

Church Of God In Christ, Inc.
General Council of Pastors and Elders
Judicial Review Committee / Ecclesiastical Appeals Court
P. O. Box 356
Douglasville, Georgia 30133-0356



Dr. Frederick D. Jenkins - Georgia
Chairman / Chief Ecclesiastical Appeals Court Judge

ECCLESIASTICAL APPEALS COURT JUDGES

Supt. Alton Barnes- Connecticut
Dr. Destry C. Bell, Sr. - Texas
Supt. Lee E. Blackmon- Texas
Supt. Timothy Bouknight- Massachusetts
Dr. Robert E. Garner -Michigan
Supt. Johnnie Q. Jones -California
Supt. Jesse J. Lipford -Tennessee
Supt. Bruce A. McCoy -Michigan
Pastor Lawrence H. Murray -Nevada
Supt. Kenneth L. Paden -Georgia
Supt. Embra R. Patterson -Illinois
Elder Ward A. Snow -Alabama
Pastor Talbert W. Swan, II- Massachusetts
Pastor Carl E. Williams- Tennessee

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P. O. Box 356
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MATTER #RWHvDBW072311

THE MATTER

OF

Pastor Roney W. Hall, Sr.

VS.

Elder Daryl Williams

On behalf of

Lincoln & Katherine Williams Irrevocable Trust



Church Of God In Christ, Inc.
General Council of Pastors and Elders
Judicial Review Committee / Ecclesiastical Appeals Court

The Matter of

Elder Roney W. Hall, Sr. and Deliverance Temple Church of God in Christ
Petitioners

And

MATTER #RWHvDBW072311

Elder Daryl Williams on behalf of Lincoln & Katherine Williams Irrevocable Trust
Respondent

General Council of Pastors and Elders

The Chairman of the General Council of Pastors and Elders of the Church Of God In Christ, received a Formal Request for assistance from Elder Roney W. Hall, Sr. Pastor of Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, GA 30315, dated July 15, 2011. The letter of request for assistance was forwarded to the Judicial Review Committee / Appeals Court of the General Council of Pastors and Elders and received July 23, 2011.

SYLLABUS BY THE COURT

The jurisdiction of Civil Courts to address matters involving church affairs is limited. Neither state nor federal courts may undertake the resolution of quintessentially religious controversies, whose resolution the First Amendment to the Constitution of the United States of America commits exclusively to the highest ecclesiastical tribunals of the Church.

The Establishment Clause of the First Amendment to the Constitution of the United States of America prevents the government from appointing ministers. The Free Exercise Clause also prevents the government from interfering with the freedom of religious groups to select their own. The First Amendment permits hierarchical religious organizations to establish their own rules and regulations for internal discipline and government and to create tribunals for adjudicating disputes over such matters.

Purely theological questions and matters ecclesiastical in character must be determined by the authorities of the particular church involved according to its laws and usage. Civil Courts have no jurisdiction to review or control the decisions of duly constituted church authorities. However, when church-related controversies involve civil or property rights, the Civil Courts can and will take jurisdiction and decide the merits of the case in order to assure regularity of business practices and the right of private use and ownership of property. See Gospel Tabernacle Body of Christ Church v. Peace Publishers & Co., 211 Kan. 420, 422, 506 P.2d 1135, reh. denied 211 Kan. 927, 508 P.2d 849 (1973) (court considered whether a board of trustees had authority to convey church property absent approval of members of the congregation).

The Church of God in Christ, Inc. is a long established ecclesiastical organization. Numerous local churches are a part of its hierarchical system. See *Serbian Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 49 L. Ed. 2d 151, 96 S. Ct. 2372, *reh. denied* 429 U.S. 873 (1976) (Supreme Court recognized that the Orthodox church was a "hierarchical church," with a governing body, set rules of procedure, and an internal appeals procedure). The Church of God in Christ is typically organized with various Pastors, district superintendents, and Bishops. See *Church of God v. Middle City Ch. of God*, 774 S.W.2d 950, 951 (Tenn. App. 1989).

