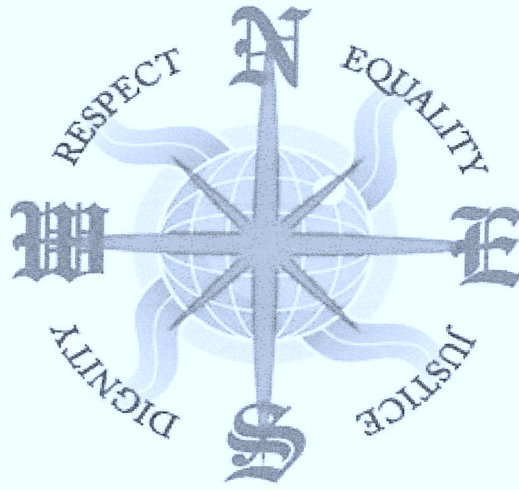
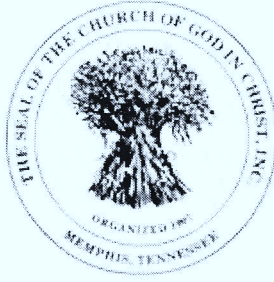


Church Of God In Christ, Inc.
General Council of Pastors and Elders
Judicial Review Committee / Ecclesiastical Appeals Court
P. O. Box 356
Douglasville, Georgia 30133-0356



FILE: MATTER #WBJWCBFMBvBLEW07302011

THE MATTER
OF
WILLIAM B. JONES, WILLIAM C. BATTS, FRANK M.
BATTS & SATERIA SMITH
OF
ST. PAUL CHURCH OF GOD IN CHRIST EMPORIA, VIRGINIA
AND
BISHOP LEVI E. WILLIS, II
OF
THE 3RD ECCLESIASTICAL JURISDICTION OF VIRGINIA
CHURCH OF GOD IN CHRIST
ST. PAUL CHURCH OF GOD IN CHRIST EMPORIA, VIRGINIA



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

The Matter of

William B. Jones, William C. Batts, Frank M. Batts and Sateria Smith, individually
and as trustees and representatives of others of ST. Paul Church Of God In Christ
Emporia, Virginia,
Petitioners

And

MATTER #WBJWCBFMBvBLEW07302011

Bishop Levi E. Willis, II
Respondent

General Council of Pastors and Elders

The Chairman of the General Council of Pastors and Elders of the Church Of God In Christ on August 25, 2011 received a letter dated July 30, 2011 from William B. Jones, William C. Batts, Frank M. Batts and Sateria Smith identifying themselves as “Elected Officials of ST. Paul Church Of God In Christ located in Emporia, Virginia” indicating that they wished to initiate an Official Grievance against Bishop Levi E. Willis, II, Jurisdictional Bishop of the Third Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ and current Pastor of ST. Paul Church Of God In Christ in Emporia, Virginia. The letter of request for assistance was forwarded to and received by the Judicial Review Committee / Appeals Court of the General Council of Pastors and Elders of the Church Of God In Christ September 7, 2011 and placed on the Judicial Review / Appeals Court docket for the next docket scheduled which was November 2011 during the Holy Convocation of the Church Of God In Christ in ST. Louis Missouri. The parties were notified and efforts were made to resolve the matter informally.

Another letter dated December 6, 2011 was received by the General Council of Pastors and Elders of the Church Of God In Christ December 16, 2011 signed by 34 individuals identifying themselves as members of St. Paul Church Of God In Christ Emporia, Virginia stating, “We, the members of St. Paul Church of God in Christ remain aggrieved regarding the unsettled issues of our church,.”.

In January 2012 in a telephone conversation with Bishop Levi E. Willis, II, he expressed a desire to have this matter resolved since he has an up coming election of trustees for the church. Bishop Willis was informed and cautioned that since there was a formal complaint and request for intervention it might be in both their best interest to wait until the Ecclesiastical Council has finished its review. Bishop Willis stated he would postpone the election.

