

THE EPISCOPAL CHURCH, THE RT.
REV. C. WALLIS OHL, ROBERT HICKS
FLOYD MCKNEELY, SHANNON SHIPP,
DAVID SKELTON, and WHIT SMITH

Plaintiffs

VS.

FRANKLIN SALAZAR, JO ANN PATTON,
WALTER VIRDEN, III, ROD BARBER, CHAD
BATES, THE RT. REV. JACK LEO IKER, JUDY
MAYO, JULIA SMEAD, THE REV. CHRISTOPHER
CANTRELL, THE REV. TIMOTHY PERKINS, and
THE REV. RYAN REED

Defendants/Counter-Defendants

THE ANGLICAN PROVINCE OF THE SOUTHERN
CONE'S "DIOCESE OF FORT WORTH"

Defendant/Third-Party Plaintiff/Counter-
Defendant

THE ANGLICAN PROVINCE OF THE SOUTHERN
CONE'S "CORPORATION OF THE EPISCOPAL
DIOCESE OF FORT WORTH"

Intervenor/Third-Party Plaintiff/
Defendant/Counter-Defendant

ST. ANTHONY OF PADUA CHURCH (Alvarado),
ST. ALBAN'S CHURCH (Arlington), ST. MARK'S
CHURCH (Arlington), CHURCH OF ST. PETER and
ST. PAUL (Arlington), CHURCH OF ST. PHILIP
THE APOSTLE (Arlington), ST. VINCENT'S
CATHEDRAL (Bedford), ST. PATRICK'S CHURCH
(Bowie), ST. ANDREW'S CHURCH (Breckenridge),
GOOD SHEPHERD CHURCH (Brownwood), ST.
JOHN'S CHURCH (Brownwood), CHURCH OF ST.
JOHN THE DIVINE (Burkburnett), HOLY
COMFORTER CHURCH (Cleburne), ST.
MATTHEW'S CHURCH (Comanche), TRINITY
CHURCH (Dublin), HOLY TRINITY CHURCH
(Eastland), CHRIST THE KING CHURCH (Fort
Worth), HOLY APOSTLES CHURCH (Fort Worth),
IGLESIA SAN JUAN APOSTOL (Fort Worth),

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

141ST DISTRICT COURT

IGLESIA SAN MIGUEL (Fort Worth), ST.)
ANDREW'S CHURCH (Fort Worth), ST. ANNE'S)
CHURCH (Fort Worth), CHURCH OF ST.)
BARNABAS THE APOSTLE (Fort Worth), ST.)
JOHN'S CHURCH (Fort Worth), ST. MICHAEL'S)
CHURCH (Richland Hills), CHURCH OF ST. SIMON)
OF CYRENE (Fort Worth), ST. TIMOTHY'S)
CHURCH (Fort Worth), ST. PAUL'S CHURCH)
(Gainesville), GOOD SHEPHERD CHURCH)
(Granbury), CHURCH OF THE HOLY SPIRIT)
(Graham), ST. ANDREW'S CHURCH (Grand)
Prairie), ST. JOSEPH'S CHURCH (Grand Prairie), ST.)
LAURENCE'S CHURCH (Southlake), ST. MARY'S)
CHURCH (Hamilton), TRINITY CHURCH)
(Henrietta), ST. MARY'S CHURCH (Hillsboro), ST.)
ALBAN'S CHURCH (Hubbard), ST. STEPHEN'S)
CHURCH (Hurst), CHURCH OF ST. THOMAS THE)
APOSTLE (Jacksboro), CHURCH OF OUR LADY)
OF THE LAKE (Laguna Park), ST. GREGORY'S)
CHURCH) (Mansfield), ST. LUKE'S CHURCH)
(Mineral Wells), CHURCH OF ST. PETER BY THE)
LAKE (Graford), ALL SAINT'S CHURCH)
(Weatherford), ALL SAINT'S CHURCH (Wichita)
Falls), CHURCH OF THE GOOD SHEPHERD)
(Wichita Falls), CHURCH OF ST. FRANCIS OF)
ASSISI (Willow Park), and CHURCH OF THE)
ASCENSION & ST. MARK (Bridgeport))

Intervenors/Third-Party Plaintiffs/
Defendants/Counter-Defendants)

VS.)

MARGARET MIEULI, ANNE T. BASS, WALT)
CABE, THE REV. CHRISTOPHER JAMBOR, THE)
REV. FREDERICK BARBER, THE REV. DAVID)
MADISON, ROBERT M. BASS, CHERIE SHIPP,)
DR. TRACE WORRELL, THE REV. JAMES)
HAZEL, THE REV. JOHN STANLEY, THE RT.)
REV. EDWIN F. GULICK, JR. and KATHLEEN)
WELLS,)

Third-Party Defendants/Counterclaimants)

THE EPISCOPAL CHURCH,)

Third-Party Defendant)

AFFIDAVIT OF JONATHAN NELSON IN SUPPORT OF EPISCOPAL PARTIES'
MOTION FOR PARTIAL SUMMARY JUDGMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME THE UNDERSIGNED AUTHORITY, on this day personally appeared JONATHAN NELSON, who, being by me personally sworn, upon his oath stated:

1. My name is Jonathan Nelson. I am over eighteen years of age, of sound mind, and fully capable and competent to make this Affidavit. I have personal knowledge of the facts stated herein, and all facts stated herein are true and correct.

2. I was counsel of record for the Corporation of the Episcopal Diocese of Fort Worth (the "Corporation") in its 1994 lawsuit styled *Corp. of the Episcopal Diocese of Fort Worth v. McCauley*, Cause No. 153-144833-92 in the 153rd Judicial District Court of Tarrant County, Texas. As a result of my role as counsel in the case, I have personal knowledge of the proceedings and outcome of the case.

3. The 1994 lawsuit resulted in a settlement by which the Corporation recovered the real and personal property of the Church of the Holy Apostles for that parish, the Corporation, and the Episcopal Diocese of Fort Worth.

4. Attached hereto as Exhibit 1 is a true and correct certified copy of Plaintiffs' Second Amended Original Petition and Application for Temporary Injunction and Permanent Injunction, filed in *Corp. of the Episcopal Diocese of Fort Worth v. McCauley*, as certified by the District Clerk of Tarrant County, Texas.

5. Attached hereto as Exhibit 2 is a true and correct certified copy of Plaintiffs' Motion for Summary Judgment, filed in *Corp. of the Episcopal Diocese of Fort Worth v. McCauley*, including the Affidavit of Bishop Jack Iker and the Affidavit of Reverend Canon

Billie Boyd (dated November 19, 1993), as certified by the District Clerk of Tarrant County, Texas.

6. Attached hereto as Exhibit 3 is a true and correct certified copy of Plaintiffs' Second Supplemental Evidence in Support of Their Motion for Summary Judgment, including the Affidavit of Reverend Canon Billie Boyd (dated February 11, 1994) and the Affidavit of The Reverend Canon Charles A. Hough, III, filed in *Corp. of the Episcopal Diocese of Fort Worth v. McCauley*, as certified by the District Clerk of Tarrant County, Texas.