The National Church has duly adopted a constitution, policies, procedures, by-laws, and a Judicial Code of Conduct applicable to its local churches. The Pastor of the Local church is responsible for ensuring local compliance with the National Church's doctrinal and other policies and is empowered by the Jurisdictional Bishops upon appointment within their jurisdiction. See *Church of God in Christ, Inc. v. Graham*, 54 F.3d 522, 524 (8th Cir. 1995). Part I, the Constitution, Article III, Part 2, Section D, ¶¶ 5, 9, and 11, and Section J. of the Official Manual of the Church of God in Christ.

The Judicial procedure of the Church of God in Christ affords its members justice through a Trial Court process at the Jurisdictional level in the Jurisdictional Council of Pastors and Elders. Should the matter not be resolved there following the established procedure for appeal, they may appeal to the First Court of Appeals at the General Council of Pastors and Elders (conducted by the Judicial Review Committee/Appeals Court). Should the issues remain unresolved, again following established procedure for appeal they may appeal to the Final Court of Appeal, The Judiciary Board (the Supreme Court of the Church of God in Christ) whose ruling is final and without appeal.

The Judicial Review Committee/Appeals Court of the General Council of Pastors and Elders upon formal request through the Chairman of the General Council of Pastors and Elders for Appeals shall review Trial Court's entry of Judgment and/or Final Judgment rendered by the administration for abuse of discretion, judicial error, failure to follow court rules and procedure, prosecutorial misconduct and denial of Due-Process. Article V Section A ¶¶ 3, 4 of the Official Manual of the Church of God in Christ empowers the General Council of Pastors in the following manner:

“It shall serve as an Ecclesiastical Council to try, hear, and determine cases and all other matters referred to it under the Constitution or Laws of the Church.”

“It shall establish such rules and regulations as it may deem necessary and proper for the conduct of its business not inconsistent with the Constitution or Laws of the Church.”

It should be understood the Failure to file and answer or respond to a pleading is prima facie evidence of default. All of the allegations set forth in a petition are considered admissions when not denied in an answer or other responsive pleading is submitted. Absent extraordinary circumstances, **If** an affirmative defense is **Not** asserted in an answer or other responsive pleading, it is **Waived**.

STATEMENT OF JURISDICTION

The Official Manual of the Church Of God In Christ, Copyright 1973, reprinted in 1991 and 1992 in *Article III, Part II, Section B*. states:

“The General Assembly is the supreme legislative and judicial authority of the Church Of God In Christ.

It is the only tribunal which has power to express doctrine and creeds of the Church, and its decisions shall be binding on all members of the Church Of God In Christ.”

However in the *Biblical Apologetics for the establishment of the Judiciary Board of the Church of God in Christ* CFR-cc-93 page #2 states:

“On April 4, 1990, upon the recommendation and Report of the Committee on Constitution, submitted November, 1989, it was ordered by those certified delegates, present and voting, in the General Assembly, pursuant to the Constitution of the Church of God in Christ, Article VIII – The Judiciary Board, that the Judiciary Board of the Church of God in Christ, Incorporated, shall be established as an independent third branch of church government to exist in conjunction with the two present branches of government, the executive branch and the legislative branch.”

From the *Judicial Code Of Conduct of the Church Of God In Christ, Inc.* adopted November 14, 1994 in *Section VIII. Self-Government of the Judiciary*, states in part:

“An independent Judiciary is an important force in preserving the Church’s rules, regulations, constitutional provisions, doctrinal interpretations and traditions. Equal protection and “due process” shall be the right of every member. The Judiciary plays a vital role in the preservation of the polity of the Church of God in Christ, Inc. as a “Hierarchical Church.” The fulfillment of this role requires and understanding of their relationship to federal, state and local judicial systems and especially the first and fourteenth amendments of the United States Constitution.”