SYLLABUS BY THE COURT

The jurisdiction of the courts to address matters involving church affairs is limited. 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 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 105 plus -year-old 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, bishops, and district superintendents. 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 and bylaws which apply to its local churches. Jurisdictional Bishops are responsible for ensuring local compliance with the National Church's doctrinal and other policies and are empowered to appoint and remove pastors for the local churches 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 of the Official Manual of Church of God in Christ.

STATEMENT OF JURISDICTION

After careful review of the request for assistance 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 matter.

The Judicial Review Committee / Ecclesiastical 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 (*per curiam*),).

STATEMENT OF THE MATTER

Per the Petitioners documentation, this is a church dispute that began at the passing of its Pastor of more than 30 years the late District Superintendent Frank M. Batts in November of 2008. ST. Paul Church of God in Christ of Emporia, Virginia is and has been a local church in the Southern District of the Third Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ for some 40years.

The late Bishop Levi E. Willis, Sr. served as Jurisdictional Bishop of the Third Ecclesiastical Jurisdiction of Virginia until his passing in February of 2009. During the period of 2008-2009 Bishop Levi E. Willis, Sr. was ill and could not carry out many of his Episcopal duties which included the appointment of Pastors causing the ST. Paul Church to operate without an appointed local pastor.

Bishop Levi E. Willis, Sr. passed away in February 2009, in April 2009 his son Levi E. Willis, II was appointed his successor, a schism occurred in the Third

Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ which gave birth to the Fourth Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ led by G. Wesley Hardy; the Pastors of the churches of the Southern District chose to leave the Third Ecclesiastical Jurisdiction of Virginia and go to the Fourth Ecclesiastical Jurisdiction of Virginia. ST. Paul Church of God in Christ of Emporia however could not make the move with the Southern District since they had no appointed Pastor.

In April 2009, before the appointment of a Pastor for ST. Paul Church of God in Christ, the Petitioners sent a letter to the Chairman of the Board of Bishops and the General Secretary of the Church Of God In Christ expressing their displeasure with Bishop Willis, II and their desire to change Ecclesiastical Jurisdictional Affiliation.

In May 2009 Bishop Levi E. Willis, II in a meeting with the congregation of ST. Paul Church appointed Elder Michael Gray as Pastor on a 6 month trial basis. In the same month the Petitioners again sent letters to the Chairman of the Board of Bishops, the General Secretary, the General Board and the Presiding Bishop of the Church Of God In Christ expressing displeasure with Bishop Willis, II and their desire to change Ecclesiastical Jurisdictional Affiliation.

After numerous letters to the National Church from the Petitioners they were informed in February 2011 by the Presiding Bishop's Office that their procedure was incorrect that this matter should start at the Jurisdictional level.

In May 2011 the Petitioners sent a letter to the National Church, the Presiding Bishop, the General Secretary and to Bishop Levi E. Willis, II advising that "ST. Paul will no longer support nor interact with the 3rd Jurisdiction of VA..."

In June 2011 the Petitioners held a membership meeting at ST. Paul church during which time the members voted to transfer from the 3rd Jurisdiction to the 4th Jurisdiction, and sent the result overnight to the General Secretary, the General Board and the Presiding Bishop of the Church Of God In Christ. It should be noted that there is no record reflecting that the actions taken by the Petitioners were initiated or sanctioned by the appointed Pastor Elder Michael Gray.

After receiving numerous complaints from the Petitioners about Elder Michael Gray which is not a part of this matter, on July 15, 2011 in a meeting with ST. Paul Church Bishop Willis, II removed Elder Michael Gray as Pastor and assumed the Pastorate of ST. Paul Church. In another meeting of ST. Paul Church July 21, 2011 Bishop Willis, II in his role as Pastor of ST. Paul Church informed the officers that he would be removing d all Officers from office. According to the Petitioners correspondence it was announced that Bishop Willis, II Pastor of ST. Paul church was going to have election for new trustees of ST. Paul Church and on January 29, 2012 the election was held.

