

Exhibit 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
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;)
Christ St. Paul's Episcopal Church; Church)
Of The Cross, Inc. and Church Of The)
Cross Declaration Of Trust; Church Of The)
Holy Comforter; Church Of The Redeemer;)
Saint Luke's Church, Hilton Head;)
St. John's Episcopal Church of)
Florence, S.C.; St. Matthias)
Episcopal Church, Inc.; The Church Of)
St. Luke and St. Paul, Radcliffeboro;)
The Church Of Our Saviour, Of The)
Diocese of South Carolina;)
The Church Of The Good Shepherd,)
Charleston, SC; The Protestant Episcopal)
Church, Of The Parish Of Saint Philip, In)
Charleston, In The State Of South Carolina;)
The Protestant Episcopal Church; The Parish)
Of Saint Michael, In Charleston, In The)
State of South Carolina and St. Michael's)
Church Declaration Of Trust; The Vestry)
and Church Wardens Of The Episcopal)
Church Of The Parish Of Prince George)
Winyah; The Vestry and Church Wardens)
Of The Episcopal Church Of The Parish Of)
St. Helena and The Parish Church of)
St. Helena Trust; The Vestry and Wardens)
Of St. Paul's Church, Summerville;)
Trinity Church of Myrtle Beach)

PLAINTIFFS,)

v.)

The Episcopal Church (a/k/a, The)
Protestant Episcopal Church in the)
United States of America))
DEFENDANT.)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No. **2013-CP-18-13**

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

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Christy Blackmon
CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs, through their respective undersigned counsel, bring this action against the Defendant seeking a declaratory judgment pursuant to §§ 15-53-10 *et. seq.* of the South Carolina Code of Laws (1976) that they are the sole owners of their respective real and personal property in which the Defendant has no legal, beneficial or equitable interest. The Plaintiffs also seek a declaratory judgment that the Defendant and those under its control have improperly used and may not continue to use any of the names, styles, seals and emblems of any of the Plaintiffs or any imitations or substantially similar names, styles, seals and emblems and that the Court enter injunctions prohibiting the Defendant and those under its control from such uses pursuant to §§ 39-15-1105 *et. seq.* and §§ 16-17-310 and 320 of the South Carolina Code of Laws (1976).

In support of these claims, Plaintiffs allege as follows:

PLAINTIFFS

**The Protestant Episcopal Church in The Diocese of South Carolina
("Diocese of South Carolina")**

1. The Diocese of South Carolina is a South Carolina non-profit, charitable, corporation. It was incorporated on November 14, 1973 as "The Protestant Episcopal Diocese of South Carolina." Its Articles of Incorporation were amended on February 19, 1987 to change its name to "The Protestant Episcopal Church in the Diocese of South Carolina."

2. The Diocese's Board of Directors has 12 members, who generally meet on a monthly basis. Each Board Member presently is also a member of the Diocesan Standing Committee.

3. The Protestant Episcopal Church In The Diocese of South Carolina has 44 employees (excluding seasonal employees) and an annual budget of ~ \$5.5MM (\$2.3MM for Diocesan operations and ~ \$3.25 MM for Camp St. Christopher operations). Among its

employees is Mark J. Lawrence who is its Chief Operating Officer. He is also its 14th Bishop. Mark J. Lawrence is an *ex officio* member of the Board of Directors with seat and voice but with no vote.

4. Prior to its incorporation, the Diocese of South Carolina was organized and operated as an unincorporated association holding its first convention on May 12, 1785 at The State House in Charleston, South Carolina. Between May 1785 and October 1789, the Diocese of South Carolina held seven conventions attended by twenty different parishes.

5. The Diocese of South Carolina has met in convention at least annually since 1785, except for the 6 years between 1798 and 1804. The last annual convention of the Diocese of South Carolina was on March 9th and 10th, 2012. The last Special Convention was on November 17, 2012.

6. Eight of the parishes in which Plaintiff churches are located, preexisted the formation of the United States of America, the Diocese of South Carolina and the Defendant, one by more than 100 years and all by more than 20 years: St. Philip's (1681), Christ Church (1706), St. Paul's (1706), St. Helena's (1712), Prince George (1721), St. John's (1734), St. Michael's (1757), Church of the Cross and St. Luke's (1767).

7. These churches as well as the Diocese of South Carolina were called "episcopal" before the formation of the Defendant.

8. The first constitution of the Diocese of South Carolina was adopted at its 4th convention on May 31, 1786. It was signed, among others, by St. Philip's, St. Michael's, St. Helena's, and Prince George. Articles 1, 2 and 6 provided:

Art. 1. That the Protestant Episcopal Church in these states is, and ought to be, independent of any foreign authority, Ecclesiastical or Civil.

Art. 2. That it hath, and ought to have, in common with all other religious societies, full and exclusive powers to regulate the concerns of its own communion.

Art. 6. That no power be delegated to a General ecclesiastical Government except such, as cannot be exercised by the clergy and vestries, in their respective congregations.

9. The Diocese of South Carolina was one of the participating entities that joined together to form the Defendant. It voluntarily joined the Defendant.

10. The first constitution of the Defendant was considered and revised in August through October 1789 and adopted in final form on October 2, 1789. The Diocese of South Carolina, through its delegates, subscribed to the constitution.

11. At its 19th Convention in 1806, the Diocese of South Carolina adopted “Rules and Regulations for the Government of the Protestant Episcopal Church in the State of South Carolina.” Rule 14 provided that:

No Article, canon, rule or other regulation of any general in State Convention, shall be obligatory on any Episcopal Church within this state, where the same shall be found to infringe on its chartered rights.

12. In 1861, the Diocese of South Carolina withdrew its association with the Defendant, immediately declaring “null and void” any constitutional or canonical provisions inconsistent with that disassociation.

13. In 1862, the Diocese of South Carolina together with other dioceses who were formerly associated with the Defendant formed and voluntarily joined an unincorporated association called “The Protestant Episcopal Church in The Confederate States of America.”

14. In 1865, the Standing Committee of the Diocese of South Carolina, upon being asked to consent to the election of the bishop of the Diocese of Pittsburgh, refused because the Diocese of South Carolina was not associated with the Defendant.

15. In 1866, the Diocese of South Carolina withdrew its association with The Protestant Episcopal Church in The Confederate States of America and voluntarily re-associated with the Defendant immediately declaring any inconsistent provisions of its Constitutions and Canons “to be henceforth of no force” and “be changed” immediately “to conform to the legislation adopted at this Council.”

16. On May 12, 1920 the Diocese of South Carolina voted to divide the diocese into two dioceses. The new diocese was established in the upper part of South Carolina and was called “The Diocese of Upper South Carolina”. The plans for this division were adopted at the Diocesan Convention on May 17, 1922.

17. Throughout its 227-year history, the Diocese of South Carolina has done business under a variety of names. These include “The Protestant Episcopal Church in South Carolina” (or “in the State of”) (1785-1819, 1838-1868); “The Protestant Episcopal Church in the Diocese of South Carolina” (since 1821); “The Protestant Episcopal Diocese of South Carolina” (since 1997); “The Diocese of South Carolina” (since 1869); and “The Episcopal Diocese of South Carolina” (since 1979).

18. The seal of the Diocese of South Carolina is inherently distinctive in this state, has been used by the Diocese of South Carolina since the late 1800’s, has been used in the course

of business of the Diocese of South Carolina, including on its correspondence, at its Conventions, in its Convention journals, on its website, in its releases to the public, in newspapers and in its periodicals as well as in other uses. It is highly recognized as the seal of the Diocese and until on or about November 7, 2012, it was exclusively so used by the Diocese of South Carolina.

19. The Diocese of South Carolina is the owner of four service marks registered on November 8, 2010 pursuant to §§39-15-1105 *et. seq* of the South Carolina Code of Laws (1976). These are “The Diocese of South Carolina”, “The Episcopal Diocese of South Carolina”, “The Protestant Episcopal Church in the Diocese of South Carolina” and the seal of the Diocese of South Carolina.

