

11 Q. Which church is that?

12 A. Christ Church.

13 Q. How many members does Christ Church have?

14 A. Approximately 1,000 on the rolls and 400 average Sunday  
15 attendance.

16 Q. Have you had any leadership positions at Christ Church?

17 A. Yes, sir.

18 Q. What are those?

19 A. I've been a Sunday school teacher and I'm currently  
20 finishing my term on vestry and I'm currently the senior  
21 warden.

22 Q. You've been on the vestry for three years; is that  
23 right?

24 A. Yes, sir.

25 Q. When was Christ Church created?

1 A. In 1706.

2 Q. And did that 1706 Church Act, which is Exhibit 2, create  
3 a church southeast of the Wando River?

4 A. Yes, sir.

5 Q. And if we could show the first Google Earth shot, I'm  
6 going to ask you if you can identify the church property of  
7 Christ Church for the Court, please.

8 A. This is the church property central to the picture.

9 Q. Can you tell us just briefly where each part of it is?

10 A. If I go clockwise from the top left, you would see  
11 underneath a large tree there's a historic church building,  
12 the original building, and the vestry house next to it, a  
13 building called Holt Hall which we currently use for the  
14 Meals on Wheels effort. Over toward the top right are the  
15 office trailers, to the bottom right is the parish hall,  
16 bottom left is the children's ministry building, and in the  
17 middle is the newer sanctuary.

18 Q. Next photo. What is that a picture of?

19 A. That's the front of the historic church.

20 Q. Next picture. Can you tell us what that is?

21 A. That is a very old picture of the historic church.

22 Q. What road is that going by?

23 A. That is what is now Highway 17.

24 Q. Next picture. And, again, is that the historic church  
25 with a plaque to the right of the door?

1 A. Yes, sir.

2 Q. Next picture. I won't get you to read this plaque, but  
3 can you tell us what it says about the foundation of the  
4 church that was built in 1707, the foundation and part of the  
5 walls?

6 A. It said in the War Between the States the building was  
7 burned except for the walls and the foundation and then  
8 rebuilt.

9 Q. To the best of your knowledge, the historic church at  
10 Christ Church, does it still have the same foundation and  
11 walls it had in 1707 on the same exact piece of property?

12 A. That is correct.

13 Q. Next photo. What is that a picture of?

14 A. That is our rector holding service in the historic  
15 church.

16 Q. Next photo. What is that?

17 A. The historic vestry house.

18 Q. Next photo. Can you see the plaque there on the  
19 historic vestry house?

20 A. I do.

21 Q. Next photo. And when was it built?

22 A. In 1751.

23 Q. Next photo. What is that a picture of?

24 A. That's the historic graveyard or the graveyard.

25 Q. Next photo. What's that, Mr. Wilson?

1 A. An historic marker basically recounting the same thing  
2 that's on the plaque on the front of the church.

3 Q. Were there people buried in that cemetery all the way  
4 back in the mid-1700's?

5 A. That's right.

6 Q. Next photo. What's that a picture of?

7 A. That's the main sanctuary.

8 Q. Next photo.

9 A. The front of the main sanctuary.

10 Q. Next.

11 A. The inside of the main sanctuary.

12 Q. Next.

13 A. The front of the parish hall.

14 Q. Next photo.

15 A. The inside of the parish hall.

16 Q. Next.

17 A. The children's building.

18 Q. And next.

19 A. Some really nice-looking children, especially the one in  
20 the middle there.

21 Q. If we could go to Exhibit 24, please. And is Christ  
22 Church incorporated?

23 A. Yes, sir.

24 Q. And when was Christ Church incorporated?

25 A. In 1787.

1 Q. And was it legislatively incorporated?

2 A. Yes, sir.

3 Q. And what name was given by the legislature to Christ  
4 Church?

5 A. The Vestry and Church Wardens of the Episcopal Church of  
6 the parish of Christ Church.

7 Q. All right, sir. And Christ Church, what is the role of  
8 the vestry?

9 A. They act as the board of directors.

10 Q. And how about the senior warden; what role does the  
11 senior warden have?

12 A. Essentially he's the president or the chairman of the  
13 board.

14 Q. And Exhibits 1 through 23, we have a legibility issue on  
15 the first couple of deeds, but what is your understanding  
16 that those documents do with regard to the history of the  
17 ownership of the Christ Church parish?

18 A. They demonstrate that we own the title to the property.

19 Q. Also in the stipulations there were some bylaw changes,  
20 you're aware of that?

21 A. Yes, sir.

22 Q. With regard to those bylaw changes, was proper notice  
23 given?

24 A. I believe it was.

25 Q. Was there a quorum at the meetings to change the bylaws?

1 A. Yes, there was.

2 Q. Were the changes to the bylaws approved and voted on at  
3 two successive meetings?

4 A. Yes.

5 Q. Likewise, Exhibit 35 is a commitment to continue  
6 diocesan relationship, and can you tell me what that document  
7 did?

8 A. It affirmed what we believe to be a statement of fact  
9 that we continue to be part of the Diocese of South Carolina.

10 Q. And was that adopted by the vestry?

11 A. Yes, sir.

12 Q. And why was it adopted by the vestry?

13 A. Because as the board of directors, the vestry has that  
14 authority.

15 Q. And is Christ Church a member of the Episcopal Church in  
16 South Carolina, the defendant?

17 A. No, sir.

18 Q. Has Christ Church ever given permission for the  
19 Episcopal Church in South Carolina to list Christ Church on  
20 any website in any way?

21 A. No, sir.

22 Q. And you've read the stipulations?

23 A. Yes, sir.

24 Q. And you agree with them if you testified to them?

25 A. Yes, sir.

1 MR. SLOAN: Thank you, Mr. Wilson. Please answer any  
2 questions the defense may have for you.

3 THE COURT: And that will now be tomorrow. Since you  
4 are on the stand, I'm just going to instruct you not to  
5 discuss your testimony with anyone over the balance of the  
6 evening. You can talk about anything else, but just don't  
7 discuss your testimony. You certainly may come down.

8 Now, Mr. Tisdale, I'm going to leave it to you and all  
9 counsel whether you wish to review those this evening or in  
10 the morning. It's up to you.

11 MR. TISDALE: He's going to show them to us right now.

12 THE COURT: That would be great. It probably won't take  
13 that long to take a look at them.

14 MR. TISDALE: Thank you.

15 THE COURT: And then be prepared to proceed in the  
16 morning at 9:30 with your cross-examination.

17 --- 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 14th 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 13, 2014

16

17 Ruth L. Mott

18 Official Court Reporter

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