7. Attached hereto as Exhibit 4 is a true and correct certified copy of the Affidavit of The Rt. Rev. William C. Wantland, filed in *Corp. of the Episcopal Diocese of Fort Worth v. McCauley*, as certified by the District Clerk of Tarrant County, Texas.

8. Attached hereto as Exhibit 5 is a true and correct copy of the certified copy of the Brief of *Amici Curiae* Rt. Rev. Jack Leo Iker, Bishop of the Episcopal Diocese of Fort Worth, and Rt. Rev. Robert Duncan, Bishop of the Episcopal Diocese of Pittsburgh in Support of Samuel L. Edwards and the Wardens and Vestry of Christ Church, St. John's Parish, Accokeek, Maryland Supporting a Reversal of the Court's Judgment, filed in *Dixon v. Edwards*, No. 01-2337 in the United States Court of Appeals for the Fourth Circuit, that was certified by the Clerk of the United States Court of Appeals for the Fourth Circuit and was previously filed in this case on September 3, 2009.

9. Attached hereto as Exhibit 6 is a true and correct copy of the certified copy of Plaintiffs' Original Petition, filed in *The Episcopal Diocese of Dallas v. Mattox*, No. 84-8573 in the 95th Judicial District Court of Dallas County, Texas, that was certified by the District Clerk of Dallas County, Texas and was previously filed in this case on September 3, 2009.

10. Attached hereto as Exhibit 7 is a true and correct copy of the certified copy of the Judgment in *The Episcopal Diocese of Dallas v. Mattox*, No. 84-8573 in the 95th Judicial District Court of Dallas County, Texas, that was certified by the District Clerk of Dallas County, Texas and was previously filed in this case on September 3, 2009.

11. Attached hereto as Exhibit 8 is a true and correct copy of the certified copy of the Articles of Incorporation of Corporation of the Episcopal Diocese of Fort Worth, as filed with the Texas Secretary of State on February 28, 1983, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.


12. Attached hereto as Exhibit 9 is a true and correct copy of the certified copy of the Articles of Amendment to the Articles of Incorporation of Corporation of the Episcopal Diocese of Fort Worth, as filed with the Texas Secretary of State on November 4, 1987, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.

13. Attached hereto as Exhibit 10 is a true and correct copy of the certified copy of the Articles of Amendment to the Articles of Incorporation of Corporation of the Episcopal Diocese of Fort Worth, as filed with the Texas Secretary of State on November 27, 1991, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.

14. Attached hereto as Exhibit 11 is a true and correct copy of the certified copy of the Amended and Restated Articles of Incorporation of Corporation of the Episcopal Diocese of Fort Worth, as filed with the Texas Secretary of State on September 5, 2006, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.

15. Attached hereto as Exhibit 12 is a true and correct copy of the certified copy of the Amended and Restated Articles of Incorporation of Corporation of the Episcopal Diocese of Fort Worth, as filed with the Texas Secretary of State on April 14, 2009, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.

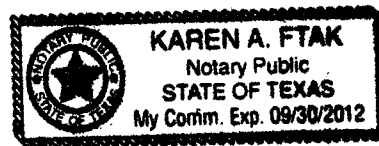
16. Attached hereto as Exhibit 13 is a true and correct copy of the certified copy of the Certificate of Correction, as filed with the Texas Secretary of State on April 21, 2009, that was certified by the Office of the Secretary of State of Texas and was previously filed in this case on September 3, 2009.


Jonathan Nelson

SUBSCRIBED AND SWORN TO BEFORE ME this 14 day of October, 2010.


Notary Public, State of Texas

My commission expires:



CORPORATION OF THE EPISCOPAL	§	IN THE DISTRICT COURT
DIOCESE OF FORT WORTH,	§	
CHURCH OF THE HOLY APOSTLES	§	
	§	
VS.	§	TARRANT COUNTY, TEXAS
	§	
THE REVEREND M.L. MCCAULEY,	§	
SOMETIME RECTOR AND CHAIRMAN	§	
OF THE VESTRY OF CHURCH OF	§	
THE HOLY APOSTLES; ALBON	§	
HEAD, SOMETIME SENIOR WARDEN	§	
AND STEVE BLACKMAN, SOMETIME	§	
JUNIOR WARDEN OF CHURCH OF	§	
THE HOLY APOSTLES; HORACE	§	
BOOTH, HOMER COX, BECKY	§	
HEAD, ROBERT MILLER, ROBERT	§	
PALMER, JEAN RICHARDSON,	§	
DON SHIPE, PAUL SNELL,	§	
AND JAMES CHARBONNET, SOMETIME	§	
MEMBER OF THE VESTRY OF CHURCH	§	
OF THE HOLY APOSTLES; AND THE	§	
SCHISMATIC AND PURPORTED CHURCH	§	
OF THE HOLY APOSTLES	§	153RD JUDICIAL DISTRICT

**PLAINTIFFS' SECOND AMENDED ORIGINAL PETITION AND APPLICATION
FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the CORPORATION OF THE EPISCOPAL DIOCESE OF FORT WORTH and CHURCH OF THE HOLY APOSTLES, Plaintiffs, complaining of The Reverend M. L. McCauley, Sometime Rector and Chairman of the Vestry of Church of the Holy Apostles; Albon Head, Sometime Senior Warden and Steve Blackman, Sometime Junior Warden of Church of the Holy Apostles; Horace Booth, Homer Cox, Becky Head, Robert Miller, Robert Palmer, Jean Richardson, Don Shipe, Paul Snell, and James Charbonnet, Sometime Members of the Vestry of Church of the Holy Apostles; and the Schismatic and Purported Church of the Holy Apostles, Defendants, and as grounds therefore would show the Court

PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION - Page 1 of 16

HOLY/1-1A/PSL

FEB 15 1996
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY
 FILED

the following:

1. Plaintiff Corporation of the Episcopal Diocese of Fort Worth ("the Diocesan Corporation") is a not-for-profit corporation organized and doing business under the laws of the State of Texas with its principal office and place of business in Tarrant County, Texas. It holds legal title to properties used for religious purposes by parishes, missions and ecclesiastical institutions of the Episcopal Diocese of Fort Worth ("Diocese"). In particular, it holds legal title to certain real property used for religious purposes and beneficially owned by Church of the Holy Apostles lying and situated in Tarrant County, Texas, further described on Exhibit "A" attached hereto and hereby incorporated by reference for all purposes ("the Real Property").

2. Plaintiff Church of the Holy Apostles ("Holy Apostles") is an unincorporated association organized for religious purposes as a parish of the Episcopal Diocese of Fort Worth ("the Diocese"), with its principal office and place of business in Tarrant County, Texas. Holy Apostles acts through its Rector, Wardens and Vestry.

3. Defendant The Reverend M. L. McCauley, a resident of Tarrant County, Texas, was Rector and Chairman of the Vestry of Holy Apostles at all times relevant hereto until his inhibition on October 5, 1992, as described hereinbelow. He may be served at Holy Apostles, 3900 Longvue Avenue, Fort Worth, Tarrant County, Texas. The Vestry of Holy Apostles have the authority and responsibility for certain day-to-day conduct of the parish's

business which are granted to them by canon law.