Under the separation of powers, each branch of government has a specific function. The Legislative Branch the (General Assembly) makes the laws. The Executive Branch the (General Board) implements the laws. The Judiciary Branch the (Church Court System) interprets the laws, decides legal controversies, and settles disputes.

Thus removing the Judicial authority of the Church of God in Christ from the General Assembly (the Legislative Branch) to the Church Court System the (Judicial Branch). The General Council of Pastors and Elders being attached to the Judiciary Branch of the Church of God in Christ according to the Official Manual of the Church of God in Christ *Article V. Section A. Para 3-4* which states:

“It shall serve as an Ecclesiastical Council to try, hear and determine cases and all other matters referred to it under the Constitution or laws of the Church.

It shall establish such rules and regulations as it may deem necessary and proper for the conduct of its business not inconsistent with the Constitution or Laws of the Church.”

It is understood that the General Council of Pastors and Elders “**Purpose** is to Protect the rights and privileges of the Pastors and Elders of the Church of God in Christ, its **Mission** is through education of its members to insure compliance with the doctrine, charter, constitution, by-laws, rules, regulation, policies and procedures of the Church of God in Christ as they now are or may be amended from time to time and of course its **Function** is that of an Ecclesiastical Council to try, hear and determine cases and matters referred to it.” It is the First Ecclesiastical Court of Appeal in the Church of God in Christ subject only to review by the Judiciary Board (the Supreme Court of Appeal of the Church of God in Christ). An independent judiciary is indispensable to justice in the Church of God in Christ.

After careful review of the request for appeal and the documents that were attached the following was determined:

1. That the parties are Clergy and members of the Church Of God In Christ.

2. That all parties, the Local Church, the Ecclesiastical Jurisdiction and the Clergy are active in the Church Of God In Christ and as such subject to the Authority, Rules, Regulations, Policies, Procedures, Constitution, By-laws, Doctrine, Charter, Discipline and Judicial Process of the same.
3. That neither party has exhausted all Remedies within the Ecclesia that is available to them, in this case.

The Judicial Review Committee / Appeals Court of the General Council of Pastors and Elders of the Church Of God In Christ has both Personal and Subject Matter Jurisdiction in this matter pursuant to *Article III Part II Section D* and *Article V Part II Section A* of the Official Manual of the Church Of God In Christ; *Article V Section II*, and *Article V Section II Para 3* of the Rules and Regulations of the General Council of Pastors and Elders, as well as the COGIC Judicial Code of Conduct 1994, there is also sufficient case laws that would allow for resolution in this matter in the Ecclesia: (*Goesele v. Bimeler*, 55 US. (14 How) 589, *Baker v. Nachtrieb*, 60 U.S. (19 How.) 126, *Attorney General v. Federal Street Meeting-house*, 66 U.S. (1 Black) 262, *Watson v. Jones* 80 U.S. (13 Wall.) 679, *Kreshik v. St. Nicholas Cathedral of the Russian Orthodox Church of North America*, 363 U.S. 190 (*percuriam*),). The Judicial Review Committee/Appeals Court shall take original jurisdiction of this matter as an Ecclesiastical Council to hear, try, and determine the issues of this matter.

STATEMENT OF THE MATTER

Per the Petitioners request this matter arose out of a letter dated May 26, 2011 from Ed Downs & Associates, P.C. addressed to Deliverance Temple COGIC Attn: Pastor Roney Hall 424 Ashwood Avenue Atlanta, GA 30315, the letter Re: Notice To Vacate Premises 424 Ashwood Avenue, Atlanta, Georgia not later than August 1, 2011, to which Pastor Roney W. Hall, Sr. replied in a letter dated June 10, 2011 to Ed Downs & Associates 1963 Highway 138 SW Riverdale, GA 302961880 stating that They would not vacate. It appears from the documents accompanying the request for assistance in particular the document titled Deliverance Temple COGIC-Atlanta Chronological History, this dispute arises from a schism between the founder of the church Dr. Lincoln Williams, Sr. and his son Elder Daryl Williams in 1999, and his not being chosen to succeed his father as Pastor of the Church.

