

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
STATE OF MISSOURI

DARDENNE PRESBYTERIAN)
CHURCH, INC.,)

Plaintiff / Counterclaim-Defendant)

v.)

Case No. 2311-CC01028

PRESBYTERY OF GIDDINGS-)
LOVEJOY, INC.)

Defendant / Counterclaimant)

and)

PRESBYTERIAN CHURCH (U.S.A.),)
A CORPORATION,)

Defendant.)

AFFIDAVIT OF CAROLINE LAURIE GRIFFITH

I, CAROLINE LAURIE GRIFFITH, being duly sworn, do hereby attest as follows under penalty of perjury:

1. I am over the age of 18, a citizen of the United States, of sound mind, capable of reading and understanding English, and give this Affidavit voluntarily.
2. I am Associate Director for Constitutional Interpretation in the Mid-Council Ministries Department of the Office of the General Assembly of the Presbyterian Church (U.S.A.).
3. I am authorized to give this Affidavit on behalf of Presbyterian Church (U.S.A.), A Corporation (the "A Corporation"), which is a Pennsylvania nonprofit corporation and is the principal corporation of the General Assembly of the Presbyterian Church (U.S.A.).

4. The facts set forth in this Affidavit are based on my personal knowledge in my capacity as Associate Director for Constitutional Interpretation.

5. The Presbyterian Church (U.S.A.) (the "Denomination") is an unincorporated body of Reformed Christians who have agreed to conduct their worship and other religious activities in conformity with the then current version of the Presbyterian Church (U.S.A.) Constitution. The Denomination is not a corporation or other legal entity.

6. The Presbyterian Church (U.S.A.) Constitution is comprised of two parts: the *Book of Confessions* and the *Book of Order*.

7. The *Book of Confessions* contains the official text of the confessional documents of the Denomination.

8. The *Book of Order* contains the Foundations of Presbyterian Polity, the Form of Government, the Directory for Worship, and the Church Discipline of the Denomination.

9. Section G-3.0101 of the *Book of Order* provides:

The Presbyterian Church (U.S.A.) is governed by councils composed of presbyters elected by the people (F-3.0202). These councils are called the session, the presbytery, the synod, and the General Assembly. All councils of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution. The councils are distinct, but have such mutual relations that the act of one of them is the act of the whole church. The jurisdiction of each council is limited by the express provisions of the Constitution, with the acts of each subject to review by the next higher council. Powers not mentioned in this Constitution are reserved to the presbyteries.

10. Section G-4.0101 of the *Book of Order* provides:

Where permitted by civil law, each presbytery, synod, and the General Assembly shall cause a corporation to be formed and maintained and shall determine a method to constitute the board of trustees by its own rule. The corporation so formed, or individual trustees, shall have the following powers: to receive, hold, encumber, manage, and transfer property, real or personal, for and at the direction of the council.

11. As used in the *Book of Order*, "Presbyterian Church (U.S.A.)" refers to the Denomination, not to the A Corporation. The A Corporation is the principal corporation of the highest council, the General Assembly, of the Denomination, established pursuant to G-4.0101 of the *Book of Order*.

12. Section G-4.0203 of the *Book of Order* provides:

All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).

13. Section G-4.0204 of the *Book of Order* provides:

Whenever property of, or held for, a congregation of the Presbyterian Church (U.S.A.) ceases to be used by that congregation as a congregation of the Presbyterian Church (U.S.A.) in accordance with this Constitution, such property shall be held, used, applied, transferred, or sold as provided by the presbytery.

14. Section G-4.0205 of the *Book of Order* provides:

Whenever a congregation is formally dissolved by the presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the presbytery may direct, limit and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the Constitution of the Presbyterian Church (U.S.A.).

15. Section G-4.0206(a) of the *Book of Order* provides:

A congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation.

16. Section G-4.0206(b) of the *Book of Order* provides:

A congregation shall not lease its real property used for purposes of worship, or lease for more than five years any of its other real property, without the written permission of the presbytery transmitted through the session of the congregation.

17. Section G-4.0207 of the *Book of Order* provides:

The relationship to the Presbyterian Church (U.S.A.) of a congregation can be severed only by constitutional action on the part of the presbytery (G-3.0303b). If there is a schism within the membership of a congregation and the presbytery is unable to effect a reconciliation or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism.

18. The *Book of Order* does not give any rights or responsibilities to the General Assembly or to its principal corporation, the A Corporation, regarding the property held by a local congregation or "session."

19. The A Corporation does not have a corporate ownership interest in, or corporate right to control or maintain, the property of Dardenne Presbyterian Church.

20. The right and responsibility to enforce and seek recognition of all property rights held by the Denomination with respect to the property titled in the name of Dardenne Presbyterian Church lies solely and wholly with the Presbytery of Giddings-Lovejoy.

22. The foregoing statements made by me are true. I am aware that if any of these statements are willfully false, I may be subject to punishment, for perjury or otherwise.


CAROLINE LAURIE GRIFFITH

1-20-2024

Subscribed and sworn before me, this 20th day of January, 2024.


Notary Public

Seal:

