

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

COST OK Am. ✓

NOV 20 2009 ✓

BY _____
CLERK OF COURT

CARROLLTON PRESBYTERIAN CHURCH NO: 565482 SECTION: 26

VERSUS

THE PRESBYTERY OF SOUTH
LOUISIANA OF THE PRESBYTERIAN
CHURCH (USA)

DECLARATORY JUDGMENT AND PERMANENT INJUNCTION

This matter came on for hearing on October 13, 2009, on plaintiff's Motion for Summary Judgment seeking a Declaratory Judgment and Permanent Injunction.

Present:

Eugene R. Groves and Lloyd J. Lunceford for Carrollton Presbyterian Church;

John Dunlap, Russell Foster and E. Wade Shows for The Presbytery of South Louisiana.

CONSIDERING the Motion for Summary Judgment by Carrollton Presbyterian Church (sometimes referred to herein as "Plaintiff"), the pleadings, depositions, answers to interrogatories, admissions on file, affidavits, testimony, exhibits, argument and memoranda of counsel, and applicable law, and finding that there is no genuinely disputed issue of material fact, and that mover is entitled to judgment as a matter of law, and therefore Carrollton Presbyterian Church is entitled to the entry of a declaratory judgment and permanent injunction;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's motion for summary judgment is granted.

IT IS FURTHER ORDERED that a declaratory judgment be and it is hereby granted declaring that all property, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of Carrollton Presbyterian Church of New Orleans or its successor corporation Carrollton Presbyterian Church (collectively "Personal and Real Property"), which immovable Property is more particularly described in Attachment "A" hereto, is held and owned by Carrollton Presbyterian Church, which holds and owns all Property in its name in full, complete and unfettered ownership, all in accordance with the laws of the State of Louisiana,

REC'D C.P.

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Plaintiff's recorded deeds and Plaintiff's recorded articles of incorporation, as may be amended from time to time.

IT IS FURTHER ORDERED that the trusts asserted pursuant to G-8.0201 of the PCUSA Book of Order, further asserted and extended pursuant to G-8.0301 of the PCUSA Book of Order, and also asserted pursuant to Chapter 6 of the 1982/83 edition of the PCUS Book of Church Order, are unenforceable and without legal force and effect as to said Property, and that neither the Presbytery of South Louisiana of the Presbyterian Church (USA) (sometimes referenced to herein as "Presbytery") nor any person, entity, administrative unit, agency, commission, committee, or governing body acting on behalf of said Presbytery or in its stead, or claiming by, through or under said Presbytery, has any right, title or interest in or to the Property, whether in trust or otherwise, express or implied, nor any right, express or implied, to determine or control, directly or indirectly, the use, ownership or disposition of the Property, including particularly the immovable Property described in Attachment A hereto.

IT IS FURTHER ORDERED that a Permanent Injunction be and it is hereby issued against the Presbytery of South Louisiana of the Presbyterian Church (USA), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead. This Permanent Injunction pertains to all Property held by or for Carrollton Presbyterian Church, both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of Carrollton Presbyterian Church of New Orleans or its successor corporation Carrollton Presbyterian Church (collectively "Personal and Real Property"), which immovable Property is more particularly described in Attachment "A" hereto. The Presbytery is enjoined from filing any documents in the mortgage and conveyance records of Orleans Parish to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable Property titled in the name of the Carrollton Presbyterian Church or to assert a trust on behalf of the Presbytery or other affiliated third party over immovable Property titled in the name of Carrollton Presbyterian Church, or otherwise held by or for Carrollton Presbyterian Church, the effect of which would be to place a cloud on the title of said immovable Property, or otherwise interfere

with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Personal or Real Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Personal or Real Property held by or for Carrollton Presbyterian Church or held in the possession of, control of, or owned by or titled in the name of Carrollton Presbyterian Church.

IT IS FURTHER ORDERED that the Presbytery of South Louisiana of the Presbyterian Church (USA), and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are permanently enjoined from taking any action that could affect the property rights of Carrollton Presbyterian Church, including but not limited to: 1) seeking to change the locks of Carrollton Presbyterian Church; 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of Carrollton Presbyterian Church which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation; 3) dissolving Carrollton Presbyterian Church or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over Carrollton Presbyterian Church in order to assume or effect control over the ownership, use, or disposition of the Personal or Real Property; or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of Carrollton Presbyterian Church, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of Carrollton Presbyterian Church, which claims to Plaintiff's Personal and Real Property are fully adjudicated herein, as reflected by this Final Declaratory Judgment.