FACTS

1. That Deliverance Temple Church of God in Christ of Atlanta, Georgia is a local church in the Western Ecclesiastical Jurisdiction of Georgia of the Church Of God In Christ, Inc..
2. That Elder Roney W. Hall, Sr. is the current Pastor of Deliverance Temple Church of God in Christ of Atlanta, Georgia.
3. That Dr. Lincoln Williams, Sr. is the Founder of Deliverance Temple Church of God in Christ of 424 Ashwood Avenue Atlanta, Georgia 30315.
4. That Dr. Lincoln Williams, Sr. is now incapacitated and no longer active in ministry, and no longer holds any active office in Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315.
5. That Calvin and Patricia G. Darden are no longer active members of Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315, and no longer officers of the same.
6. That Elder Daryl Williams is not an active member or officer of Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315.
7. That Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 did receive a letter from Ed Downs & Associates, P.C. as representative for Daryl Williams and the alleged "Lincoln & Katherine Williams Irrevocable Trust."
8. That Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta,

Georgia 30315 did receive a “Notice to Vacate Premises 424 Ashwood Avenue, Atlanta, Georgia” .

9. That Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 and Pastor Roney W. Hall, Sr. refused to vacate the premises and challenge the legitimacy of the alleged “Lincoln & Katherine Williams Irrevocable Trust and Daryl Williams claim as Trustee of the same.”.

ISSUES

1. Whether there is a “Lincoln & Katherine Williams Irrevocable Trust.”?
2. Whether Daryl Williams is legal Trustee of the alleged “Lincoln & Katherine Williams Irrevocable Trust.”
3. In the Church of God in Christ does Individual Families have a right to Church own property?
4. Whether Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 is properly titled and the Church of God in Christ Trust Clause if in the deed, in compliance with the policies of the National Church?
5. Whether Deliverance Temple Church of God in Christ of 424 Ashwood Avenue Atlanta, Georgia 30315 is affiliated with, a franchise of, extension of or in any way obligated or connected to Deliverance Temple Church of God in Christ of 177-179 Sherman Street Buffalo, New York 14212?

ANSWER TO THE ISSUES

1. Whether there is a “Lincoln & Katherine Williams Irrevocable Trust.”

Irrevocable Trust: A type of trust that by its design can't be modified, amended, changed or revoked. It is used to achieve a variety of estate planning goals, including reducing or even eliminating estate taxes by removing property from the Trust maker's estate; reducing or even eliminating estate taxes for future generations; establishing a charitable legacy; and providing asset protection for surviving spouses, descendants, and other beneficiaries.

There must be a Written Irrevocable Trust Agreement, which should be recorded in the office of the clerk of the circuit court of the county where any real property affected by the trust is located.

The IRS requires Reporting of Trust gifts on IRS Form 709.

2. Whether Daryl Williams is legal Trustee of the alleged “Lincoln & Katherine Williams Irrevocable Trust.”

Numerous request for documented proof of the existence of a “Lincoln & Katherine Williams Irrevocable Trust”, documentation showing Daryl Williams as Trustee for the alleged “Lincoln & Katherine Irrevocable”, have been made by this Court to Daryl Williams at 1210 Lake Charles Dr. Roswell, Georgia 30075 his listed residence and to and through Ed Downs & Associates, P.C. his legal representative at 1963 Highway 138 S.W. Riverdale, GA 30296-1880 and P. O. Box 741088 Riverdale, GA 30274.

3. Whether the Trust Clause of the Church of God in Christ is in effect in this transaction of property and if so has it been violated?

Article III SECTION D LOCAL CHURCHES Para 9, states:

“9. Real Estate or other property may be acquired by purchase, gift, devise, or otherwise, by local churches. Where real or personal property is acquired by deed, the instrument or conveyance shall contain the following clause, to wit:

“The said property is held in trust for the use and benefit of the members of the Church of God in Christ with National Headquarters in the City of Memphis, Shelby County, Tennessee, and subject to the Charter, Constitution, Laws and Doctrines of said Church, now in full force and effect, or as they may be hereafter amended, changed or modified by the General Assembly of said Church.”