4. Defendant Albon Head, a resident of Tarrant County, Texas, was Senior Warden and a member of the Vestry of Holy Apostles at all times relevant hereto until on or about October 4, 1992, as described hereinbelow. He may be served at 13,751 Old Weatherford Road, Aledo, Parker County, Texas.

5. Defendant Steve Blackman, a resident of Tarrant County, Texas, was Junior Warden and a member of the Vestry of Holy Apostles at all times relevant hereto until on or about October 4, 1992, as described hereinbelow. He may be served at 2012 Adams Lane South, Azle, Tarrant County, Texas.

6. The Vestry of Holy Apostles consisted of those named above and an additional ten members at all times relevant hereto, until on or about October 4, 1992, as described hereinbelow. Nine of said Vestry members, Defendants herein, are those now listed, who reside and may be served at the address in Tarrant County (unless otherwise stated) shown opposite each name:

1. Horace Booth, 106 Circle Dr., Weatherford, Parker County, TX 76087
2. Homer Cox, 464 Meadowhill Dr., Benbrook, TX 76126
3. Becky Head, 12 Bounty Rd. W., Fort Worth, TX 76132
4. Robert Miller, 2313 Harvest Glen Ct., Ft. Worth, TX 76108
5. Robert Palmer, 7 Frank Lane, Granbury, Hood County, TX 76049
6. Jean Richardson, 728 Winters, Fort Worth, TX 76114

7. Don Shipe, 3 Lombardy Terrace, Fort Worth, TX 76132
8. Paul Snell, 2229 Huntington, Fort Worth, TX 76110
9. James Charbonnet, 8034 Meadowbrook Dr., Fort Worth, TX
76120

7. The Schismatic and Purported Church of the Holy Apostles is an unincorporated association or not-for-profit corporation organized for religious purposes as a member of the Antiochean Orthodox Church. It is composed in part of some persons who have heretofore been parishioners of Episcopal Church of the Holy Apostles but have become members in the Antiochean Orthodox Church in accordance with action of the Sometime Vestry on or about October 4, 1992, as described hereinbelow, and subsequent acts described hereinbelow.

8. The Episcopal Diocese of Fort Worth is situated in all or parts of twenty-four counties in North Central Texas, including all of Tarrant County, Texas. It is a diocese of The Protestant Episcopal Church in the United States of America ("The Episcopal Church"), which is a confederation of dioceses situated primarily in the United States, but also in Latin America and Europe. The Bishops of The Episcopal Church are members of the Anglican Communion, which is composed of Bishops of the Church of England and numerous other Anglican churches world-wide. The Anglican Communion is itself in communion, reciprocally acknowledging validity of each others Orders and Sacraments, with certain other Anglican churches around the world. The Anglican Communion, the

Episcopal Church and the Episcopal Diocese of Fort Worth are not in communion with the various Orthodox Churches, including the Antiochean Orthodox Church. Consequently, no member of the Antiochean Orthodox Church is in communion with the Episcopal Bishop of Fort Worth.

9. The Episcopal Church, originating in the North American colonies as a part of the Church of England, is an historic Reformation church. It separated from the Roman Catholic Church in the sixteenth century but preserved catholic faith and order, including the Apostolic succession of its Bishops and the three-fold Orders of Bishops, Priests and Deacons. The Diocese is an hierarchial church, meaning: 1) each parish consists of members of The Episcopal Church confirmed in or transferred to that parish, who are in communion with the Bishop and the parish being in union with the diocesan convention; 2) each parish exists by virtue of its creation by the Bishop and the diocesan convention; 3) each parish is subject to the jurisdiction of the Bishop and the constitution of the diocese; 4) the government of the parish is subject to review and control of the Bishop and diocesan institutions in various important particulars, including the use of real property used for religious purposes, including those pursuant to Canon 30; 5) legal title to such real property is reposed in the Diocesan Corporation rather than in the parish; and 6) priests and deacons serving in the parish either are ordained pursuant to approval of diocesan bodies and the Bishop or, having been ordained

in another diocese of The Episcopal Church or other church with which the Diocese is in communion, may become canonically resident and serve in the Diocese as a priest or deacon only with the consent of the Bishop. Under the Constitution of the Diocese and under Canon law, no person may be a member of a parish who is not a member of The Episcopal Church, and no person may serve on the vestry of a parish who is not a member, canonically resident, in that parish. Further, no parish which is affiliated with the Antiochian Orthodox Church can be in union with the Convention of the Diocese.

10. Holy Apostles was initially organized as a non-self-supporting mission of the Diocese on June 12, 1964. Both the Diocese and All Saints' Church, a parish of the Diocese for many years, gave Holy Apostles financial assistance both for its operating budget and for the acquisition of real property on which to build a church. Such real property was sold on March 15, 1986 and the sale proceeds were used in acquisition of the Real Property described on Exhibit "A" on which the parish's improvement are presently located. The funds provided by the Diocese and by All Saints' Church were gifts to Holy Apostles, rather than loans, and were never repaid. Holy Apostles has also received financial assistance in the form of a loan from the Crump Fund for construction of improvements on the Real Property, said loan being made at a below-market interest rate of 2% per annum. The Crump Fund by its trust indenture may lend only to Episcopal parishes,

and such below-market loan conveyed a substantial benefit for which Holy Apostles would not qualify otherwise and used Crump moneys which would have otherwise been available to some other Episcopal parish. Holy Apostles was admitted to the diocesan convention as a parish on October 6, 1979.

11. Defendant McCauley shared with many other Episcopalians a deep dissatisfaction with the policies of The Episcopal Church but, unlike the leadership of the Diocese, he determined to leave The Episcopal Church rather than to work for its reform. He gradually acquired a Vestry uncanonically and unlawfully elected by plurality rather than majority vote, which assisted his enterprise. In early 1992, Defendant McCauley began a public campaign to lead parishioners of Holy Apostles into the Antiochean Orthodox Church. Efforts by the Bishop and by other members of the Diocese to dissuade Defendant McCauley and the unlawfully constituted Vestry, were unsuccessful. At the conclusion of two services on Sunday, October 4, 1992, the Senior Warden announced to the parishioners that at 7:00 that morning, the Vestry had unanimously voted to leave The Episcopal Church and to petition to affiliate with the Antiochean Orthodox Church. At one service on October 4, 1992, Defendant McCauley made such announcement. Defendants McCauley and eleven of the twelve members of the Vestry thereby abandoned the communion of The Episcopal Church and ceased to be qualified to serve as a priest or as a member of the Vestry under the Constitution and Canons of the Diocese and of The Episcopal Church

and canon law. Defendant McCauley has subsequently, on November 29, 1992, been reordained as a deacon, and the eleven vestry members and the members of the parish were chrismated as members of the Antiochean Orthodox Church on December 13, 1992.