FACTS

1. That St. Paul Church of God in Christ of Emporia, Virginia is a local church in the Third Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ.
2. That Bishop Levi E. Willis, II is the current Pastor of ST. Paul Church of God in Christ of Emporia, Virginia.
3. That Frank M. Batts, Jr., William C. Batts, John W. Person, William Jones, Thomas Person and Namon Batts were elected and appointed Trustees for ST. Paul Church of God in Christ August 11, 1989.
4. That Bishop Levi E. Willis, II is the duly consecrated and appointed Jurisdictional Bishop of the Third Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ.
5. That Elder Michael Gray was removed as Pastor of ST. Paul Church by Bishop Levi E. Willis, II, Jurisdictional Bishop of the 3rd Jurisdiction of Virginia.
6. That letters were sent to Frank Batts, William Jones, Earnest Smith, Ronnie Williams and Steve Eason removing them from office at ST. Paul Church of God in Christ.
7. That on January 29, 2012 ST. Paul Church of God in Christ held an election for Trustees.

8. That the Petitioners were and are displeased with Bishop Willis, II and desire to transfer ST. Paul Church from the Third to the Fourth Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ.
9. That the Petitioners did impose themselves into the Episcopal administrative functions of the local church that is beyond the scope of their duties and responsibilities as Trustees.

ISSUES

1. Whether the Bishop has the authority to remove a Pastor from office.
2. Whether the Pastor has the authority to remove church officers from office.
3. Whether the Pastor or Officers have authority to change the physical nature of the church.
4. Whether the Official Manual was violated or not.
5. By whose authority the process for a church to transfer is initiated.
6. Whether the new Trustee Board election was flawed.
7. Whether the qualifications of a Bishop are met.

ANSWER TO THE ISSUES

1. Whether the Bishop has the authority to remove a Pastor from office.
Article IV, Section A, Pare 1-5 – JURISDICTIONAL BISHOPS, of the Official Manual of the Church Of God In Christ states:
A Jurisdictional Bishop shall have the following qualifications, powers and duties:
 2. A Jurisdictional Bishop shall have the right to appoint and ordain Elders.
 3. Each Jurisdictional Bishop shall be the representative of the Church of God In Christ in respect to all church matters in his Ecclesiastical Jurisdiction and shall have general supervision over all departments and Churches in his Jurisdiction.
 4. A Jurisdictional Bishop shall preside over the Jurisdictional Assembly in his Ecclesiastical Jurisdiction and fix and determine the time and place of its meeting.
 5. Each Jurisdictional Bishop shall have the right to appoint and/or remove District Superintendents, Departmental heads and all other State officials in his Ecclesiastical Jurisdiction, unless otherwise provided for by this Constitution.

Part VII General Services For Pulpit and Parish: SERVICE FOR INSTALLATION AND CONSECRATION OF A BISHOP Pages 214-216 of the Official Manual of the Church Of God In Christ states:

The General Assembly of the Church Of God In Christ has assigned to you, as Bishop the following duties:

To function as the administrative head of the Ecclesiastical Jurisdiction to which you are assigned.

To seek out and discover, in cooperation with your district superintendents and congregations, a suitable pastor for each congregation under your care.

Article III STRUCTURE OF CHURCH, CIVIL, AND ECCLESIASTICAL Part II ECCLESIASTICAL Section D LOCAL CHURCHES Amended April 14, 1982 to add: *CONSTITUTIONAL PROCEDURES FOR FILLING PASTORAL VACANCIES AND CHURCH TRANSFER* states:

17. All vacancies that occur in the pastorate of a local church shall be filled by the Jurisdictional Bishop. The supervision and management of the church shall remain with the Jurisdictional Bishop or his designee until such time as a Pastor is appointed to fill such vacancy.

2. Whether the Pastor has the authority to remove church officers from office.
Article III Section J. PASTORS OF LOCAL CHURCHES states:

The Pastor is the chief executive officer of the local Church and shall have general oversight and supervision thereof.

The Pastor shall have the right to appoint or remove officers of the local church, and to administer his office in accordance with the Charter, Constitution, and By-Laws of the Church of God In Christ.

The Pastor shall be responsible for the spiritual and doctrinal guidance of the local church.