20. On September 9, 2010, the Diocese of South Carolina amended its articles of incorporation to restate its purpose to “continue operations under the Constitution and Canons of the Protestant Episcopal Church in the Diocese of South Carolina.”

21. On October 15, 2010, the Diocese of South Carolina amended its Constitution removing its accession to the Canons of the Defendant and providing that “In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.”

22. On October 15, 2010, the Diocese of South Carolina amended its canons to conform to the actions taken in paragraph 21.

23. On November 1, 2011, the Board of Directors of the Diocese of South Carolina unanimously passed a resolution that automatically called a convention of the Diocese of South

Carolina within 30 days after any attempted action being taken by the Defendant against Mark J. Lawrence.

24. On October 2, 2012, the Board of Directors of the Diocese of South Carolina unanimously passed a resolution that stated:

“The Protestant Episcopal Church in the Diocese of South Carolina, through its Board of Directors and its Standing Committee, hereby withdraws its accession to the Constitution of the Episcopal Church and disaffiliates with the Episcopal Church by withdrawing its membership from the Episcopal Church. This decision shall be effective immediately upon the taking of any action of any kind by any representative of the Episcopal Church against The Bishop, the Standing Committee or any of its members or the Convention of this Diocese or any of its members including purporting to discipline, impair, restrict, direct, place on administrative leave, charge, derecognize or any other action asserting or claiming any supervisory, disciplinary or other alleged hierarchical authority over this Diocese, its leaders or members.”

25. The Diocese of South Carolina withdrew its accession to the Constitution of the Defendant and withdrew its membership in the association comprising the Defendant.

26. A Special Convention of the Diocese of South Carolina was called for November 17, 2012 at St. Philip’s Church, Charleston, South Carolina.

27. At the Special Convention of November 17, 2012, the delegates overwhelmingly affirmed the Diocese of South Carolina’s disaffiliation from the Defendant and made conforming changes to its Constitution and Canons.

28. The Defendant has no legal, beneficial or equitable interest in any of the real or personal property of the Diocese of South Carolina.

The Trustees of the Protestant Episcopal Church in South Carolina (“Trustees”)

29. The Trustees were incorporated by the General Assembly on February 20, 1902. The Trustees were successors to the “Bishop and Standing Committee” incorporated by the General Assembly on February 20, 1880.

30. The Board of Directors of the Trustees consists of 8 members meeting at least quarterly. Mark J. Lawrence is an *ex officio* member with seat and voice but with no vote.

31. The Trustees purpose is to “receive and hold any property, currently or formerly, held by any other corporation which may desire to surrender same and shall voluntarily do so” and to “receive and hold any and all property which may come into their hands under this Act upon the terms, conditions and trusts, and for the exclusive purpose of the gift, donation, contribution, or testamentary devise upon which each such piece of property was originally given, contributed, bequeathed or donated.”

32. The Trustees have “all the power of a corporate body, and may from time to time make such rules and bylaws for their government and for the management of the property under their charge as shall be approved by a majority of said Trustees.”

33. As of December 31, 2011, the assets of the Trustees totaled approximately \$12MM of which \$4.4MM consists of cash and investments and \$7.7MM consists of real property and other non-liquid assets.

34. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of the real or personal property of the Trustees.

Christ St. Paul's Episcopal Church ("Christ St. Paul's")

35. Christ St. Paul's is a South Carolina non-profit corporation. Its business address is 4981 Chapel Road, Yonges Island, South Carolina. It was incorporated on December 3, 1997.

36. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

37. In 1706 the Church Act passed by the Colonial Assembly created the nine original parishes in South Carolina. In 1708 the Act defined St. Paul's Parish as one of the Parishes making up Colleton County, (now Charleston County).

38. Christ Church, Wilton was established in 1835 and a church built in 1836. In 1886 a new church was completed in Adam's Run (Christ Church) using materials from the former church on Willtown Bluff. Christ Church, Wilton voluntarily associated with the Diocese of South Carolina.

39. In 1848, a Chapel of Ease was built in what is present day Adams Run that is in close proximity to the present church and was called the "Meggett Chapel."

40. The churches in St. Paul's Parish left the Defendant in 1861 along with the rest of the Diocese. They returned with the Diocese of South Carolina when it voluntarily reassociated with the Defendant in 1866.

41. In February 1925, St. Paul's Church was recognized as a separate and independent parish known as St. Paul's Meggett. St. Paul's Church voluntarily associated with the Diocese of South Carolina.

42. In 1962 St. Paul's Meggett merged with Christ Church Wilton becoming known then by its present name.

43. As of December 2011, Christ St. Paul's had 380 baptized members and an annual operating income of \$467,191.

44. In addition to its votes at the Special Convention of The Protestant Episcopal Church In The Diocese of South Carolina held on November 17, 2012, Christ St. Paul's reaffirmed its disaffiliation from the Defendant by a vote of its Board of Directors on December 2, 2012.

45. Christ St. Paul's is the fee simple owner of all its real property.

46. During its 178-year history, the acquisition of Christ St. Paul's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Christ St. Paul's without any assistance or contributions from the Defendant.

47. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Christ St. Paul's real or personal property.

48. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Christ St. Paul's name and emblems by:

- i. Posting Christ St. Paul's name or a name substantially similar on a website and improperly asserting that Christ St. Paul's is "in union with" the Defendant.
- ii. Using Christ St. Paul's name or a name substantially similar to it to send email and other correspondence improperly asserting that Christ St. Paul's is "in union with" the Defendant.

Church Of The Cross, Inc. and Church Of The Cross Declaration Of Trust (“The Cross”)

49. The Church of the Cross is a South Carolina non-profit corporation. Its business address is 110 Calhoun Street, Bluffton, South Carolina 29910. The Cross was incorporated as a separate entity from St. Luke’s Parish on July 3, 1979.

50. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

51. St. Luke’s Parish, within which The Cross is located, was created by an act of the Colonial Assembly on May 23, 1767.

52. By 1842, a chapel stood near the current location of the present church building (completed in 1857) and worship services commenced.

53. The churches in St. Luke’s parish left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

54. The Cross voluntarily associated with the Diocese of South Carolina.

55. Between 1863 and 1870, services were interrupted starting because of the presence of union troops.

56. As of December 2011, The Cross had 1,702 baptized members and an annual operating income of \$1,996,117.

57. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, The Cross reaffirmed its disaffiliation from the Defendant by a vote of its Board of Directors on December 8, 2012.

58. The Cross is the fee simple owner of all its real property.

59. During its 170-year history, the acquisition of The Cross's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of The Cross without any assistance or contributions from the Defendant.

60. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in the real or personal property of The Cross.

61. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted The Cross' name and emblems by:

- i. Posting The Cross' name or a name substantially similar on a website and improperly asserting that The Cross is "in union with" the Defendant.
- ii. Using The Cross' name or a name substantially similar to it to send email and other correspondence improperly asserting that The Cross is "in union with" the Defendant.

Church Of The Holy Comforter ("Holy Comforter")

62. Holy Comforter is a South Carolina non-profit corporation incorporated by an act of the General Assembly on December 21, 1857. Its business address is 213 N. Main Street, Sumter, South Carolina.

63. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

64. Holy Comforter began worship services in Sumter, South Carolina in 1844 and constructed its first church building in 1859. Thereafter, Holy Comforter acquired its current

location and constructed the present church building in 1909 where the parish has continually conducted services to the present.

65. Upon becoming a Parish, Holy Comforter voluntarily associated with the Diocese of South Carolina.

66. Holy Comforter left the Defendant in 1861 along with the rest of the Diocese of South Carolina. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

67. As of December 2011, Holy Comforter had 727 baptized members and an annual operating income of \$684,692.

68. Holy Comforter is the fee simple owner of all its real property.

69. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Holy Comforter affirmed its disaffiliation with the Defendant by a vote of its Board of Directors on October 23, 2012.