12. On October 5, 1992, pursuant to canon law, the Bishop reported these events to the Standing Committee of the Diocese. The Standing Committee, having ascertained and considered the facts, determined by a vote of at least three-fourths of its members that Defendant McCauley had abandoned the communion of The Episcopal Church and of this Diocese. A copy of such determination by the Standing Committee is attached hereto as Exhibit "B" and is hereby incorporated by reference. The Bishop thereupon affirmed such determination by the Standing Committee and inhibited Defendant McCauley from officiating in the Diocese. A copy of such inhibition is attached hereto as Exhibit "C" and is hereby incorporated by reference. Upon such inhibition the office of the Rector of Holy Apostles became vacant, and the Bishop became Rector ex officio.

13. Having been informed that the unlawfully constituted Vestry of Holy Apostles had abandoned communion with The Episcopal Church, on October 5, 1992, the Bishop sorrowfully accepted and acquiesced in their abandonment of communion with him and thereupon pronounced each lay member of the Vestry excommunicate. The Bishop thereupon further pronounced that all vestry offices of Holy Apostles are vacant, since all members of the Vestry had abandoned

their qualification to hold such office under canon law. Subsequently it was learned that one member of the Vestry, Robert Rigdon had not participated in such actions, and the pronouncement of excommunication was ineffective as to him. Canonical procedure commenced to accept Defendant McCauley's abandonment of communion and to depose him as priest. Pending such proceeding, Defendant McCauley resigned his ministry as priest on November 26, 1992, which resignation was accepted on December 7, 1992.

14. On October 5, 1992, the Bishop called a special meeting of the parishioners of Holy Apostles for Sunday, October 11, 1992, to fill the vacancies on the Vestry and to call an interim Rector. At such election, Robert Rigdon, Ann Heinz, Helen Magnusson, Dave Huebner, Ivan Shadwick, and Charra Wright were elected to the Vestry and continue to serve as such. The Senior Warden is Robert Rigdon and the Junior Warden is George Komechek. Subsequently, at their yearly meeting on January 10, 1993, George Komechek, Ted Roe and Doris Boyd were also elected to the Vestry. The Rev. Canon James P. DeWolfe, Jr. has accepted a call as Interim Rector. Unless the Court grants injunctive relief, it will be necessary for the parishioners of Holy Apostles to meet at another location, which condition will continue for so long as they are deprived of the possession of the Real Property and the improvements, furnishings and fixtures thereto. It is commonly and normally the case that, where a local church are uprooted from their accustomed place of meeting, such disruption causes a loss of membership which

may never be fully repaired. Consequently, the denial to the loyal parishioners of Holy Apostles of the use of their real and personal property, will cause damages to Holy Apostles for which there is no adequate remedy at law, so that a temporary injunction should issue preventing interference by Defendants with the loyal parishioners' possession of the Real and other Property.

15. On October 5, 1992, demand was made on Defendants for uncontested possession of the Real Property and improvements of Holy Apostles. Such demand was refused.

16. Many of the loyal parishioners of Holy Apostles have pointed out their financial contributions and in addition the special, unique furnishings and fixtures given by them as memorials to Holy Apostles and have noted that it was never their intent that such gifts and memorials be converted to the use of the Antiochean Orthodox Church.

17. Those persons acting in concord with the Defendants have constituted themselves as the Schismatic and Purported Church of the Holy Apostles. Such persons are not members of the true Church of the Holy Apostles because they have joined the Antiochean Orthodox Church and thereby have abandoned communion with The Episcopal Church, and such Schismatic and Purported Holy Apostles is not in union with the Diocese, all as required by canon law. The Schismatic and Purported Church of the Holy Apostles is a new creation, having no relation to Holy Apostles and no right to its property.

18. In a hierarchical church structure, such as the Diocese, the civil courts should defer to the actions of the ecclesiastical authorities determining the identity of the loyal group of members, officers and clergy. Where a division occurs in a parish affiliated with the Diocese, and a dispute arises as to the ownership or control of the parish's property, the members entitled to ownership and control are those parishioners adhering to and sanctioned by the Diocese.

19. In addition to being the beneficial owner of the Real Property, Holy Apostles also owns improvements located thereon, together with furnishings and fixtures thereon, and in addition bank accounts and other funds, investments and assets, having a total value in excess of the minimum jurisdictional amount of this Court. In view of the calculated way in which Defendants have proceeded, Plaintiffs have reason to believe and do believe that Defendants may attempt to convey, assign or give title, possession or use of such real personal property and records to some person, corporation or entity other than Church of the Holy Apostles. The loyal and true parishioners of Holy Apostles will be deprived of their right to use and enjoy the Real Property, the unique memorials and other property of Holy Apostles. If Defendants do so convey, assign, spend or give away any or all of Holy Apostles' Real Property, or other assets or records, Plaintiffs and the loyal members of Holy Apostles have no adequate remedy at law.

20. Plaintiff seek declaration, pursuant to Section 37.01, et seq., Tex. Civ. Prac. & Rem. Code, that they are entitled to ownership and possession of the real and personal property sought in this case and for reasonable attorney's fees pursuant to the statute for bringing this action.

21. A temporary injunction should be issued, upon notice and hearing, temporarily enjoining the Defendants, their officers, agents, servants, employees and attorneys and those in active concert or participating with them from conveying, hypothecating, encumbering or otherwise clouding the title to the Real Property and all improvements and fixtures thereto; from removing, selling, assigning, damaging or in any way interfering with Plaintiffs' right to possession and use of the Real Property and the furnishings, fixtures and memorials pertaining to the Real Property; from withdrawing funds in all bank accounts, savings accounts, certificates of deposit, money market accounts and all other repositories for funds and from spending any funds already converted into cash or cash equivalent which were contributed originally or which contain funds originally contributed to Church of the Holy Apostles; from removing, damaging, destroying or in any other way interfering with the books, records, files and documents of all types belonging or in any way pertaining to Church of the Holy Apostles; and from purporting to exercise the authority and responsibility of any office of Church of the Holy Apostles. Upon trial on the merits, a permanent injunction should issue to the

same effect and, in addition, require Defendants to deliver to Plaintiffs the remainder of the personal property, funds, books, records and files and all other assets of Church of the Holy Apostles and to return to it all and any properties, funds, books, records, files and other assets previously removed from it by them.

22. As a result of the actions of the Defendants, Plaintiffs have incurred damages and should be entitled to recover from the Defendants damages in the form of reasonable rental recovery, the loss of use of the funds which were on hand when Plaintiffs were dispossessed of their property and other damages as may demonstrated at the time of trial, all of which Plaintiffs seek from Defendants in a sum in excess of the jurisdictional limits of the Court.


23. In the event of a trial on the merits and Defendants' remaining in possession of the property during the pendency of an appeal, Plaintiffs request that the Court appoint an individual to periodically inspect the real and personal property to insure that said property is properly maintained and protected. Should the Defendants fail to properly maintain and/or protect the property, Plaintiffs request that the Court retain the power and so order that Defendants either be dispossessed of the property and Plaintiffs be given possession or, in the alternative, that Defendants make the necessary repairs or maintenance within a reasonable amount of time; that the Court further retain the power and so order that should such repairs or maintenance not be made

that Defendants shall be liable for all costs of the maintenance and/or repairs and that they be dispossessed and that Plaintiffs be given possession.


WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that, upon notice, the Court hear this cause upon Plaintiffs' application for temporary injunction and that, upon such hearing, the Court issue its temporary injunction enjoining Defendants, their officers, agents, servants, employees and attorneys and those in active concert or participating with them from conveying, hypothecating, or otherwise clouding the title to the Real Property and all improvements and fixtures thereto; from removing, selling, assigning, damaging or in any way interfering with Plaintiffs' right to possession and use of the Real Property and the furnishings, fixtures and memorial pertaining to the Real Property; from purporting to exercise the authority and responsibility of any office of Church of the Holy Apostles; to deliver to Plaintiff all funds in all bank accounts, savings accounts, certificates of deposit, money market accounts and all other repositories for funds and all funds already converted into cash or cash equivalent which were contributed originally or which contain funds originally contributed to Church of the Holy Apostles; to deliver all books, records, files and documents of all types belonging or in any way pertaining to Church of the Holy Apostles; and to return to Plaintiffs all such properties, funds, books, records, files and other assets of Church of the Holy Apostles previously removed from

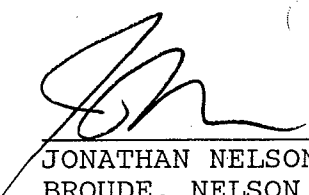
it by them; that upon trial on the merits, a permanent injunction for issue to the same effect and, in addition, require Defendants to deliver to Plaintiffs the remainder of the personal property, funds, books, records and files and all other assets of Church of the Holy Apostles and to return to it all and any properties, funds, books, records, files and other assets previously removed from it by them, for a declaration, pursuant to Section 37.01, et seq., Tex. Civ. Prac. & Rem. Code that Plaintiffs are entitled to the property, both real and personal, and other assets, for damages, reasonable attorney's fees, prejudgment and post-judgment interest as provided by law, for costs of courts and such other relief to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,


N. MICHAEL KENSEL # 11316000
FERRARA & KENSEL
217 Overton Park Bank Building
4200 South Hulen Street
Fort Worth, TX 76109
(817) 738-7000
(817) 738-3344 (FAX)

ATTORNEY FOR PLAINTIFF
CORPORATION OF THE EPISCOPAL DIOCESE
OF FORT WORTH

A CERTIFIED COPY
ATTEST. 10/18/10
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: 
CAMERON WARDLOW

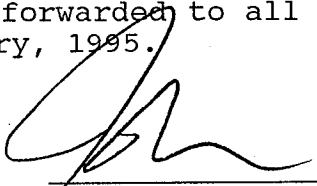


JONATHAN NELSON - # 14900700
BROUDE, NELSON & HARRINGTON, P.C.
1000 Commerce Bldg.
307 West Seventh Street
Fort Worth, TX 76102
(817) 335-1615
(817) 335-1603 (FAX)

ATTORNEYS FOR PLAINTIFF
CHURCH OF THE HOLY APOSTLES

CERTIFICATE OF SERVICE

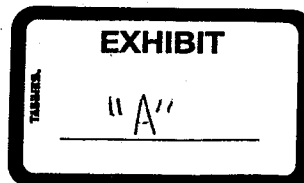
This is to certify that a true and correct copy of the above and foregoing document was forwarded to all counsel of record on this the 15th day of February, 1995.



JONATHAN NELSON

Lot 2-R, Block 1, Kin Acres, Addition to the City of Fort Worth, Tarrant County, Texas being a revision of Lots 3, 8, 4, a portion of Lots 2, 5, 6, 8, 9, 10, 11 and Block 12, Block 1 and a portion of Lots 1, 2 and 3, Block 2, Kin Acres Addition as Recorded in Vol. 388-5, page 79, Deed Records, Tarrant County, Texas and a part of the Nancy Casteal Survey, Abstract #349 and a portion of Eura Street adjacent to Blocks 1, 8, 2.

H:\DOCS\UR\GR\132041001\132505.1



A998

STANDING COMMITTEE

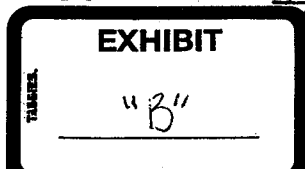
WE, THE UNDERSIGNED MEMBERS OF THE STANDING COMMITTEE OF THE EPISCOPAL DIOCESE OF FORT WORTH, FIND THAT THE REV. M.L. MCCAULEY OF THIS DIOCESE HAS OPENLY RENOUNCED THE DOCTRINE, DISCIPLINE, AND WORSHIP OF THIS CHURCH BY ATTEMPTING TO TAKE HIMSELF AND THE PEOPLE AND PROPERTY OF HOLY APOSTLES EPISCOPAL CHURCH TO THE JURISDICTION OF THE ANTIOCHIAN ORTHODOX CHRISTIAN ARCHDIOCESE OF NORTH AMERICA, A RELIGIOUS BODY NOT IN COMMUNION WITH THE EPISCOPAL CHURCH. AFFIDAVITS HAVE BEEN PRESENTED TO US ON THE ACTIONS OF THE REV. M.L. MCCAULEY AND THE VESTRY OF HOLY APOSTLES ON SUNDAY, 4 OCTOBER 1992, ABANDONING THE COMMUNION OF THIS CHURCH AND ON OTHER RELATED ACTIONS AT DIFFERENT TIMES BY THE REV. M.L. MCCAULEY, WHO IS A PRESBYTER CANONICALLY RESIDENT IN THIS DIOCESE. UNDER NATIONAL CANON IV. 10. WE RECOMMEND THAT OUR BISHOP INHIBIT THE REV. M.L. MCCAULEY FROM OFFICIATING, AFTER AFFIRMING OUR DETERMINATION.

DATED THIS 5TH DAY OF OCTOBER, 1992.

Chas. Hays

G. R. Cleburne

Robert Patton



Michael L. Beck

THE STATE OF TEXAS)

COUNTY OF TARRANT)

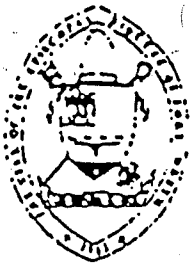
BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS _____ KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5th DAY OF October 1992.

[Signature]
NOTARY PUBLIC IN AND FOR TARRANT
COUNTY, TEXAS

MY COMMISSION EXPIRES

2-25-95



THE EPISCOPAL DIOCESE OF FORT WORTH

October 5, 1992

Rev. M. L. McCauley
Holy Apostles
3900 Longvue Avenue
Fort Worth, TX 76126

Dear Father McCauley:

Under National Canon IV. 10, you are inhibited for six months from officiating. Attached to this letter is a copy of the Standing Committee's action. Unless you within six months retract the acts charged or declare that the facts alleged in the certificate are false, a sentence of deposition from the ministry will be imposed.

Faithfully yours,

Bishop of Fort Worth



the following facts.

I.