Part III THE CHURCH (A.) THE LOCAL CHURCH states:

The local church having assumed the vows of the membership in the Church of God In Christ must consist of a congregation..... It must be governed by the lawful Pastors under the overseer ship of Jurisdictional Bishops, and must abide by the rules and regulations prescribed in the constitution and by laws of the church as set forth in Part I of this manual.

In order that each local church may be properly recognized by the Jurisdictional Bishop and the National Headquarters of the Church Of God In Christ, it shall be the duty of all Pastors to organize and administer the church charged to their care according to the rules and regulations as prescribed by the constitution.

Each local church is held accountable for its members wherever they live and for persons who choose it as their church, wherever they live.

The local church is the basic unit of the structural organization 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.

3. Whether the Pastor or Officers have authority to change the physical nature of the church.

Article III Section J. PASTORS OF LOCAL CHURCHES states:

The Pastor is the chief executive officer of the local Church and shall have general oversight and supervision thereof.

4. Whether the Official Manual was violated or not.

Article III STRUCTURE OF CHURCH, CIVIL, AND ECCLESIASTICAL

Part II ECCLESIASTICAL SECTION D LOCAL CHURCHES states:

7. A local church may establish its own constitution and by-laws, provided the same shall not be in conflict with or repugnant to the Charter, Constitution, Laws and Doctrines of the Church of God In Christ.

5. By whose authority is the process for a church to transfer is initiated.

Article III STRUCTURE OF CHURCH, CIVIL, AND ECCLESIASTICAL Part II ECCLESIASTICAL Section D LOCAL CHURCHES Amended April 14, 1982 to add *CONSTITUTIONAL PROCEDURES FOR FILLING PASTORAL VACANCIES AND CHURCH TRANSFER* states:

18. No local church shall be authorized to change or transfer its Jurisdictional affiliation unless at least two-thirds of the church's membership agrees for such transfer.

Addendum to I8. - April 14, 1982. Two-Thirds of the membership must be present and voting after due notice, before authorization can be given to move the church from one Jurisdiction to another.

a. The Pastor of the church shall notify in writing the General Secretary of the Church of God in Christ, the Jurisdictional Bishops where the church is affiliated, and the Jurisdictional Bishop where the church intends to transfer, of intent to transfer, which notice shall be given at least thirty (30) days before the local church's membership can act on said transfer. The notice shall include the

following information:

1. Name of Pastor
 2. Name and location of the Church.
 3. Membership enrollment.
 4. Jurisdiction where Church is affiliated.
 5. Name and address of Jurisdictional Bishop.
 6. Jurisdiction where Church seeks to transfer and name of Bishop of such Jurisdiction.
- b. The respective Jurisdictional Bishops or their designee where the Church is affiliated and where the Church seeks to transfer shall be entitled to be present at the membership meeting convened for this purpose.
- c. The vote on the transfer shall be by secret written ballot. The respective Jurisdictional Bishops shall be authorized to have a representative present to observe the voting and the counting of the ballots.
- d. The respective Jurisdictional Bishops and the Pastors of the local church shall within seventy-two (72) hours notify the General Secretary of the Church of God in Christ of the results.
19. No local church shall be authorized to petition for a transfer of its Jurisdictional affiliations but for one time each twelve (12) month period.
20. A member of a local church shall not transfer membership to another local Church of God in Christ unless the local member has the written consent of the Pastor where the member is enrolled. The pastor should give the member who is in good standing a letter of consent upon request.

6. Whether the new Trustee Board election was flawed.

Article III STRUCTURE OF CHURCH, CIVIL, AND ECCLESIASTICAL
Part II ECCLESIASTICAL SECTION D LOCAL CHURCHES states:

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.

GENERAL RULE OF ORDER Page 88-99 of the Official COGIC Manual
C. RULES OF ORDER FOR A MEETING states:

The heart of an association is its members. Attending meetings, taking part, voicing your opinion, voting on important decisions, and taking part in the election of officers who lead your church organization, club or board is your responsibility.