70. During its 168-year history, the acquisition of Holy Comforter's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Holy Comforter without any assistance or contributions from the Defendant.

71. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Holy Comforter's real or personal property.

72. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Holy Comforter's name and emblems by:

- i. Posting Holy Comforter's name or a name substantially similar on a website and improperly asserting that Holy Comforter is "in union with" the Defendant.
- ii. Using Holy Comforter's name or a name substantially similar to it to send email and other correspondence improperly asserting that Holy Comforter is "in union with" the Defendant.

Church Of The Redeemer ("Redeemer")

73. Redeemer is a South Carolina non-profit corporation. Its business address is 1606 Russell Street, Orangeburg, South Carolina. It was incorporated on May 27, 1922.

74. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation in 1922.

75. Redeemer is a part of St. Matthews Parish, which was established, by an Act of the Colonial Assembly on August 12, 1768. This Act provided that a chapel was to be built in "Orangeburgh Territory."

76. Prior to its incorporation, Redeemer began worship services in Orangeburg, South Carolina in 1851. Its church building was occupied in 1857. It was moved and renovated at its current location in 1895.

77. Upon becoming a Parish, Redeemer voluntarily associated with the Diocese of South Carolina.

78. Redeemer left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

79. As of December 2011, Redeemer had 292 baptized members and an annual operating income of \$273,038.

80. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Redeemer reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 23, 2012.

81. Redeemer is the fee simple owner of all its real property.

82. During its 161-year history, the acquisition of Redeemer's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Redeemer without any assistance or contributions from the Defendant.

83. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Redeemer's real or personal property.

84. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Redeemer's name and emblems by:

- i. Posting Redeemer's name or a name substantially similar on a website and improperly asserting that Redeemer is "in union with" the Defendant.
- ii. Using Redeemer's name or a name substantially similar to it to send email and other correspondence improperly asserting that Redeemer is "in union with" the Defendant.

Saint Luke's Church, Hilton Head ("St. Luke's")

85. St. Luke's is a South Carolina non-profit corporation incorporated on March 4, 1969. Its business address is 50 Pope Avenue, Hilton Head Island, South Carolina.

86. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

87. St. Luke's Parish was established by an act of The Colonial Assembly on May 23, 1767.

88. In 1788 parishioners built a wooden chapel known as Zion Chapel of Ease on Hilton Head Island. The chapel was abandoned in 1862 because of the island's occupation by union troops.

89. On February 29, 1788 the General Assembly incorporated "The Vestries and Church Wardens of the Episcopal Church in the Parish of St. Luke's."

90. On December 21, 1964, worship services resumed as a mission under the name "St. Luke's". It was expanded in 1970 and became a parish, voluntarily associating with the Diocese of South Carolina. These additional expansions were completed in 1978, 1989 and 2000.

91. As of December 2011, St. Luke's had 1,173 baptized members and an annual operating income of \$974,681.

92. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Luke's reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 11, 2012.

93. St. Luke's is the fee simple owner of all its real property.

94. During its 224-year history, the acquisition of St. Luke's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Luke's without any assistance or contributions from the Defendant.

95. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Luke's real or personal property.

96. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Saint Luke's name and emblems by:

- i. Posting Saint Luke's name or a name substantially similar on a website and improperly asserting that Saint Luke's is "in union with" the Defendant.
- ii. Using St. Luke's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Luke's is "in union with" the Defendant.

St. John's Episcopal Church of Florence, S.C. ("St. John's Florence")

97. St. John's Florence is a South Carolina non-profit corporation. Its business address is 252 S. Dargan Street, Florence, South Carolina. It was originally chartered December 3, 1875 and was thereafter incorporated by the Secretary of State on November 26, 1915.

98. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

99. St. John's Florence was established in 1866, beginning worship in 1867. Construction began on its first church building in 1868 and it was completed in 1871. This church was badly damaged by the earthquake of 1886 and the cornerstone for the present church was laid in 1889.

100. Upon becoming a Parish, St. John's Florence voluntarily associated with the Diocese of South Carolina.

101. As of December 2011, St. John's Florence had 680 baptized members and an annual operating income of \$724,473.

102. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. John's Florence reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 3, 2012.

103. St. John's Florence is the fee simple owner of all its real property.

104. During its 146-year history, the acquisition of St. John's Florence's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. John's Florence without any assistance or contributions from the Defendant.

105. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. John's Florence real or personal property.

106. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. John's Florence's name and emblems by:

- i. Posting St. John's Florence's name or a name substantially similar on a website and improperly asserting that St. John's Florence is "in union with" the Defendant.
- ii. Using St. John's Florence's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. John's Florence is "in union with" the Defendant.

St. Matthias Episcopal Church, Inc. ("St. Matthias")

107. St. Matthias is a South Carolina non-profit corporation. Its business address is 9 North Dukes Street, Summerton, South Carolina. It was incorporated on March 26, 1984.

108. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

109. In 1899, a meeting in the yard of The Presbyterian Church marked the beginning of St. Matthias. The land on which the church was built was donated and the church was built and paid for through donations and accumulated funds. Worship began in the church building on February 24, 1899, St. Matthias Day. An adjoining rectory was erected in 1903. In 1910, many improvements were made in the church.

110. Upon becoming a Parish, St. Matthias voluntarily associated with the Diocese of South Carolina.

111. As of December 2011, St. Matthias had 132 baptized members and an annual operating income of \$151,049.

112. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Matthias reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors in December 2012.

113. St. Matthias' is the fee simple owner of all its real property.

114. During its 113-year history, the acquisition of St. Matthias' real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Matthias' without any assistance or contributions from the Defendant.

115. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Matthias' real or personal property.

116. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. Matthias' name and emblems by:

- i. Posting St. Matthias' name or a name substantially similar on a website and improperly asserting that St. Matthias is "in union with" the Defendant.
- ii. Using St. Matthias' name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Matthias is "in union with" the Defendant.

The Church Of St. Luke and St. Paul, Radcliffeboro ("The Cathedral")

117. The Cathedral is a South Carolina non-profit corporation. Its business address is 126 Coming Street, Charleston, South Carolina. It was incorporated on April 7, 1951.

118. The Cathedral is the successor by merger to St. Luke's, Charleston and The Protestant Episcopal Church of St. Paul, Radcliffeboro ("St. Paul's").

119. St. Luke's, Charleston was incorporated by an act of General Assembly on December 21, 1858.

120. St. Luke's began its services in 1858. It voluntarily associated with the Diocese of South Carolina in 1858. Its first church building was occupied in 1862 and it was regularly used and until October 7 1864 when struck by a shell. Services resumed in October 1865. In 1899 it ceased to be used but was revived as a mission in 1904 and as a parish later that year. It again voluntarily associated with the Diocese of South Carolina in 1905.

121. St. Paul's was incorporated by the General Assembly on December 21, 1814 as the Protestant Episcopal Church of St. Paul in Radcliffeboro. As the church primarily served the outlying plantation families, it was known as the "planters' Church". It voluntarily associated with the Diocese of South Carolina upon its becoming a Parish.

122. St. Luke's, Charleston and the Protestant Episcopal Church of St. Paul, Radcliffeboro left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

123. St. Luke's and St. Paul's have continually existed and acted as duly formed corporations with their Vestry and Wardens serving as their Board of Directors pursuant to their governance documents since their incorporation until their merger.

124. The Church of St. Luke and St. Paul held their first service together on July 17, 1949 at St. Paul's.

125. On May 11, 1950, St. Luke's Church, Charleston and The Protestant Episcopal Church of St. Paul in Radcliffeboro were merged into The Church of St. Luke and St. Paul, Radcliffeboro, using the church building of St. Paul's for their worship services.

126. In 1963 the church was designated as the Cathedral Church for the Diocese of South Carolina.

127. As of December 2011, The Cathedral had 341 baptized members and an annual operating income of \$493,048.

128. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, The Cathedral reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 17, 2012.