FACTS

1. The Episcopal Diocese of Fort Worth is situated in all or parts of twenty-four counties in North Central Texas, including all of Tarrant County, Texas. It is a diocese of The Protestant Episcopal Church in the United States of America ("The Episcopal Church"), which is a confederation of dioceses situated primarily in the United States, but also in Latin America and Europe. The Bishops of The Episcopal Church are members of the Anglican Communion, which is composed of Bishops of the Church of England and numerous other Anglican churches world-wide. The Anglican Communion is itself in communion, reciprocally acknowledging validity of each others Orders and Sacraments, with certain other Anglican churches around the world. The Anglican Communion, the Episcopal Church and the Episcopal Diocese of Fort Worth are not in communion with the various Orthodox Churches, including the Antiochean Orthodox Church. Consequently, no member of the Antiochean Orthodox Church is in communion with the Episcopal Bishop of Fort Worth.

2. The Episcopal Church, originating in the North American colonies as a part of the Church of England, is an historic Reformation church. It separated from the Roman Catholic Church in the sixteenth century but preserved catholic faith and order, including the Apostolic succession of its Bishops and the three-

fold Orders of Bishops, Priests and Deacons. The Diocese is an hierarchial church, meaning: 1) each parish consists of members of The Episcopal Church confirmed in or transferred to that parish, who are in communion with the Bishop and the parish being in union with the diocesan convention; 2) each parish exists by virtue of its creation by the Bishop and the diocesan convention; 3) each parish is subject to the jurisdiction of the Bishop and the constitution of the diocese; 4) the government of the parish is subject to review and control of the Bishop and diocesan institutions in various important particulars, including the use of real property used for religious purposes, including those pursuant to Canon 30; 5) legal title to such real property is reposed in the Diocesan Corporation rather than in the parish; and 6) priests and deacons serving in the parish either are ordained pursuant to approval of diocesan bodies and the Bishop or, having been ordained in another diocese of The Episcopal Church or other church with which the Diocese is in communion, may become canonically resident and serve in the Diocese as a priest or deacon only with the consent of the Bishop. Under the Constitution of the Diocese and under Canon law, no person may be a member of a parish who is not a member of The Episcopal Church, and no person may serve on the vestry of a parish who is not a member, canonically resident, in that parish. Further, no parish which is affiliated with the Antiochean Orthodox Church can be in union with the Convention of the Diocese.

3. Holy Apostles was initially organized as a non-self-supporting mission of the Diocese on June 12, 1964. Both the Diocese and All Saints' Church, a parish of the Diocese for many years, gave Holy Apostles financial assistance both for its operating budget and for the acquisition of real property on which to build a church. The funds provided by the Diocese and by All Saints' Church were gifts to Holy Apostles, rather than loans, and were never repaid. Holy Apostles has also received financial assistance in the form of a loan from the Crump Fund for construction of improvements on the Real Property, said loan being made at a below-market interest rate of 2% per annum. The Crump Fund by its trust indenture may lend only to Episcopal parishes, and such below-market loan conveyed a substantial benefit for which Holy Apostles would not qualify otherwise and used Crump moneys which would have otherwise been available to some other Episcopal parish. Holy Apostles was admitted to the diocesan convention as a parish on October 6, 1979.

4. Defendant McCauley gradually acquired a Vestry uncanonically and unlawfully elected by plurality rather than majority vote, which assisted his enterprise. In early 1992, Defendant McCauley began a public campaign to lead parishioners of Holy Apostles into the Antiochean Orthodox Church. Efforts by the Bishop and by other members of the Diocese to dissuade Defendant McCauley and the unlawfully constituted Vestry, were unsuccessful. At the conclusion of two services on Sunday, October 4, 1992, the

Senior Warden announced to the parishioners that at 7:00 that morning, the Vestry had unanimously voted to leave The Episcopal Church and to petition to affiliate with the Antiochean Orthodox Church. At one service on October 4, 1992, Defendant McCauley made such announcement. Defendants McCauley and eleven of the twelve members of the Vestry thereby abandoned the communion of The Episcopal Church and ceased to be qualified to serve as a priest or as a member of the Vestry under the Constitution and Canons of the Diocese and of The Episcopal Church and canon law. Defendant McCauley has subsequently, on November 29, 1992, been reordained as a deacon, and the eleven vestry members and the members of the parish were chrismated as members of the Antiochean Orthodox Church on December 13, 1992.

5. On October 5, 1992, pursuant to canon law, the Bishop reported these events to the Standing Committee of the Diocese. The Standing Committee, having ascertained and considered the facts, determined by a vote of at least three-fourths of its members that Defendant McCauley had abandoned the communion of The Episcopal Church and of this Diocese. The Bishop thereupon affirmed such determination by the Standing Committee and inhibited Defendant McCauley from officiating in the Diocese. Upon such inhibition the office of the Rector of Holy Apostles became vacant, and the Bishop became Rector ex officio.

6. Having been informed that the unlawfully constituted Vestry of Holy Apostles had abandoned communion with The Episcopal

Church, on October 5, 1992, the Bishop sorrowfully accepted and acquiesced in their abandonment of communion with him and thereupon pronounced each lay member of the Vestry excommunicate. The Bishop thereupon further pronounced that all vestry offices of Holy Apostles are vacant, since all members of the Vestry had abandoned their qualification to hold such office under canon law. Subsequently it was learned that one member of the Vestry, Robert Rigdon had not participated in such actions, and the pronouncement of excommunication was ineffective as to him. Canonical procedure commenced to accept Defendant McCauley's abandonment of communion and to depose him as priest. Pending such proceeding, Defendant McCauley resigned his ministry as priest on November 26, 1992, which resignation was accepted on December 7, 1992.

7. On October 5, 1992, the Bishop called a special meeting of the parishioners of Holy Apostles for Sunday, October 11, 1992, to fill the vacancies on the Vestry and to call an interim Rector. At such election, Robert Rigdon, Ann Heinz, Helen Magnusson, Dave Huebner, Ivan Shadwick, and Charra Wright were elected to the Vestry and continue to serve as such. The Senior Warden is Robert Rigdon and the Junior Warden is George Komechek. Subsequently, at their yearly meeting on January 10, 1993, George Komechek, Ted Roe and Doris Boyd were also elected to the Vestry. The Rev. Canon James P. DeWolfe, Jr. has accepted a call as Interim Rector.

8. On October 5, 1992, demand was made on Defendants for uncontested possession of the Real Property and improvements of Holy Apostles. Such demand was refused.

9. Many of the loyal parishioners of Holy Apostles have pointed out their financial contributions and in addition the special, unique furnishings and fixtures given by them as memorials to Holy Apostles and have noted that it was never their intent that such gifts and memorials be converted to the use of the Antiochean Orthodox Church.

II.

ARGUMENT

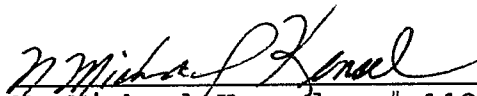
1. Those persons acting in concord with the Defendants have constituted themselves as the Schismatic and Purported Church of the Holy Apostles. Such persons are not members of the true Church of the Holy Apostles because they have joined the Antiochean Orthodox Church and thereby have abandoned communion with The Episcopal Church, and such Schismatic and Purported Holy Apostles is not in union with the Diocese, all as required by canon law. The Schismatic and Purported Church of the Holy Apostles is a new creation, having no relation to Holy Apostles and no right to its property.