Nothing in this Permanent Injunction shall preclude the Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of Carrollton Presbyterian Church.

IT IS FURTHER ORDERED that the Presbytery of South Louisiana of the Presbyterian Church (USA) shall, upon final judgment in this case, cancel and remove any documents from the mortgage and conveyance records it previously caused to be filed related in any way to the Property or the Plaintiff's title, including cancellation of the lis pendens previously filed by the Presbytery of South Louisiana of the Presbyterian Church (USA), a copy of which is attached hereto as Attachment "B".

IT IS FURTHER ORDERED that this Declaratory Judgment, and Permanent Injunction be filed in the office of the Clerk of Court and entered of record.

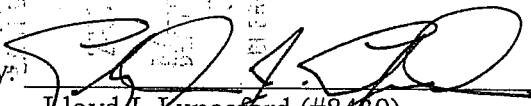
JUDGMENT RENDERED IN OPEN COURT ON OCTOBER 22, 2009, AND SIGNED in chambers this 4 day of December, 2009, in Baton Rouge, Louisiana.

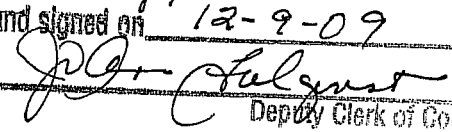
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CLERK OF COURT
19th JUDICIAL DISTRICT COURT
BATON ROUGE, LOUISIANA
NOV 10 2009



JUDGE KAY BATES
19th JUDICIAL DISTRICT COURT

Respectfully submitted,
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.

By: 
Lloyd J. Luncesford (#8439)
Eugene R. Groves (#6358)
P.O. Box 2071
Baton Rouge, LA 70821
Telephone: (225) 387-3221
Facsimile: (225) 346-8049
ATTORNEYS FOR CARROLLTON PRESBYTERIAN CHURCH

I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to: Wade Shows, Lloyd Luncesford, John Dunlap, Russell Foster
Done and signed on 12-9-09

Deputy Clerk of Court

CERTIFICATE

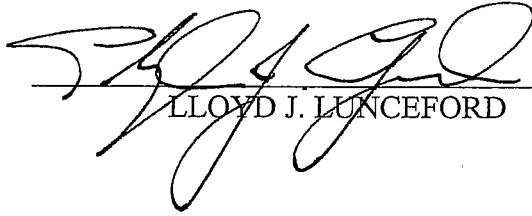
I certify that a copy of the foregoing has been faxed and e-mailed to the following:

Mr. John Anthony Dunlap
Carver, Darden, Koretzky, Tessier, Finn,
Blossman & Areaux, LLC
Energy Centre, Suite 3100
1100 Poydras Street
New Orleans, LA 70163

Mr. Russell L. Foster
Carver, Darden, Koretzky, Tessier, Finn,
Blossman & Areaux, LLC
Energy Centre, Suite 3100
1100 Poydras Street
New Orleans, LA 70163

Mr. E. Wade Shows
Shows, Cali, Berthelot & Walsh, LLP
P.O. Drawer 4425
Baton Rouge, LA 70821

Baton Rouge, Louisiana, this 20 day of November, 2009.


LLOYD J. LUNCEFORD

FOR ORIGINAL INSTRUMENT
FILED
7:30 AM NOV 20 2009
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CLERK OF COURTEUR PARISH
DEPUTY CLERK OF COURT

UNIFORM DISTRICT COURT RULE 9.5 CERTIFICATE

In accordance with District Court Rule 9.5, the undersigned circulated the proposed Judgment via facsimile and e-mail on Friday, October 23, 2009 to counsel of record. In accordance with said rule, all counsel were given three working days for comment before this Judgment was filed with this Court. PSL counsel offered comments and suggestions, now incorporated in the form of the Judgment, which was re-circulated by e-mail to counsel of record on Monday, November 16, 2009, and to which all counsel now concur.

Respectfully submitted,

TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.

By: 

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**ATTORNEYS FOR CARROLLTON
PRESBYTERIAN CHURCH**

JOHN HENRI JACQUES
CLERK OF DISTRICT COURT
EAST AND WEST PARISHES, LA.
FILED
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DEPUTY CLERK OF COURT
DOUG WELBORN
CLERK OF COURTS & PARISH