Every club or organization should want to hold democratic meetings. But wanting this doesn't always bring it about. Through years of experience, legislators have worked out a set of rules for conducting meetings democratically. Because these rules were originally based on the experiences of the English Parliament, they are known as Parliamentary Law or Parliamentary Procedure. It helps us to accomplish business efficiently and speedily. At the same time, it protects the rights of all members to have their say. Officers and Their Duties:

The Chairman of church meetings is usually the Pastor or Board President. If the President is absent, the Vice-President presides. If he or she is absent, then the Second-Vice-President or next ranking officer presides. The chairman's duties are as follows:

1. Calls the meeting to order on time. "The regular meeting of ... will now come to order."
2. Asks for roll call of officers and the reading of previous minutes. (Secretary then reads both of these.)
3. Announces each item of new business as soon as the preceding one is finished to keep things moving steadily.
4. Calls on members who want to speak.
5. States all motions before putting them to a vote.
6. Announces the result of the voting.
7. Maintains order and conducts discussion democratically by recognizing speakers on both sides of a question.
8. The chairman casts the deciding vote when there is a tie vote.
9. The Chairman should know basic Parliamentary Procedure to keep the meeting running smoothly, starts and tries to end on time.
10. Important matters should get attention; less important ones do not need to take up much time.
11. Reports of Committees and Officers should be prepared ahead of time so they are well presented and lead to action by the membership. Keep the meeting short as possible.

Nominations and Elections

The nomination of officers is a special order of business. Let all members know when the meetings to nominate and elect officers are to be held. The law requires that all members be given reasonable notice of the time and place of nominations. An announcement should be made at a regular meeting and it also requires that a written notice be mailed to each member before the elections are held. At the proper time in a meeting, the Acting Chairman calls for nominations. They should be given enough time for everyone who wants to nominate to have a chance to do so. The Chairman may rule out of order a motion to close nominations too soon. The motion to close nominations when it comes requires a second, and when a majority votes, it is not debatable. Candidates must, of course, qualify for the office they seek according to the by-laws of the parent body. A person not present at the meetings may be nominated by their consent unless the by-laws provide to the contrary. The law requires each candidate must receive a majority vote.

7. Whether the qualifications of a Bishop are met.

Article IV, Section A, Para 1-5 – JURISDICTIONAL BISHOPS states:

The qualifications of a Jurisdictional Bishop shall be as follows:

He must be an Ordained Elder of the Church.

He must be in good standing with the Church.

He must be a man of ability, honesty, and integrity, and he shall be dedicated to the work and service of the Church.

Part VII General Services For Pulpit and Parish SERVICE FOR INSTALLATION AND CONSECRATION OF A BISHOP Pages 214-216 of the Official Manual of the Church Of God In Christ states:

The Church Of God In Christ has expressed its confidence in you, in your character, in your devotion to Christ and Church, and in your ability to direct and promote the general affairs and interests of the entire Church, in that she has signally honored you by selecting you to this high office.

The Apostle Paul says that “A Bishop then must be blameless, the husband of one wife ..., Vigilant, sober, of good behavior, given to hospitality, apt to teach. Moreover, he must have a good report of them which are without, lest he fall into reproach and the snare of the devil.”

OPINION

But for the fact that District Superintendent Frank M. Batts, Pastor of St. Paul Church of God In Christ died in November of 2008 after having served as Pastor for more than 30 years, leaving a vacancy in the Pastorate of St. Paul Church, but for the fact that during that time Bishop Levi E. Willis, Sr. Jurisdictional Bishop of the 3rd Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ being ill and not able to carry out his Episcopal duties in appointing a Pastor to the St. Paul Church, but for the fact that Bishop Levi E. Willis, Sr. died in February of 2009 without having appointed a Pastor to St. Paul Church, but for the fact that Pastor Levi E. Willis, II was selected to succeed his father as Jurisdictional Bishop of the 3rd Ecclesiastical Jurisdiction of Virginia, but for the fact that a schism occurred within the 3rd Ecclesiastical Jurisdiction of Virginia and the 4th Ecclesiastical Jurisdiction of Virginia was created, but for the fact that all of the churches of the Southern District of the 3rd Ecclesiastical Jurisdiction of Virginia with the exception of the ST. Paul church, because they did not have an appointed Pastor transferred their jurisdictional affiliation from the 3rd to the 4th Ecclesiastical Jurisdiction of Virginia, but for the fact that the Southern District churches had been together for many, many years with some lifetime alliances the separation caused many unsettling emotions, and the many of the member of ST. Paul Church wanted to join their friends and relatives in the newly created 4th Ecclesiastical Jurisdiction of Virginia, but without a Pastor that process could not take place.