129. The Cathedral is the fee simple owner of all its real property.

130. During its 198-year history, the acquisition of The Cathedral's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of The Cathedral without any assistance or contributions from the Defendant.

131. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of The Cathedral's real or personal property.

132. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted The Cathedral's name and emblems by:

- i. Posting The Cathedral's name or a name substantially similar on a website and improperly asserting that The Cathedral is "in union with" the Defendant.

- ii. Using The Cathedral's name or a name substantially similar to it to send email and other correspondence improperly asserting that The Cathedral is "in union with" the Defendant.

The Church Of Our Saviour Of The Diocese Of South Carolina ("Our Saviour")

133. Our Saviour is a South Carolina non-profit corporation. Its business address is 4416 Betsy Kerrigan Parkway, Johns Island, South Carolina. It was incorporated on March 10, 1981.

134. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

135. Prior to its incorporation, Our Saviour conducted worship services on Johns Island, South Carolina beginning in the early 1970's. Our Saviour was established as a mission on November 20, 1980. In 1982, the Church purchased nine acres of property along Bohicket Road (now Betsy Kerrison Parkway), just outside the entrances to Kiawah and Seabrook. A multipurpose building was completed in May of 1986. Upon its becoming a Parish, Our Saviour voluntarily associated with the Diocese of South Carolina.

136. As of December 2011, Our Saviour had 195 baptized members and an annual operating income of \$631,418.

137. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Our Saviour reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 11, 2012.

138. Our Saviour is the fee simple owner of all its real property.

139. During its 42-year history, the acquisition of Our Saviour's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Our Saviour without any assistance or contributions from the Defendant.

140. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Our Saviour's real or personal property.

141. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Our Saviour's name and emblems by:

- i. Posting Our Saviour's name or a name substantially similar on a website and improperly asserting that Our Saviour is "in union with" the Defendant.
- ii. Using Our Saviour's name or a name substantially similar to it to send email and other correspondence improperly asserting that Our Saviour is "in union with" the Defendant.

The Church Of The Good Shepherd, Charleston, S.C. ("Good Shepherd")

142. Good Shepherd is a South Carolina non-profit corporation. Its business address is 1393 Miles Drive, Charleston, South Carolina. It was incorporated on December 19, 1833.

143. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

144. Good Shepherd held its first service in an army tent in February of 1922. The lot on which the tent stood was bought and the first chapel was opened for services on May 14, 1922.

145. In 1933, the Church building was improved. At this time a lot north of the Church was acquired. In 1948, the congregation built a rectory adjoining the Church. In 1951 Good Shepherd voluntarily associated with the Diocese of South Carolina when it became a parish.

146. As of December 2011, Good Shepherd had 406 baptized members and an annual operating income of \$471,833.

147. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Good Shepherd reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 9, 2012.

148. Good Shepherd's is the fee simple owner of all its real property.

149. During its 90-year history, the acquisition of Good Shepherd's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Good Shepherd without any assistance or contributions from The Episcopal Church.

150. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Good Shepherd's real or personal property.

151. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Good Shepherd's name and emblems by:

- i. Posting Good Shepherd's name or a name substantially similar on a website and improperly asserting that Good Shepherd is "in union with" the Defendant.
- ii. Using Good Shepherd's name or a name substantially similar to it to send email and other correspondence improperly asserting that Good Shepherd is "in union with" the Defendant.

The Protestant Episcopal Church, Of The Parish Of Saint Philip, In Charleston, In The State Of South Carolina ("St. Philip's")

152. Pursuant to the Church Act of 1704 adopted by the Colonial Assembly on November 4, 1704, the Colonial Assembly officially established worship in the Province of Carolina according to the Church of England.

153. The Church Act of 1704 divided the Province into Parishes, and provided that "Charlestown, and the Neck between Cooper and Ashley Rivers...is and shall be from henceforth forever a distinct parish of itself, and be called by the name of the Parish of St. Philip's, in Charlestown."

154. The Church Act of 1704 further provided that the "church situate in Charlestown, and the ground thereunto adjoining, enclosed and used for a cemetery or church yard, shall be the parish church and church-yard of St. Philip's, Charlestown; and the same is hereby enacted and declared to be forever separated and dedicated to the service of God, and to be applied therein to the use and behalf of the inhabitants from time to time inhabiting and to inhabit there, that are of the religion and profession of the Church of England, and conform to the same."

155. On November 30, 1706, the Colonial Assembly repealed the Church Act of 1704 replacing it with the Church Act of 1706. Like the Act of 1704, the Church Act of 1706 divided the Province into various parishes, again establishing Charlestown, and the Neck between the Cooper and Ashley Rivers, as a “distinct parish of itself, and be called by the name of the Parish of St. Philip’s, in Charlestown”, and further declared, like the 1704 Act, that “...the church situate in Charlestown...and the ground thereunto adjoining, enclosed and used for a cemetery or church yard, shall be the church and church-yard of St. Philip’s in Charlestown.” Section XV of the Church Act of 1706 also provided that the Rector or Minister of each Parish to be constituted a “corporation sole” with all corporate authority to sue and be sued.”

156. On April 8, 1710, the Colonial Assembly enacted “An Act for the Establishment of Religious Worship in this Province [of Carolina] according to the Church of England, and for the erecting of Churches for the Public Worship of God” among other things, this Act designated the Parish of St. Philip’s, Charlestown, as the “head or chief place of this Province” and authorized certain debts of St. Philip’s to be paid from the public treasury.

157. Historically, St. Philip’s Church was known as the “Mother Church” of the Province and later became known and recognized as the Mother Church of the Diocese of South Carolina. Among those buried in the adjoining historic churchyard and cemetery of St. Philip’s Church is a signer of the Declaration of Independence, a signer of the Constitution of the United States, a former Justice of the United States Supreme Court, former Justices of the South Carolina Supreme Court, a former Vice-President of the United States, numerous Governors of South Carolina, former United States Senators from South Carolina, former Mayors of the City of Charleston, and former United States Ambassadors; former members of St. Philip’s Church

who are buried elsewhere include a second Signer of the Declaration of Independence and two former Presidents of the Continental Congress.

158. The original church structure known as St. Philip's, Charlestown, was constructed in 1681-1682 at the southeast corner of Broad and Meeting Streets in Charleston (now the location of St. Michael's Church), but by the first decade of the 1700s, the black cypress church structure began to decay and became too small for the increasing population of Charlestown. As a result, the Colonial Assembly, on March 1, 1710, passed "An Act for the Erecting of a new Brick Church at Charles-Town to be the Parish Church of St. Philip's Charles-Town" and authorized certain appointed commissioners to receive charitable donations to purchase and to take grant of a town lot or lots for the erecting of a new church structure at the location of the present day St. Philip's Church. This Act further provided that once built, the church and adjoining church yard shall be declared and known as the "Parish Church and Church-yard of St. Philip's, Charlestown." Pursuant to the Act, construction was begun on a brick structure at the present day location of St. Philip's Church in 1711, and following interruptions by the hurricane of 1713 and the Yemassee Indian Wars, the first service in the new St. Philip's Church, at its present day location, was held on Easter Sunday, 1723.

159. This structure was destroyed by fire in 1835 and replaced by the present day structure built in between 1835 and 1838.

160. On June 14, 1751, the Colonial Assembly, as a result of the increasing number of inhabitants in the Parish of St Philip, divided the Parish of St. Philip into two separate parishes, the Parish of St. Philip and the Parish of St Michael, and authorized the construction of a new church, to be known as St. Michael's Church, at the present day location of St. Michael's.