4. In the Church of God in Christ does Individual Families have a right to Church own property?

Article III SECTION D LOCAL CHURCHES Para 9, states:

- “9. Real Estate or other property may be acquired by purchase, gift, devise, or otherwise, by local churches. Where real or personal property is acquired by deed, the instrument or conveyance shall contain the following clause, to wit:

“The said property is held in trust for the use and benefit of the members of the Church of God in Christ with National Headquarters in the City of Memphis, Shelby County, Tennessee, and subject to the Charter, Constitution, Laws and Doctrines of said Church, now in full force and effect, or as they may be hereafter amended, changed or modified by the General Assembly of said Church.”

5. Whether Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 is properly titled and the Church of God in Christ Trust Clause if in the deed, in compliance with the policies of the National Church?

Article III SECTION D LOCAL CHURCHES Para 1, 8-9 states:

- “1. The Local Church is the basic unit of the structural organization of the Church of God In Christ. Its membership shall consist of all who have been set in order as a Church by those authorized to do so after having first declared their faith in Jesus Christ as their Savior and declared their faith and belief in the doctrines of the Church of God In Christ and their willingness to submit to and abide by the government of the Church of God In Christ. The Pastor of a local church shall be appointed by the Jurisdictional Bishop of the Ecclesiastical Jurisdiction of the Church.

8. All trustees of local churches shall be members of the Church of God In Christ. In all cases where the law requires a special mode of election of Church Trustees, that mode must be followed. Trustees of local unincorporated churches and their successors in office shall hold title to all real and personal property, for the use and benefit of the members of the Church of God In Christ with section 9 hereinafter. Where, however, the law requires no particular mode of election of trustees, they shall be elected by a majority of the members of the congregation, present and voting, in a regular or special business meeting of the church. All special meetings of the church shall be announced on a Sunday preceding the date of the meeting and shall state the purpose of the call and the time and place of the meeting.

9. Real Estate or other property may be acquired by purchase, gift, devise, or otherwise, by local churches. Where real or personal property is acquired by deed, the instrument or conveyance shall contain the following clause, to wit:

“The said property is held in trust for the use and benefit of the members of the Church of God in Christ with National Headquarters in the City of Memphis, Shelby County, Tennessee, and subject to the Charter, Constitution, Laws and Doctrines of said Church, now in full force and effect, or as they may be hereafter amended, changed or

FINDINGS AND CONCLUSIONS

After careful and prayerful review of the petition, and the documents presented by the Petitioner, requests were made to the Respondent and the Respondents legal representative with no response to date, therefore the findings and conclusion reached in this answer is based on the documentations provided by the Petitioner, the policies and procedures, Charter, Constitution, By-Laws, Judicial Code of Conduct of the Church of God in Christ and all applicable federal, state and local statues/laws and relevant case laws. We find the following:

With regards to Issue #1. Whether there is a “Lincoln & Katherine Williams Irrevocable Trust.”?

This Court understanding of (**Irrevocable Trust**) is that it is a type of trust that by its design can't be modified, amended, changed or revoked. It is used to achieve a variety of estate planning goals, including reducing or even eliminating estate taxes by removing property from the Trust maker's estate; reducing or even eliminating estate taxes for future generations; establishing a charitable legacy; and providing asset protection for surviving spouses, descendants, and other beneficiaries.

There must be a Written Irrevocable Trust Agreement, which should be recorded in the office of the clerk of the circuit court of the county where any real property affected by the trust is located.

The IRS requires Reporting of Trust gifts on IRS Form 709. This Court found that since the Respondent failed to respond to this Courts request for documentation legitimizing Respondents assertion of the existence of a “Lincoln & Katherine Williams Irrevocable Trust”, and the fact that through this Courts use of the Georgia and New York states Opens Records Act, and the Freedom of Information Act found that there is no recording for the filing of a “Lincoln & Katherine William Irrevocable Trust” in either State, (It should be understood that while there may be no filing of an Irrevocable Trust it does not mean that one does not exist.)