While the court understands and can appreciate friendship, alliances and loyalties, we are a court of laws, rules, policies, procedures and discipline and as such we must go where the evidence take us and the law rules and policies of our Church demands we go.

The Church of God In Christ, Classification: Protestant, Orientation: Pentecostal, Polity: Episcopal, generally the rule of this church is by Bishops. That is, one man may govern those under him (whether lay members or members of the clergy), and he need not be chosen by the people to be the leader, but can be appointed by a higher authority of the Church Of God In Christ. The Authority, thus resting in *the one* person the Jurisdictional Bishop unless otherwise provided for by the order and rule of the Church Of God In Christ, this then is communicated to subordinates, and extends over all of the congregations of the Church Of God In Christ.

Decisions are made at a higher level than the local church, with decisions in the local church made at the level of the Pastor not the laity except in those areas where the policies of the Church Of God In Christ permits, thus the Hierarchical Operation of the Church of God In Christ.

The Petitioners seem to believe that as trustees, elected and/or appointed officers of the local church that that gives them latitude to administer the Episcopal Administrative affairs of the local church possibly not understanding the history, culture and tradition of the governmental structure of the Church Of God In Christ.

In the history, culture and tradition of the Church Of God In Christ the duties of Trustees have been and are complicated, resulting from a very broad range of activities within the Church Of God In Christ, and the variety of administrative, operational, financial, and technically complex situations which are encountered.

In the Local Church in the Church Of God In Christ, the Trustees are chosen and/or elected from among the membership to serve as custodians of the local church property, which shall include proper maintenance, insurance, etc., and they shall act on behalf of the local church along with the Pastor in selling and acquiring property. The Trustees shall provide support and assistance to the Pastor and the local church as required; they are not an independent arm of the local church.

The primary duty of the Trustees is the maintenance of any and all assets which shall become property of the local church through gifts, sales, offerings, tithes, interest, bequests, designation, purchase or transfer as is required by the local church.

They are to preserve, protect and secure all property of the local church and its subsidiaries; this shall include tangible and intangible properties such as logos, copyrights, trade names, trademarks and publishing rights, royalties etc, all to be held in Trust for the use and benefit of the members of the church.

In the Church Of God In Christ the Trustees of the local church has no Episcopal administrative responsibilities with respect to the day to day administrative or Episcopal operation of the church that is the responsibility of the Pastor and his cabinet/officers appointed and/or elected. The Trustee Board is subject to the will of the membership of the Local Church through the office of the Pastor of the local church.

FINDINGS AND CONCLUSIONS

After careful and prayerful review of the petition, and the documents presented by the Petitioners, a request was made to the Respondent to date with no response, therefore the findings and conclusion reached in this answer is based on the Petitioners documentations provided. We find the following:

With regards to Issue #1.

We find that the Jurisdictional Bishop acted within the scope of his authority, while his methods may have been flawed, the constitution of the Church Of God In Christ gives the Jurisdictional Bishop authority to appoint and remove Pastors of local churches. The Petitioners are in error when they state that the Jurisdictional Bishop has no authority to remove the Pastor.

With regards to Issue #2.