161. Following the American Revolution, in order to remedy any uncertainty following the disestablishment of the Church of England in the United States, including any uncertainty as to the title of various parish properties, the South Carolina General Assembly, on March 24, 1785, incorporated the Vestries and Wardens of the Parishes of St. Philip and St. Michael, declaring "...the present vestries and church wardens of the churches in the parish of St. Philip and St. Michael, and their successors forever hereafter, shall be, and they are hereby declared to be, one body corporate, in deed and in name, by the name 'Vestries and Church-Wardens of the Episcopal Churches of the Parishes of St. Philip and St. Michael, Charleston' and by that name shall, from time to time, and at all times hereafter, have perpetual succession and a common seal, and be capable in law, to have, hold, receive, possess and enjoy all of the lands, tenements and hereditaments, and the rents and income thereof, which now are vested in the said vestries and church wardens respectively, to them and their successors in office, and to sell, alien, exchange, demise or lease the same, or any part thereof, as they or a majority of them, shall think convenient."

162. Thereafter, in 1791, the General Assembly split St. Philip's Church and St. Michael's Church into two separate corporations, making each a separate and distinct body politic and corporate. The Legislature created "The Protestant Episcopal Church, of the Parish of Saint Philip, in Charleston, in the State of South Carolina" and "The Protestant Episcopal Church, of the Parish of Saint Michael, in Charleston, in the State of South Carolina", with each separate corporation having the right to "possess and enjoy their respective properties severally, and shall have, possess and enjoy the same authority, powers and privileges which [by Act No. 1278 adopted on March 24, 1785] are granted to them conjointly; and that the said vestry and church wardens of the Episcopal Church of the Parish of Saint Philip, in Charleston, and their

successors in office for ever hereafter, shall be and they are hereby declared to be incorporated, as a body politic and corporate, in deed and in law, by the name 'The Protestant Episcopal Church, of the Parish of Saint Philip, in Charleston, in the State of South Carolina'...capable in law, to have, hold, take, receive, possess and enjoy, all the lands, tenements and hereditaments, and the rents and income thereof, which now are, or hereafter shall be, vested in them, respectively, by gift, devise or purchase, to them and their respective successors in office, forever.”

163. St. Philip's Church has been in continuous existence and operation serving the spiritual needs of the people of Charleston and surrounding areas since 1681, and since its incorporation on December 29, 1791, The Protestant Episcopal Church, of the Parish of Saint Philip, in Charleston, in the State of South Carolina, also known as “St. Philip's Church”, has continued to validly exist and function as a South Carolina corporation, in good standing, with all such rights and powers granted unto it by law and by the said 1791 Act, along with all such rights and powers under the Act of 1785 that were not implicitly repealed by the Act of 1791, including, without limitation, the right, power and authority to own, hold, receive, possess and enjoy all real and personal property, lands, tenements and hereditaments, and the rents and income therefrom, then owned and vested in said corporation or thereafter acquired by said corporation, whether by gift, devise or purchase.

164. St. Philip's voluntarily associated with the Diocese of South Carolina, sending delegates to early diocesan conventions. St. Philip's was a signatory to the first Constitution of the Diocese of South Carolina.

165. St. Philip's left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina reassociated with the Defendant in 1866.

166. Its Vestry and Wardens have served as its governing body or Board of Directors pursuant to its governance documents since its incorporation.

167. As of December 2011, St. Philip's had 2,677 baptized members and an annual operating income of \$2,327,280.

168. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Philip's reaffirmed its disaffiliation with the Defendant by a vote of its Vestry and Wardens serving as its Board of Directors on November 11, 2012.

169. St. Philip's is the fee simple owner of all its real property.

170. During its 331-year history, the acquisition of St. Philip's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Philip's without any assistance or contributions from the Defendant.

171. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Philip's real or personal property.

172. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. Philip's name and emblems by:

- i. Posting St. Philip's name or a name substantially similar on a website and improperly asserting that St. Philip's is "in union with" the Defendant.
- ii. Using St. Philip's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Philip's is "in union with" the Defendant.

**The Protestant Episcopal Church, The Parish Of Saint Michael, In Charleston,
In The State Of South Carolina and St. Michael's Church Declaration**

Of Trust (“St. Michael’s”)

173. St. Michael’s is a South Carolina non-profit corporation. Its business address is 71 Broad Street, Charleston, South Carolina.

174. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation in 1785.

175. St. Michael’s voluntarily associated with the Diocese of South Carolina, sending delegates to early diocesan conventions. St. Michael’s was a signatory to the first Constitution of the Diocese of South Carolina.

176. On June 14, 1751, an Act of the Colonial Assembly, divided the Parish of St. Philip into two separate parishes, the Parish of St. Philip and the Parish of St Michael, and authorized the construction of a new church, to be known as St. Michael’s Church. The parish church was directed to be built “on or near the place where the old Church of St. Philip formerly stood” at the southeast corner of Broad and Meeting Streets.

177. St. Michael’s Church was opened for worship in February 1761.

178. Following the American Revolution, in order to remedy any uncertainty following the disestablishment of the Church of England in the United States, including any uncertainty as to the title of various parish properties, the South Carolina General Assembly, on March 24, 1785, incorporated the Vestries and Wardens of the Parishes of St. Philip and St. Michael, declaring “...the present vestries and church wardens of the churches in the parish of St. Philip and St. Michael, and their successors forever hereafter, shall be, and they are hereby declared to be, one body corporate, in deed and in name, by the name ‘Vestries and Church-Wardens of the

Episcopal Churches of the Parishes of St. Philip and St. Michael, Charleston' and by that name shall, from time to time, and at all times hereafter, have perpetual succession and a common seal, and be capable in law, to have, hold, receive, possess and enjoy all of the lands, tenements and hereditaments, and the rents and income thereof, which now are vested in the said vestries and church wardens respectively, to them and their successors in office, and to sell, alien, exchange, demise or lease the same, or any part thereof, as they or a majority of them, shall think convenient.”

179. In 1791, the South Carolina Legislature split St. Philip's Church and St. Michael's Church into two separate corporations, making each a separate and distinct body politic and corporate. Adopted on December 29, 1791, the legislation created “The Protestant Episcopal Church, of the Parish of Saint Philip, in Charleston, in the State of South Carolina” and “The Protestant Episcopal Church, of the Parish of Saint Michael, in Charleston, in the State of South Carolina”, with each separate corporation having the right to “possess and enjoy their respective properties severally, and shall have, possess and enjoy the same authority, powers and privileges which [by the March 24, 1785 Act] are granted to them conjointly; ... and that the said vestry and church wardens of the Episcopal Church of the Parish of Saint Michael, in Charleston, and their successors in office for ever hereafter, shall be and they are hereby declared to be, incorporated as a body politic and corporate, in deed and in law, by the name ‘The Protestant Episcopal Church of the Parish of Saint Michael, in Charleston, in the State of South Carolina’ ...capable in law, to have, hold, take, receive, possess, and enjoy, all the lands, tenements, hereditaments, and the rents and income thereof, which now are, or hereafter shall be, vested in them respectively, by gift, devise or purchase, to them and their respective successors in office, forever.”

180. In the fall of 1863, due to the war and shells targeting the steeple, the congregation retreated to St. Paul's Church where services were held until 1865. The Church, being seriously damaged, was repaired and then reopened on November 26, 1865.

181. St. Michael's left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

182. Among those buried in the historic cemetery of St. Michael's are two signers of the Constitution of the United States one of whom was the second Chief Justice of the United States Supreme Court, former members of the Continental Congress, former Revolutionary War Generals, numerous South Carolina Governors, former United States Senators and Congressmen, and former Mayors of the City of Charleston.

183. As of December 2011, St. Michael's had 1,820 baptized members and an annual operating income of \$1,889,269.

184. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Michael's reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on October 25, 2012.

185. St. Michael's is the fee simple owner of all its real property.

186. During its 227-year history, the acquisition of St. Michael's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Michael's without any assistance or contributions from the Defendant.

187. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Michael's real or personal property.

188. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. Michael's name and emblems by:

- i. Posting St. Michael's name or a name substantially similar on a website and improperly asserting that St. Michael's is "in union with" the Defendant.
- ii. Using St. Michael's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Michael's is "in union with" the Defendant.