CONCLUSIONS ISSUE #1

The failure of Respondent to provide the Court with the necessary documentation requested leaves this Court with the conclusion that there is no “Lincoln & Katherine Williams Irrevocable Trust.” And the Respondent assertion that there is one is nil and void.

With regards to Issue #2. Whether Daryl Williams is legal Trustee of the alleged “Lincoln & Katherine Williams Irrevocable Trust.”

Numerous request for documented proof of the existence of a “Lincoln & Katherine Williams Irrevocable Trust”, documentation showing Daryl Williams as Trustee for the alleged “Lincoln & Katherine Irrevocable”, have been made by this Court to Daryl Williams at 1210 Lake Charles Dr. Roswell, Georgia 30075 his listed residence and to and through Ed Downs & Associates, P.C. his legal representative at 1963 Highway 138 S.W. Riverdale, GA 30296-1880 and P. O. Box 741088 Riverdale, GA 30274 with no response to date.

Since the Respondent failed to respond to this Courts request for documentation legitimizing Respondents assertion that he is the “Trustee” of the alleged “Lincoln & Katherine

Williams Irrevocable Trust”, and the fact that through this Courts use of the Georgia and New York states Opens Records Act, and the Freedom of Information Act found that there is no recording for the filing of notice of being appointed “Trustee” of the alleged “Lincoln & Katherine William Irrevocable Trust” in either State, (It should be understood that while there may be no filing of notice of being appointed “Trustee” of an Irrevocable Trust it does not mean that one does not exist.)

CONCLUSIONS ISSUE #2

The Respondent failure to provide this Court with documentation supporting the assertion leaves this Court with the conclusion that there is no such appointment of the Respondent as “Trustee” the alleged “Lincoln & Katherine Williams Irrevocable Trust.” And the Respondent assertion that he is “Trustee” is nil and void.

With regards to Issue #3. In the Church of God in Christ does Individual Families have a right to Church own property?

This Court concurrent with America’s Founders in that private property is the foundation not only of prosperity but of freedom itself. Thus, through common law, state law, and the United States Constitution they protected property rights-the rights of people to freely acquire, use, and dispose of property. The Constitution protects property right mainly through the Fifth Amendment’s, property is the foundation of every right we have, including the right to be free. Every legal claim, after all, is a claim to something-either a defensive claim to keep what one is holding or an offensive claim to something someone else is holding. Churches and religious organization are something of a special case, because the First Amendment to the U.S. Constitution forbids the government making a law "respecting an establishment of religion" and also forbids "prohibiting the free exercise thereof [that is, of religion]." The First Amendment originally bound only the U.S. Federal Government, but by incorporation through the 14th Amendment, also binds state and local governments. Under the Religious Freedom Restoration Act many generally applicable state laws regarding employment, zoning and property the like are relaxed for Churches.

CONCLUSIONS ISSUE #3

While the United States Constitution give many liberties and protection to the Church under the First and Fourteenth Amendments and there is a plethora of case laws to support the same. The Church Of God In Christ Charter, Constitution, Doctrine, By-Laws, Policies and/or Procedures does not make, suggest, nor does it support any provision that allows for the transference of Church Property to heirs of ministers/missionaries or members who serves in the church.

With regards to Issue #4. Whether Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 is properly titled and the Church of God in Christ Trust Clause if in the deed, in compliance with the policies of the National Church?

Article III Section D Para 9 and 11 of the Official Manual of the Church Of God In Christ states:

“9. Real Estate or other property may be acquired by purchase, gift, devise, or otherwise, by local churches. Where real or personal property is acquired by deed, the instrument or conveyance shall contain the following clause, to wit:

“The said property is held in trust for the use and benefit of the members of the Church of God in Christ with National Headquarters in the City of Memphis, Shelby County, Tennessee, and subject to the Charter, Constitution, Laws and Doctrines of said Church, now in full force and effect, or as they may be hereafter amended, changed or modified by the General Assembly of said Church.”