We find that the Pastor of the local church according to the official manual of the Church Of God In Christ is the Chief Executive Officer of the local church and has general oversight and supervision of the same, and may appoint and remove officers of the local church. The official manual does not delineate officers to be either elected or appointed the history, culture and tradition, the usual practice of the Church Of God In Christ for 105 years has been whenever subordinates are in conflict with the leadership and the conflict cannot be resolved amicably the church in its hierarchical structure concedes to the leadership. In this case the Petitioners who were elected and/or appointed to assist and support the local church and the office of Pastor of the local church were now conflicted with the same. Additionally, the usual practice of the Church Of God In Christ is that local church officers elected and/or appointed term of service runs concurrent with that of the administration in which they were elected and/or appointed, they are permitted to serve until a new administration is in place or if the new administration request that they stay, therefore the Pastors removal of officers of the local church is not inconsistent with the order or usual practices of the Church Of God In Christ.

With regards to Issue #3.

We find as with Issue #2 the Pastor is the Chief Executive Officer of the local church having general oversight and supervision of the same and has the right to administer his office in accordance with the Charter, Constitution, By-Laws of the Church Of God In Christ, none of these documents prohibits the Pastor from changing the physical structure (locks) of the church. It is our view that the Petitioners are raising a frivolous issue.

With regards to Issue #4.

We find that in this issue based on the documents provided by the Petitioners that the Petitioners violated Article III Part II Section D as amended in their attempt to transfer the local church jurisdictional affiliation.

With regards to Issue #5.

We find that according to Article III Part II Section D of the Church Of God In Christ Constitution amended April 14, 1982 which added church Transfers and filling Pastoral vacancies, a local church may change its Ecclesiastical Jurisdictional affiliation once in a twelve month period, the process begins and ends with the Pastor of the local church, not the Trustees or Officers of the local church notifying the General Secretary, the Jurisdictional Bishop where the local church is and the Jurisdictional Bishop where the church wished to transfer. It is the Pastor who calls a meeting of the membership to vote their conscious on the transfer, this authority is given to no other entity in the local church; therefore we find that with regards to this Issue the Petitioners in their actions and efforts were in error.

With regards to Issue #6.

We find with regards to issue #6 there are no documents provided to us that reflects that the procedure for the election of trustees of the local church was ever made known, or that proper notice was given or if the election was by voice vote or ballot in keeping with the traditions of the Church Of God In Christ, or the laws of the State of Virginia. Also, there is no information on the nominating process for trustee, which would include the qualifications and the protection against a Conflict of Interest issue.

With regards to Issue #7

We find this to be a frivolous issue since the Church Of God In Christ has already spoken to the issue by its selection and consecration of Levi E. Willis, II to the sacred Episcopal office of Jurisdictional Bishop in accordance with Article IV Section A Para 1-5 and Part VII Consecration of a Bishop of the Official Manual of the Church Of God In Christ.

While the court can understand and appreciate the historical and emotional attachment the Petitioners have to ST. Paul Church, we find some troubling areas in the Petitioners "List of Particulars." According to the Petitioners List of Particulars the Petitioners sent a letter dated May 23, 2011 to the Presiding Bishop, the General Board, the General Secretary of the Church Of God In Christ and the Jurisdictional Bishop of the Third Ecclesiastical Jurisdiction of Virginia advising that "ST. Paul Church would no longer support nor interact with the 3rd Jurisdiction of VA.." By what and whose authority was this action taken, the Trustees must know that they **DO NOT** have that authority in the Church Of God In Christ? Further the content of Minutes provided by the Petitioners of a meeting held at ST. Paul Church on July 21, 2011 which reflects that the Trustees, without knowledge or permission of the Pastor of ST. Paul Church or the Jurisdictional Bishop, hired and invited a Court Reporter to a meeting of ST. Paul Church called by the Pastor of ST. Paul Church. When the Pastor informed the Reporter that she could not stay in the meeting, the Trustee caused a disruption of a called meeting by the legitimate Pastor of ST. Paul Church; clearly a violation of Church Of God In Christ protocol and a breach of their duties and responsibilities of Trustees. As Trustees they are called upon to assist and support the Pastor and the Local church, a violation for which the Pastor can summarily remove them from office.

We find that while it is the expressed desire of the Petitioners to be a part of the Fourth Ecclesiastical Jurisdiction of Virginia of the Church Of God In Christ where their friends and families may be and we note this as a noble desire and they individually have that right and privilege, the local church however is a different matter and the process by which they attempted this effort was flawed and violated their duties and responsibility as trustees and officers of ST. Paul Church Of God In Christ, for which again they can be summarily removed from office by the Pastor.