The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of Prince George Winyah ("Prince George")

189. Prince George is a South Carolina non-profit corporation. Its business address is 301 Screven Street, Georgetown, South Carolina.

190. Prince George's Parish at Winyah (often spelled "Winyaw") was created on March 10, 1721 by an Act of the Colonial Assembly. It was named for George, Prince of Wales who became George II of England in 1727; and was located on a bluff overlooking the Black River (Winyah or Winyaw was the local Indian word for "black").

191. In 1734, Prince George's Parish, Winyaw, was divided, as the center of population had moved to present day Georgetown. The parish was now centered in Georgetown, while the Black River parish was renamed "Prince Frederick" (for Frederick, Prince of Wales). Upon this division, planning was started for the present brick church located at the intersection of Highmarket and Broad streets in Georgetown. That structure was largely completed in 1751; however Sunday services began in this building on August 16, 1747, and have been held continuously ever since.

192. The Parish of Prince George, Winyah, was again divided by act of the Colonial Assembly in 1767, the area between the Waccamaw River and the ocean, north to the North Carolina boundary line becoming “All Saints’ Parish”.

193. On February 29, 1788, Prince George Parish was incorporated by the General Assembly as “The Vestry and Church Wardens of the Episcopal Church of the Parish of Prince George Winyaw”, and granted full title to the property of the parish and full rights to acquire or dispose of property “as they shall think convenient”.

194. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

195. Prince George voluntarily associated with the Diocese of South Carolina, sending delegates to early diocesan conventions. Prince George was a signatory to the first Constitution of the Diocese of South Carolina.

196. Prince George left the national church in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant.

197. Prince George, through its Board of Directors, voted on November 12, 2012, among other things, to declare that Prince George is not part of the Defendant and to repudiate any claim by any representative of the Defendant to have any right or authority over this Parish or its property.

198. As of December 2011, Prince George had 695 baptized members and an annual operating income of \$750,430.

199. Prince George’s is the fee simple owner of all its real property.

200. During its 281-year history, the acquisition of Prince George's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of Prince George without any assistance or contributions from the Defendant.

201. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Prince George's real or personal property.

202. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Prince George's name and emblems by:

- i. Posting Prince George's name or a name substantially similar on a website and improperly asserting that Prince George is "in union with" the Defendant.
- ii. Using Prince George's name or a name substantially similar to it to send email and other correspondence improperly asserting that Prince George is "in union with" the Defendant.

The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. Helena and The Parish Church of St. Helena Trust ("St. Helena")

203. St. Helena is a South Carolina non-profit corporation legislatively incorporated on March 22, 1786. Its business address is 507 Newcastle Street, Beaufort South Carolina.

204. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

205. St. Helena voluntarily associated with the Diocese of South Carolina, sending delegates to early diocesan conventions. St. Helena was a signatory to the first Constitution of the Diocese of South Carolina.

206. St. Helena Parish was created in 1712 by an Act of the Colonial Assembly under the authority of the Church Act of 1706. The area south of Colleton County commonly called Granville County was renamed the Parish of St. Helena. Residents within the parish desired to have “divine worship” and five such residents were designated benefactors, of the parish “willing to contribute to the building a church, and afterwards for the building of a Rector’s or Minister’s house, without any charge to the public.”

207. On Dec. 11, 1717 an act of the Colonial Assembly authorized a Grant of Land not exceeding fifty acres belonging to Beaufort, for a “ ‘Glebe for the use of the Rector, or Minister of the Parish of St. Helena and his successors forever.’ ”

208. A brick church, forty feet by thirty feet with a ten square foot chancel, was completed in 1724 within the fifty-acre glebe granted in 1717.

209. In 1778, as a consequence of the Revolutionary War, the Church of England was disestablished in South Carolina. In order to alleviate uncertainty concerning the legal status and title to church property, some parishes, including St. Helena, petitioned the South Carolina legislature for incorporation.

210. On May 12, 1785 the first “Convention of the Protestant Episcopal Church in South Carolina” was held. St. Helena voluntarily associated with the Diocese of South Carolina and it was a signatory to the first Constitution of the Diocese of South Carolina.

211. On March 22, 1786, the legislature passed an act incorporating St Helena as “The Vestry and Churchwardens of the Episcopal Church of the Parish of St. Helena” and affirming its ownership of certain lands including the lands on which the church is located today.

212. In about 1810 St. Helena began raising money to expand the church. The original church building was enlarged in 1817. The church also underwent expansion and renovation in 1842.

213. St. Helena left the Defendant in 1861 along with the rest of the Diocese. They returned with the Diocese of South Carolina when it voluntarily reassociated in 1866.

214. Between November 1861 and 1865, Union forces occupied Beaufort, including St. Helena’s Church, which was first used as a chapel and then converted to a hospital. While services continued elsewhere, at the conclusion of the war, it took nearly two years of repair work before services could resume in the church.

215. The church was severely damaged twice more, by a storm in 1896 and by hurricane Gracie in 1959. In both instances extensive restoration was required and completed by the congregation.

216. By 1999, the church was in need of restoration and repairs. After 19 months of work at a cost of some \$2.6 million paid for by the congregation, the Church reopened on Palm Sunday 2000.

217. On January 22, 2012 St. Helena marked the beginning of its tricentennial year with a worship service presided over by the Lord Bishop of London.

218. As of December 2011, St. Helena had 1,885 baptized members and an annual operating income of \$2,059,723.

219. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Helena reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on November 13, 2012.

220. St. Helena's is the fee simple owner of all its real property.

221. During its 300-year history, the acquisition of St. Helena's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Helena without any assistance or contributions from the Defendant.

222. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Helena's real or personal property.

223. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. Helena's name and emblems by:

- i. Posting St. Helena's name or a name substantially similar on a website and improperly asserting that St. Helena is "in union with" the Defendant.
- ii. Using St. Helena's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Helena is "in union with" the Defendant.

The Vestry and Wardens Of St. Paul's Church, Summerville ("St. Paul's")

224. St. Paul's is a South Carolina non-profit corporation incorporated on December 19, 1855. Its business address is 316 W Carolina Avenue, Summerville, South Carolina.

225. St. Paul's traces history back to colonial Dorchester. For 11 years after the passage of the Church Act of 1706 the area of Dorchester encompassing what is now

Summerville was part of St. Andrews Parish. In 1717 Episcopalians within Dorchester petitioned the Colonial Assembly for their own parish. The new parish, formed by an Act passed on Dec. 11, 1717 was named St. George. “The Church and Parsonage-House were directed to be built where the Commissioners should direct, with the consent of a majority of the Parishioners, professing the religion of the Church of England, who should contribute to the expense.”

226. By 1720 construction of the outer portion of a church was complete. The construction was paid for by local subscriptions and by a contribution from the Colonial Assembly.

227. In 1734 the Church was renovated and enlarged and in 1751 a bell tower was added. The British occupied the area during the Revolutionary War. In 1782 the British set fire to the church, with only the bell tower surviving.

228. As of 1829 the rector of St. Paul’s Stono was holding regular summer services in parishioners homes. St. Paul’s Summerville remained a chapel-of-ease under the vestry of St. Paul’s Stono until after 1865. In 1830 parishioners built a church in Summerville near the present site.

229. In 1855 the General Assembly of South Carolina incorporated “The Vestry and Wardens of St. Paul’s Church, Summerville” and granted ownership of certain property including the property on which the church is located to St. Paul’s Summerville.

230. St. Paul’s Summerville has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation.

231. In 1857 the parishioners, needing a larger church, completed and consecrated the present church building that was enlarged in 1878.

232. Since 1857 the church has undergone repairs caused by the 1886 earthquake, has seen the addition of Ambler Hall in 1924, the construction of the parish house in 1974 and a new addition in 1986. All work was at the impetus of, under the direction of and at the expense of the rector and parishioners of St. Paul's Summerville.

233. St. Paul's left the Defendant in 1861 along with the rest of the Diocese. They returned when the Diocese of South Carolina voluntarily reassociated with the Defendant in 1866.

234. As of December 2011, St. Paul's had 952 baptized members and an annual operating income of \$1,140,170.

235. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, St. Paul's reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 17, 2012.

236. St. Paul's is the fee simple owner of all its real property.

237. During its 295-year history, the acquisition of St. Paul's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from funds donated or obtained from the parishioners of St. Paul's without any assistance or contributions from the Defendant.

238. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of St. Paul's real or personal property.

239. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted St. Paul's name and emblems by:

- i. Posting St. Paul's name or a name substantially similar on a website and improperly asserting that St. Paul's is "in union with" the Defendant.

- ii. Using St. Paul's name or a name substantially similar to it to send email and other correspondence improperly asserting that St. Paul's is "in union with" the Defendant.

Trinity Church Of Myrtle Beach ("Trinity")

240. Trinity is a South Carolina non-profit corporation. Its business address is 3000 N Kings Highway, Myrtle Beach, South Carolina. Trinity was incorporated on May 27, 1949.

241. It has continually existed and acted as a duly formed corporation with its Vestry and Wardens serving as its Board of Directors pursuant to its governance documents since its incorporation in 1949.

242. Trinity was organized in June 1939 as the "Church of the Messiah." It became a mission of the Diocese of South Carolina in October 1939. In 1949, it voluntarily associated with the Diocese of South Carolina as a parish. In 1951, its name was changed to "Trinity Episcopal Church." In November 2009, its name was changed to "Trinity Church of Myrtle Beach."

243. As of December 2011, Trinity had 650 baptized members and an annual operating income of \$700,533.

244. Trinity's is the fee simple owner of all its real property.

245. In addition to its votes at the Special Convention of the Diocese of South Carolina held on November 17, 2012, Trinity reaffirmed its disaffiliation with the Defendant by a vote of its Board of Directors on December 10, 2012.

246. During its 63-year history, the acquisition of Trinity's real and personal property and the maintenance, repair and renovation of its real property has been accomplished from

funds donated or obtained from the parishioners of Trinity without any assistance or contributions from the Defendant.

247. Neither the Defendant nor any other entity associated with the Defendant has any legal, beneficial or equitable interest in any of Trinity's real or personal property.

248. Defendant and those under its control including individuals claiming to be members of Defendant have assumed, used, adopted Trinity's name and emblems by:

- i. Posting Trinity's name or a name substantially similar on a website and improperly asserting that Trinity is "in union with" the Defendant.
- ii. Using Trinity's name or a name substantially similar to it to send email and other correspondence improperly asserting that Trinity is "in union with" the Defendant.

**DEFENDANT
THE EPISCOPAL CHURCH ("TEC")**

249. TEC is an unincorporated association with a business address of 815 Second Avenue, New York, New York. At least one of its members is a citizen of South Carolina.

250. TEC is a voluntary association of corporately independent dioceses.

251. Katharine Jefferts Schori is an agent of TEC.

252. Thomas S. Tisdale, Jr. is an agent of TEC and of Katharine Jefferts Schori and has been since at least December 2009.

253. On information and belief, Thomas S. Tisdale, Jr. was asked by TEC, through its agent, Katharine Jefferts Schori, to form a group some months before November 2012 called the "Steering Committee."

254. The Steering Committee is, on information and belief, operated under the auspices of TEC through Katharine Jefferts Schori.

255. Thomas S. Tisdale, Jr. has spoken on behalf of TEC at public meetings since on or about November 7, 2012 where he has stated, among other things, that TEC and those acting at and under its direction and control:

- i. will use the name and symbols of the Diocese of South Carolina;
- ii. have opened a bank account in the name of the Diocese of South Carolina.
- iii. will pursue lawsuits against the Diocese of South Carolina and against its parishes.

256. Since on or about November 7, 2011, TEC has repeatedly assumed, used, adopted and continued to use the names and emblems of the Diocese of South Carolina and of the Plaintiff Parishes without their consent. Specifically, TEC through its agents:

- i. sent an invitation by email at approximately 3:00 p.m. on November 8, 2012 from “Episcopal Diocese of South Carolina” using the email address “episcopaldioceseofsc@gmail.com” to all the Clergy of The Diocese inviting them to a “Clergy Day” to be held on November 15, 2012 at The Church of the Holy Communion, Charleston, SC. The invitation used the seal of the Diocese of South Carolina and the shield of TEC;
- ii. upon information and belief, the meeting location was changed because the rector of The Church of the Holy Communion, Charleston, SC was not aware when he allowed the meeting of its purposes, was not aware

- of the email that would be sent in the name of the Diocese of South Carolina, and was not aware of the unauthorized use of the Seal of the Diocese of South Carolina and the use of the protected Diocesan name;
- iii. caused to be registered the domain name “episcopaldioceseofsc.com” on October 27, 2012;
 - iv. caused to be created a website, “www.episcopaldioceseofsc.com”;
 - v. caused to be created an address at gmail.com using the name “episcopaldioceseofsc”;
 - vi. sent another email invitation on November 9, 2012 to clergy in the Diocese of South Carolina which was the same in substance as the November 8th email except with a new location. The email used the same names, and the diocesan Seal together with the TEC shield;
 - vii. caused to be published on November 11, 2012 an advertisement in the name of the Steering Committee in The Post & Courier, The Beaufort Gazette and Island Packet which used the Diocese name and its seal;
 - viii. caused to be launched a website, “www.episcopaldicoeseofsc.org”, which used the Diocesan Seal on all of its pages and used the names of the Plaintiff Parishes misrepresenting their status;
 - ix. caused to be launched a website called “www.scstewardship.com” using the name and seal of the Diocese which continues to be used;
 - x. caused to be duplicated, word for word, from the Diocese of South Carolina’s website, and placed on the above website the history and description of the Seal of the Diocese of South Carolina;

- xi. caused to be placed in The Island Packet on December 29, 2012 an invitation to a meeting using imitations of the Seal of the Diocese of South Carolina and using the name of the Diocese of South Carolina.
- xii. Caused the parish Plaintiffs names and website address links to be placed on TEC's website at www.episcopalchurch.org/diocese/southcarolina asserting, without the consent of the Plaintiff parishes and the Diocese of South Carolina, that they are associated with TEC and improperly using the name of the Diocese of South Carolina in an unauthorized web address called "www.episcopaldioceseofsc.org";
- xiii. TEC through Katherine Jefferts Schori improperly used the name of the Diocese of South Carolina in her letter of November 16, 2012;
- xiv. TEC through Katherine Jefferts Schori improperly used the name of the Diocese of South Carolina when TEC purportedly called a convention for January 25-26, 2013.

**FIRST CAUSE OF ACTION
DECLARATORY JUDGMENT**

(Interest in Real and Personal Property, South Carolina Code of Laws §§ 15-53-10, *et seq.*)

257. Plaintiffs incorporate by reference paragraphs 1-256.

258. The Defendant contends the real and personal property of Plaintiffs belongs to the Defendant or to those under its control "to be used for the mission of the Episcopal Church."

259. The Defendant contends that it, or those under its direction and control, have the right to the ownership and possession of Plaintiffs real and personal property even though there are no documents that have been signed by the Plaintiffs that expressly or impliedly create a property interest in favor of the Defendant and even though the Defendant has not taken any

reasonable steps necessary to obtain and protect that alleged interest through any commonly recognized mechanism to record its alleged interest in any court in South Carolina.

260. There exists an actual, justiciable controversy between the Plaintiffs and the Defendant.

261. As a result of the matters alleged above, the Plaintiffs seek a declaration, in accordance with the provisions of § 15-53-20 of the South Carolina Code of Laws (1976), that:

- a. The Defendant has no legal, beneficial or equitable interest in any of the real and personal property of Plaintiffs;
- b. The Defendant and anyone claiming under any alleged interest of the Defendant has no right, title or interest, legal, beneficial or equitable, to the real and personal property of the Plaintiffs;
- c. The Plaintiffs are the lawful and rightful possessors of all of the real and personal property as alleged above.