11. No deed, conveyance or mortgage or real estate of a local church shall be binding on the Church Of God In Christ unless the execution of said instrument has been approved in writing by the Jurisdictional Bishop having jurisdiction over said local church.”

CONCLUSIONS ISSUE #4

It is clear to this Court that the “Warranty Deed of Conveyance in this case” is absence the required “Trust Clause” and there are no documents provided to show that *Article III Section D. Para 11* was complied with either.

This Court finds that after careful review of the documentation provided by the Petitioner that the Warranty Deed of conveyance filed and recorded May 21, 1997 Book #22643 Page 115 File #C25804 may well be flawed.

With regards to Issue #5. Whether Deliverance Temple Church of God in Christ of 424 Ashwood Avenue Atlanta, Georgia 30315 is affiliated with, a franchise of, extension of or in any way obligated or connected to Deliverance Temple Church of God in Christ of 177-179 Sherman Street Buffalo, New York 14212?

This Court finds that after careful review of the documentation provided by the Petitioner that was filed and recorded May 21, 1997 in the County of Fulton, the State of Georgia Book #22643 Page 115 through Pages 119 File #C25804 which included the Warranty Deed of conveyance, Exhibit “A”, Corporate Resolution, Affidavit of Possession, and Exhibit “B”.

On the face of the Warranty Deed it shows Calvin Darden, Patricia G. Darden, and Rev. Lincoln Williams, Sr., as Co-Trustees of The Deliverance Temple Church Of God In Christ, Inc., a New York Corporation as Joint Tenants called Guarantee. In the Corporate Resolution adopted and dated May 8, 1997 Deliverance Temple Church Of God In Christ, Inc. is listed as the (“Purchaser”).

This Court in communication with the Officers of Deliverance Temple Church Of God In Christ, Inc., a New York Corporation located in Buffalo, New York, that being the Pastor and Chairman of Trustees through their counsel Attorney Roland M. Cercone in a letter dated March 19, 2012, states the following:

“We have been approached by both parties to transfer property in Atlanta, Georgia that is allegedly in our name over to both of you and your representative. However, we have no legal authority to make any such transfer. Any such property purchased in Atlanta, Georgia specifically at 424 Ashwood Avenue, was purchased without the authority, knowledge, approval of financial funds of our church, Deliverance Temple Church of God in Christ, Inc. in Buffalo, New York, or out trustees. Our trustees were never aware of any such purchase nor did they vote on or approve of any such purchase. We did not finance the purchase of any property, nor did we run, ascertain or benefit from any alleged purchase of such property.”

CONCLUSIONS ISSUE #5

The Georgia Superior Court Clerks’ records in Book 22643, pages 115-119 in Fulton County, Georgia, Deliverance Temple Church of God in Christ, Inc. as Grantee of the property located at 424 Ashwood Avenue Atlanta, Georgia 30315; Western Georgia Ecclesiastical

Jurisdiction of the Church Of God In Christ, Inc. list Deliverance Temple Church of God in Christ, Inc. 424 Ashwood Avenue Atlanta, Georgia as one of its member churches and Elder Roney W. Hall, Sr. is the Appointed Pastor with appointment from the Church Of God In Christ, dated April 13, 2008. Deliverance Temple Church of God in Christ, Inc. a New York Corporation denies any association, affiliation, franchise, extension, investment, financing or any obligation from with or to Deliverance Temple Church of God in Christ of Atlanta, Georgia. The Respondent has not supplied this Court with any documents to the contrary; further Calvin Darden, Patricia G. Darden and Rev. Lincoln Williams, Sr. by severing their relationship with Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 have no voice in the affairs of Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315.

Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 is therefore an entity in the Church Of God In Christ, Inc. with no relationship to Deliverance Temple Church of God in Christ, Inc., a New York Corporation located in Buffalo, New York.