We find that the membership of ST. Paul Church Of God In Christ if they were not all properly notified of the Nominating and Election Process for Trustees of St. Paul Church and given the opportunity to participate, they should have been. And if the election was not by ballot it should have been. If the candidates were not informed of the need to avoiding a Conflict of Interest position if elected a Trustee they should have been. If the election date was not properly announced and posted on the bulletin board it should have been.

POSITION OF THE COURT

We Affirm that, the Jurisdictional Bishops authority to remove a Pastor, though in this case his methods raise question as to proper procedure, the court took into consideration the fact that the Respondent is a newly consecrated and appointed Jurisdictional Bishop recovering from the loss of his father who he succeeded, still evaluating the schism in the ecclesiastical jurisdiction to which he was assigned, the behavior, and actions of the local church trustees. Note the Pastor however, who was removed had every right to appeal his removal to the General Council of Pastors and Elders, which he chose not to do; in that then there was no reported violation.

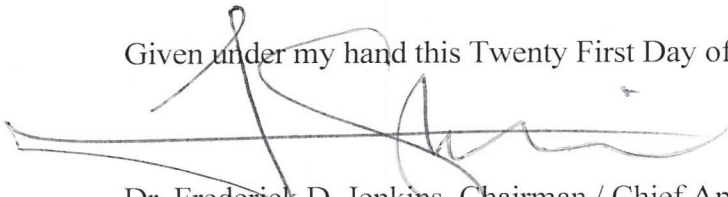
We Affirm that, the Pastor of the local church has the authority in accordance with the usual practice and official manual of the Church Of God In Christ to remove officers of the local church for cause rather elected and/or appointed.

We Affirm that, the Pastor has the authority to change the locks on the local church.

The local church Trustees in their efforts to transfer the local church jurisdictional affiliation, their hiring and inviting a court reporter to a local church meeting called by the Pastor without the Pastor's knowledge or permission, their communication to the National and Jurisdictional Leadership of the Church Of God In Christ advising that "ST. Paul Church would no longer support nor interact" with the Jurisdiction of their affiliation, their failure to follow the prescribed procedure for filing a grievance, complaint and/or charges against a Pastor or Bishop prior to July 30, 2011; violated the Church Of God In Christ Constitution and usual practice. These actions are not part of the duties and responsibilities of Trustees of the local church in the Church Of God In Christ.

There is sufficient question as to the process of the most recent election of local church trustees of ST. Paul Church. The court view is that it might be in the best interest of the local church to avoid any question of illegality, they set aside the most recent election and start the process over giving proper notice to all legitimate members of ST. Paul Church, setting out the qualifications for office, the method of voting preferably by ballot, insuring that there would be no Conflict of Interest issue for any candidate who seeks election. This should be announced in the church bulletin and posted on the church bulletin board, the usual procedure of the Church Of God In Christ the parent body.

Given under my hand this Twenty First Day of February 2012



Dr. Frederick D. Jenkins, Chairman / Chief Appeals Judge
General Council of Pastors and Elders
Church Of God In Christ
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678/838-7638=Fax
drfdj@att.net

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:

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Frank M. Batts
965 Little Low Ground Road
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William B. Jones
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Earnest Smith
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Sateria Smith
5106 South Jessup Road
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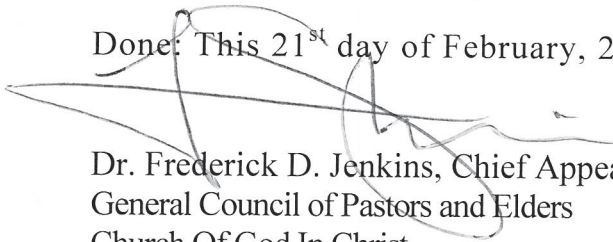
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General Council of Pastors and Elders
P. O. Box 15365
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Done: This 21st day of February, 2012.



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

Church Of God In Christ, Inc.
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