SECOND CAUSE OF ACTION
(Service Mark Infringement, South Carolina Code of Laws §§ 39-15-1105, et seq.)

262. Plaintiffs incorporate by reference paragraphs 1-261.

263. Defendant, and those acting under its direction and control, without the consent of the Plaintiffs, has used and caused to be used the registered service marks of Plaintiffs in the connection with its services and has used reproductions, copies or imitations of Plaintiffs' registered service marks which is likely to, and has, caused confusion, mistake and deception in that it has done so falsely claiming to be, or have the consent of, Plaintiffs.

264. Defendant and those acting under its direction and control have committed the acts alleged with the intent to cause confusion, mistake or to deceive.

265. The registered service marks of the Plaintiffs are famous within the meaning of § 39-15-1165, South Carolina Code of Laws (1976).

266. The Plaintiffs are entitled to injunctions prohibiting Defendant and those acting under its direction and control from using the registered service marks, requiring the return of all the counterfeit or imitation service marks to an officer of the Court or to the Plaintiffs for their destruction, and for such reasonable attorney's fees as may be determined by the Court all as provided by § 39-15-1170 of the South Carolina Code of Laws (1976).

THIRD CAUSE OF ACTION
(Improper Use of Names, Styles and Emblems South Carolina Code of Laws §§ 16-17-310 and 320)

267. Plaintiffs incorporate by reference paragraphs 1-266.

268. Plaintiffs are charitable organizations in the State of South Carolina.

269. Defendant and persons under its direction and control have assumed, used, adopted and have continued to assume, use and adopt the names, styles and emblems of the Plaintiffs or those so nearly resembling such names, styles and emblems, to be colorable imitations, all in violation of § 16-17-310 of the South Carolina Code of Laws (1976).

270. Plaintiffs were organized prior to and first used the names, styles and emblems or those substantially similar to those assumed, used and adopted by the Defendant and persons or any entity under its direction or control before Defendant or any organization under its direction or control was organized and first used the names, styles or emblems.

271. Plaintiffs are entitled to a declaratory judgment that Plaintiffs have the exclusive use of such names, styles and emblems and to have the rights of the Defendant and those under

its direction or control including its individual members fixed and determined all as provided in § 16-17-310, South Carolina Code of Laws (1976).

272. Plaintiffs are entitled to injunctions against the Defendant and those under its direction or control for the actual, and threatened continued, violation of the provisions of §16-17-310 all as provided by § 16-17-320, South Carolina Code of Laws (1976).

WHEREFORE, Plaintiffs pray that this Court declare the rights, status and other legal relations of the parties pursuant to §§ 15-53-10, *et seq* of the South Carolina Code of Laws and enjoin the Defendant and those acting under its direction and control, pursuant to §§ 39-15-1105, *et seq.*, 16-17-10 and 16-17-20 of the South Carolina Code of Laws, all as follows:

- a. That the Plaintiff, The Protestant Episcopal Church in the Diocese of South Carolina (“Diocese of South Carolina”) is the only properly organized civil corporation and organization entitled to the use and control of the corporate entity, its names, emblems, styles and seal, its corporate assets, its real and personal property;
- b. That the only proper and authorized representatives of the Diocese of South Carolina are the members of its Board of Directors, and their duly elected or appointed successors, and employees of the Diocese of South Carolina and that they alone are authorized to update the signature cards on any account held by the Diocese of South Carolina and to file proper amendments to the articles of incorporation and any other necessary filing with the South Carolina Secretary of State;
- c. That the Diocese of South Carolina has withdrawn from the Defendant;
- d. That there is only one of each Plaintiff Parishes and that each Parish through its Board of Directors and its duly elected or appointed successors and employees are the only

proper authorities of the Parish and are entitled to the exclusive use and control of the Parish corporation, its assets, its real and personal property;

- e. That the Defendant may not assume or hold out that any entities under its direction or control are the Diocese of South Carolina or are any of the Plaintiff Parishes;
- f. That the Defendant or anyone under its direction or control does not have legal capacity to act in the name of the Diocese of South Carolina or in the name of any of the Parishes;
- g. That the Defendant does not have a legal, beneficial or equitable interest in the real and personal property owned by the Diocese of South Carolina or in that of any of the Plaintiff parishes;
- h. That the Defendant has no rights to or authority over any Diocese of South Carolina or Parish real and personal property, and that the Defendant has no right or authority to possess, divert, encumber, alienate, transfer, or use any such property;
- i. That the Defendant and any entity or persons under its direction or control may not use in any way the registered service marks of the Diocese of South Carolina or of the Plaintiff parishes and that it be enjoined from such uses all as provided by Sections 39-15-1105 *et. seq.* South Carolina Code of Laws (1976);
- j. That the Defendant, its successors and assigns, and any person acting in concert with them, or under its direction or control be enjoined from operating or using under the Plaintiffs' names, filing unauthorized corporate documents under the Plaintiffs' names and using the names, seals, other service marks and intellectual property of the Plaintiffs without their express written authorization all as provided by Sections 16-17-310 and 320 of the South Carolina Code of Laws (1976);

- k. That the Defendant, its officers, agents, servants, employees, members, and attorneys, and any person in concert with or under its direction or control be enjoined from holding themselves out as the officers or other leaders of the Plaintiffs and/or any other constituent entities of the Plaintiffs all as provided by Sections 16-17-310 and 320 of the South Carolina Code of Laws (1976);
- l. That the Court grant such other, further or different relief as may be deemed just and proper including reasonable attorney's fees as provided by Sections 39-15-1105 *et seq.* of the South Carolina Code of Laws (1976).

January 4, 2013

Respectfully submitted,

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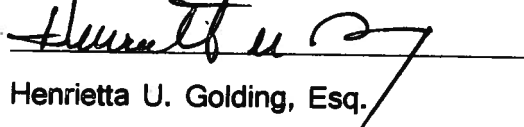
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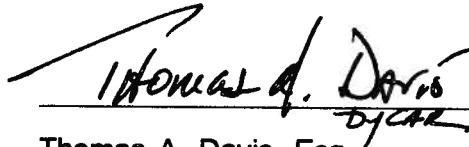
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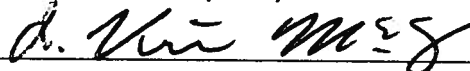
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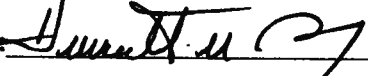
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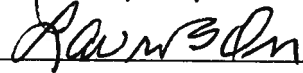
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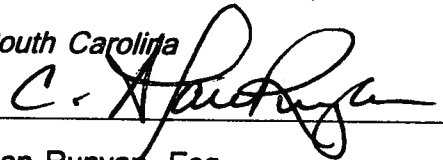
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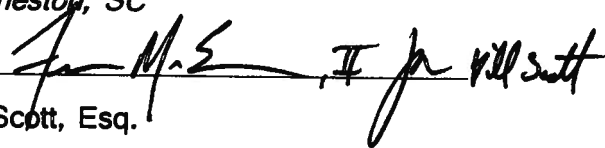
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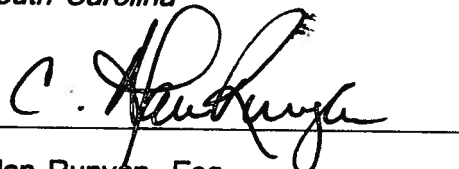
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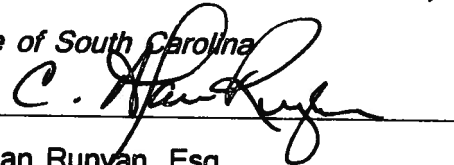
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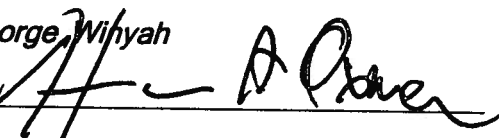
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