2. In a hierarchical church structure, such as the Diocese, the civil courts should defer to the actions of the ecclesiastical authorities determining the identity of the loyal group of members,

officers and clergy. Where a division occurs in a parish affiliated with the Diocese, and a dispute arises as to the ownership or control of the parish's property, the members entitled to ownership and control are those parishioners adhering to and sanctioned by the Diocese. Therefore, Plaintiffs are entitled to legal and equitable ownership of the property in question as a matter of law.

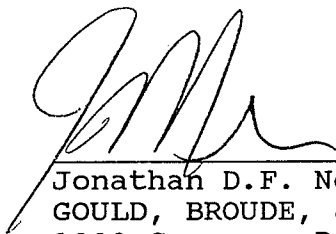
WHEREFORE, PREMISES CONSIDERED, Plaintiffs, CORPORATION OF THE EPISCOPAL DIOCESE OF FORT WORTH and CHURCH OF THE HOLY APOSTLES pray that their Motion for Summary Judgment be granted; that Defendants be ordered to vacate the property in question and return all personal property and other assets belonging to the Plaintiffs; that Plaintiffs recover their costs; and that they have such other and further relief to which they may show themselves to be justly entitled.

Respectfully submitted,



N. Michael Kensel - # 11316000
FERRARA & KENSEL
217 Overton Park Bank Building
4200 South Hulen Street
Fort Worth, TX 76109
(817) 738-7000
(817) 738-3344 (FAX)

ATTORNEY FOR PLAINTIFF
CORPORATION OF THE EPISCOPAL DIOCESE
OF FORT WORTH



Jonathan D.F. Nelson - # 14900700
GOULD, BROUDE, & NELSON
1000 Commerce Bank Bldg.
307 West Seventh Street
Fort Worth, TX 76102
(817) 335-1615
(817) 335-1603 (FAX)

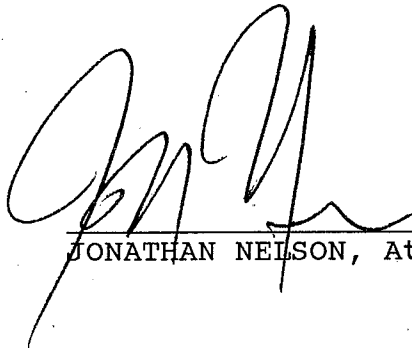
ATTORNEY FOR PLAINTIFF
CHURCH OF THE HOLY APOSTLES

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of December, 1993 a true and correct copy of the above and foregoing Plaintiffs' Motion for Summary Judgment has been mailed to:

Robert S. Travis
CANTEY & HANGER
2100 Burnett Plaza
801 Cherry Street
Fort Worth, TX 76102

VIA CM - P 909 063 301



JONATHAN NELSON, Attorney

A CERTIFIED COPY
ATTEST: 10/8/10
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: [Signature]
CAMERON WARDLOW

A

A1011

CAUSE NO. 153-144833-92

CORPORATION OF THE EPISCOPAL	§	IN THE DISTRICT COURT
DIOCESE OF FORT WORTH,	§	
CHURCH OF THE HOLY APOSTLES	§	
	§	
VS.	§	TARRANT COUNTY, TEXAS
	§	
THE REVEREND M.L. MCCAULEY, et al.	§	153RD JUDICIAL DISTRICT

AFFIDAVIT OF
BISHOP JACK IKER

STATE OF TEXAS §
 COUNTY OF TARRANT §

BEFORE ME THE UNDERSIGNED AUTHORITY, on this day personally appeared BISHOP JACK IKER, who, being by me duly sworn upon his oath deposed and stated as follows:

"My name is Bishop Jack Iker and I am the Bishop Coadjutor of Fort Worth. I am over the age of eighteen years and am in all respects competent to make this affidavit. I have personal knowledge of the facts stated herein and they are true and correct.

"The Diocese is an hierarchial church, meaning: 1) each parish consists of members of The Episcopal Church confirmed in or transferred to that parish, who are in communion with the Bishop and the parish being in union with the diocesan convention; 2) each parish exists by virtue of its creation by the Bishop and the diocesan convention; 3) each parish is subject to the jurisdiction of the Bishop and the constitution of the diocese; 4) the government of the parish is subject to review and control of the Bishop and diocesan institutions in various important particulars,

including the use of real property used for religious purposes, including those pursuant to Canon 30; 5) legal title to such real property is reposed in the Diocesan Corporation rather than in the parish; and 6) priests and deacons serving in the parish either are ordained pursuant to approval of diocesan bodies and the Bishop or, having been ordained in another diocese of The Episcopal Church or other church with which the Diocese is in communion, may become canonically resident and serve in the Diocese as a priest or deacon only with the consent of the Bishop.

"The Bishops of The Episcopal Church are members of the Anglican Communion, which is composed of Bishops of the Church of England and numerous other Anglican churches world-wide.

"The Anglican Communion is itself in communion, reciprocally acknowledging validity of each others Orders and Sacraments, with certain other Anglican churches around the world.

"The Anglican Communion, The Episcopal Church and the Episcopal diocese of Fort Worth are not in communion with the various Orthodox Churches, including the Antiochean Orthodox Church.

"Under the Constitution of the Diocese and under Canon law, no person may be a member of a parish who is not a member of The Episcopal Church, and no person may serve on the vestry of a parish who is not a member, canonically resident, in that parish. Further, no parish which is affiliated with the Antiochean Orthodox Church can be in union with the Convention of the Diocese.

"Consequently, no member of the Antiochean Orthodox church is in communion with the Episcopal Bishop of Fort Worth.

"The Schismatic and Purported Church of the Holy Apostles is an unincorporated association or not-for-profit corporation organized for religious purposes as a member of the Antiochean Orthodox Church. It is composed in part of those persons who have heretofore been parishioners of Church of the Holy Apostles but have become members in the Antiochean Orthodox Church in accordance with action of the Sometime Vestry on or about October 4, 1992.

"On October 5, 1992, pursuant to canon law, the Bishop reported these events to the Standing Committee of the Diocese.

"Upon such inhibition the office of the Rector of Holy Apostles became vacant, and the Bishop became Rector ex officio.

"Having been informed that the unlawfully constituted Vestry of Holy Apostles had abandoned communion with The Episcopal Church, on October 5, 1992, the Bishop sorrowfully accepted and acquiesced in their abandonment of communion with him and thereupon pronounced each lay member of the Vestry excommunicate.

"The Bishop thereupon further pronounced that all vestry offices of Holy Apostles are vacant, since all members of the Vestry had abandoned their qualification to hold such office under canon law. Subsequently it was learned that one member of the Vestry, Robert Rigdon, had not participated in such actions, and the pronouncement of excommunication was ineffective as to him.