POSITION OF THE COURT

We Affirm that, Elder Roney W. Hall, Sr. is the duly appointed Pastor of Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 with all the power and authority afforded by the Constitution of the Church Of God In Christ, Inc., and is the official representative and spokesman in and for Deliverance Temple Church of God in Christ

We Affirm that, Calvin Darden, Patricia G. Darden, Rev. Lincoln Williams, Sr. and Daryl Williams having severed their membership with Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 have no voice or standing in any way with the affairs of the same and is therefore ordered to cease and desist any an all efforts at interference with the same.

We Affirm that, Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 is in no way attached to or associated with The Deliverance Temple Church of God in Christ, Inc., a New York Corporation, and therefore have its own legal standing to operate in the State of Georgia as a church and not for profit religious corporation without the necessity of their approval or authority.

We Affirm that, the Respondent in this matter failed to present an affirmative defense or respond to the request of this Court and thus waiving that privilege. Therefore with respect to the assertion of a Lincoln & Katherine Williams Irrevocable Trust and Daryl Williams being the Trustee of that irrevocable trust this Courts is not convinced that there is or ever was such a trust.

We Affirm that, the Trust Clause required by the Church Of God In Christ Official Manual, *Article III Section D Para 9*

“9. The said property is held in trust for the use and benefit of the members of the Church of God in Christ with National Headquarters in the City of Memphis, Shelby County, Tennessee, and subject to the Charter, Constitution, Laws and Doctrines of said Church, now in full force and effect, or as they may be hereafter amended, changed or modified by the General Assembly of said Church.”

is not now a part of the Warranty Deed for this property, the Pastor and Trustee Board of

Deliverance Temple Church of God in Christ 424 Ashwood Avenue Atlanta, Georgia 30315 are now ordered by this Court to insure that this be corrected and that an addendum be added to the Warranty Deed of Conveyance to include the required Trust Clause.

This now is the Order of this Court, and is considered final unless either party within thirty (30) days from receipt of this order file notice of appeal with the Judiciary Board (the Supreme Court) of the Church Of God In Christ such notice must show and prove Judicial Error on part of this Court.

Given under my hand this Twenty Ninth Day of November 2012

Dr. Frederick D. Jenkins, Chairman / Chief Appeals Court Judge
Judicial Review Committee/Appeals Court
General Council of Pastors and Elders Church Of God In Christ
678/836-4573=Cell
770/693-7671=Office
770/693-7671=Fax
drfdj97@aol.com



CERTIFICATE OF MAILING

I hereby certify that I have this day served the foregoing document upon the Parties of record in this proceeding set forth below by mailing a copy thereof, properly addressed by first class registered mail:

Pastor Roney W. Hall, Sr.
1854 Arnold Drive
Austell, Georgia 30106

Daryl Williams
1210 Lake Charles Dr.
Roswell, Georgia 30075

Daryl Williams
c/o Ed Downs & Associates, P.
1963 Highway 138 SW
Riverdale, GA 30296-1880

Deliverance Temple COGIC
424 Ashwood Avenue
Atlanta, GA 30315

Bishop Norman Harper, Prelate
South Central Georgia Jurisdiction
Kelley Lake Church of God in Christ
2411 Whites Mill Rd
Decatur, GA 30032

Bishop Henderson Spivey, Prelate
Western Georgia Jurisdiction
Glad Tidings, Church of God In Christ
703 Robert L. Parks Blvd.
Cedartown, GA 30125

Deliverance Temple Church Of God In Christ
177 Sherman Street
Buffalo, NY 14212

James Sims, Trustee
30 International Lane
Grand Island, NY 10472

Bishop John H. Sheard
Chairman Board of Bishops COGIC
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Done: This 28th day of January, 2013.

Dr. Frederick D. Jenkins, Chairman/ Chief Appeals Court Judge
Judicial Review Committee/Appeals Court
General Council of Pastors and Elders Church Of God In Christ

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