"On October 5, 1992, the Bishop called a special meeting of the parishioners of Holy apostles for Sunday, October 11, 1992, to fill the vacancies on the Vestry and to call an interim Rector.

"On October 5, 1992, demand was made on Defendants for uncontested possession of the Real Property and improvements of Holy Apostles. Such demand was refused.

"Canonical procedure was commenced to accept the Reverend M. L. McCauley's abandonment of communion and to depose him as priest.

"Pending such proceeding Defendant McCauley resigned his ministry as priest on November 26, 1992, which resignation was accepted on December 7, 1992.

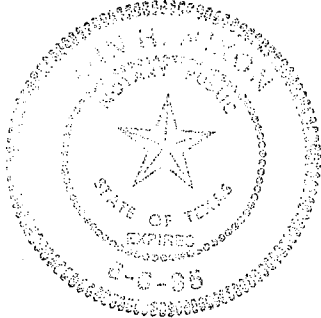
"Defendant McCauley has subsequently, on November 29, 1992, been reordained as a deacon, and the eleven vestry members and members of the Parish were chrismated as members of the Antiochean Orthodox Church on December 13, 1992.

"Those persons acting in concord with the Defendants have constituted themselves as the Schismatic and Purported Church of the Holy Apostles. Such persons are not members of the true Church of the Holy Apostles because they have joined the Antiochean Orthodox Church and thereby have abandoned communion with The Episcopal Church, and such Schismatic and Purported Holy Apostles is not in union with the Diocese, all as required by canon law. The Schismatic and Purported Church of the Holy Apostles is a new creation, having no relation to Holy Apostles and no right to its property.

"Further Affiant sayeth not."

+ Jack L. Iker
BISHOP JACK IKER, Affiant

SWORN TO AND SUBSCRIBED before me on this 3rd day of
November, 1993.



Anna H. Nixon
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

B

A1017

CAUSE NO. 153-144833-92

CORPORATION OF THE EPISCOPAL § IN THE DISTRICT COURT
DIOCESE OF FORT WORTH, §
CHURCH OF THE HOLY APOSTLES §
VS. § TARRANT COUNTY, TEXAS
§
THE REVEREND M.L. MCCAULEY, et al. § 153RD JUDICIAL DISTRICT

AFFIDAVIT OF
REVEREND CANON BILLIE BOYD

STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME THE UNDERSIGNED AUTHORITY, on this day personally appeared the REVEREND CANON BILLIE BOYD, who, being by me duly sworn upon his oath deposed and stated as follows:

"My name is the Reverend Canon Billie Boyd, Assistant to the Bishop of Fort Worth. I am over the age of eighteen years and am in all respects competent to make this affidavit. I have personal knowledge of the facts stated herein and they are true and correct.

"The Episcopal Diocese of Fort Worth is situated in all or parts of twenty-four counties in North Central Texas, including all of Tarrant County, Texas.

"It is a diocese of The Protestant Episcopal Church in the United States of America ("The Episcopal Church"), which is a confederation of dioceses situated primarily in the United States, but also in Latin America and Europe.

"Under the Constitution of the Diocese and under Canon law, no person may be a member of a parish who is not a member of The Episcopal Church, and no person may serve on the vestry of a parish who is not a member, canonically resident, in that parish.

"Holy Apostles was initially organized as a non-self-supporting mission of the Diocese on June 12, 1964.

"The Crump fund by its trust indenture may lend only to Episcopal parishes, and such below-market loan conveyed a substantial benefit for which Holy Apostles would not qualify otherwise and used Crump moneys which would have otherwise been available to some other episcopal parish.

"Holy Apostles was admitted to the diocesan convention as a parish on October 6, 1979.

"The Reverend McCauley and eleven of the twelve members of the Vestry by their actions of Sunday October 4, 1992 thereby abandoned the communion of the Episcopal Church and ceased to be qualified to serve as a priest or as a member of the Vestry under the Constitution and Canons of the Episcopal Diocese of Fort Worth and of the Episcopal Church and Canon Law.

"The Bishop informed the Standing Committee that the Reverend M. McCauley had lead the then Vestry to vote to leave the Episcopal Church and become affiliated with the Antiochean Orthodox Church and that they had abandoned the communion of the Episcopal Church and he had ceased to be qualified to serve as a priest or as a member of the Vestry under the Constitution and Canons of the

Diocese in the Episcopal Church in canon law.

"The Standing Committee, having ascertained and considered the facts, determined by a vote of at least three-fourths of its members that Reverend McCauley had abandoned the communion of The Episcopal Church and of this Diocese. A copy of such determination by the Standing Committee is attached hereto as Exhibit "A" and is hereby incorporated by reference.

"The Bishop thereupon affirmed such determination by the Standing Committee and inhibited Reverend McCauley from officiating in the Diocese. A copy of such inhibition is attached hereto as Exhibit "B" and is hereby incorporated by reference.

"Further Affiant sayeth not."


REVEREND CANON BILLIE BOYD,
Affiant

SWORN TO AND SUBSCRIBED before me on this 19th day of November, 1993.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



STANDING COMMITTEE

WE, THE UNDERSIGNED MEMBERS OF THE STANDING COMMITTEE OF THE EPISCOPAL DIOCESE OF FORT WORTH, FIND THAT THE REV. M.L. MCCAULEY OF THIS DIOCESE HAS OPENLY RENOUNCED THE DOCTRINE, DISCIPLINE, AND WORSHIP OF THIS CHURCH BY ATTEMPTING TO TAKE HIMSELF AND THE PEOPLE AND PROPERTY OF HOLY APOSTLES EPISCOPAL CHURCH TO THE JURISDICTION OF THE ANTIOCHIAN ORTHODOX CHRISTIAN ARCHDIOCESE OF NORTH AMERICA, A RELIGIOUS BODY NOT IN COMMUNION WITH THE EPISCOPAL CHURCH. AFFIDAVITS HAVE BEEN PRESENTED TO US ON THE ACTIONS OF THE REV. M.L. MCCAULEY AND THE VESTRY OF HOLY APOSTLES ON SUNDAY, 4 OCTOBER 1992, ABANDONING THE COMMUNION OF THIS CHURCH AND ON OTHER RELATED ACTIONS AT DIFFERENT TIMES BY THE REV. M.L. MCCAULEY, WHO IS A PRESBYTER CANONICALLY RESIDENT IN THIS DIOCESE. UNDER NATIONAL CANON IV. 10. WE RECOMMEND THAT OUR BISHOP INHIBIT THE REV. M.L. MCCAULEY FROM OFFICIATING, AFTER AFFIRMING OUR DETERMINATION.

DATED THIS 5TH DAY OF OCTOBER, 1992.

Chris. Hoyle +
Gilda Kleberman +

[Signature]
[Signature]

EXHIBIT A

A1021

Michael L. Beck

THE STATE OF TEXAS)

COUNTY OF TARRANT)

BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS _____ KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5th DAY OF October, 1992.

[Signature]
NOTARY PUBLIC IN AND FOR TARRANT COUNTY, TEXAS

MY COMMISSION EXPIRES

2-25-95