

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

DARDENNE PRESBYTERIAN )  
CHURCH, INC., )  
 )  
Plaintiff / Counterclaim-Defendant )  
 )  
v. )  
 )  
PRESBYTERY OF GIDDINGS- )  
LOVEJOY, INC. )  
 )  
Defendant / Counterclaimant )  
 )  
and )  
 )  
PRESBYTERIAN CHURCH (U.S.A.), )  
A CORPORATION, )  
 )  
Defendant. )

Case No. 2311-CC01028

**PRESBYTERY OF GIDDINGS-LOVEJOY, INC.’S  
(1) RESPONSE TO PLAINTIFF’S STATEMENT OF UNCONTROVERTED  
MATERIAL FACTS, AND (2) STATEMENT OF ADDITIONAL MATERIAL FACTS**

Defendant / Counterclaimant Presbytery of Giddings-Lovejoy, Inc. (the “Presbytery”), by and through its undersigned counsel and pursuant to Missouri Rule of Civil Procedure 74.04(c)(2), hereby submits its (1) Response to Plaintiff / Counterclaim-Defendant Dardenne Presbyterian Church, Inc.’s (“Dardenne Church”) Statement of Uncontroverted Material Facts and (2) Statement of Additional Material Facts as follows:

**RESPONSE TO PLAINTIFF’S STATEMENT  
OF UNCONTROVERTED MATERIAL FACTS**

1. The Dardenne Church holds full fee simple title to all of the parcels of real estate held by the church. *See* Exhibit 1 (1823 deed); Exhibit 2 (1845 and 1849 deeds); Exhibit 3 (1870 Bates Deed); Exhibit 4 (1951, 1968, and 1975 deeds); Exhibit 11 (reconveyance of property to church); Exhibit 14 (1990 and 1998 deeds); Exhibit 18 (reconveyance to church corporation).

**RESPONSE:** Paragraph 1 states various legal conclusions, not a statement of fact. Therefore, no response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment); *Taneycomo Lakefront Resort & RV Park, LLC v. Empire Dist. Elec. Co.*, 686 S.W.3d 660, 663 (Mo. App. S.D. 2024) (one’s property interest is a legal conclusion). In addition, several of the exhibits cited are not legible, thereby preventing the Presbytery from responding in part.

2. In addition to vesting the church with exclusive title to the relevant properties, each of the Dardenne Church’s properties is now held subject to an express restriction that precludes the relevant properties from being subjected to a trust in favor of any denomination or presbytery. *See* Exhibit 3 (1870 Bates Deed); Exhibit 11 (reconveyance of property to church); Exhibit 14 (1990 and 1998 deeds).

**RESPONSE:** Paragraph 2 states various legal conclusions, not a statement of fact. Therefore, no response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment); *Taneycomo Lakefront Resort & RV Park, LLC v. Empire Dist. Elec. Co.*, 686 S.W.3d 660, 663 (Mo. App. S.D. 2024) (one’s property interest is a legal conclusion). In addition, Exhibit 3 is not legible, thereby preventing the Presbytery from responding in part. Further, Paragraph 2 paraphrases and interprets language in the referenced deeds. The interpretation of deed language is a legal conclusion.

3. The Presbytery of Giddings-Lovejoy, Inc. (the “Presbytery”) has asserted an “express trust” claim based upon a corporate/congregational resolution that the Dardenne Church approved on January 15, 1984, and which was communicated to the Presbytery on or about January 31, 1984. *See* Presbytery Counterclaim at ¶¶ 16-21, 44-50.

**RESPONSE:** Admitted.

4. In light of the Statute of Frauds, the only documents by which the Dardenne Church is alleged to have circumvented its property deed restrictions and created an enforceable trust in favor of the Presbytery or PCUSA is the church’s January 15, 1984, resolution and the

accompanying letter sent January 31, 1984 (together, “the 1984 Resolution”). *See* Exhibit 13; Exhibit 15.

**RESPONSE:** Paragraph 4 contains legal conclusions, not a statement of fact. The Presbytery admits that it relies upon the church’s January 15, 1984 resolution and the accompanying letter sent January 31, 1984 to establish an express trust in this matter.

5. The language of the 1984 Resolution does not clearly evidence an intent to create a trust in favor of the Presbytery or PCUSA. *See* Exhibit 13; Exhibit 15.

**RESPONSE:** Paragraph 5 states legal conclusions—indeed it states *the ultimate* legal conclusion that the Dardenne Church asks this court to declare in this matter. No response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment).

The Presbytery denies the conclusion. The 1984 *does* clearly evidence an intent to create a trust in favor of the Presbytery and the PCUSA. The letter states:

“The Presbytery of Southeast Missouri is hereby informed of such action, and is further informed that the congregation of the Dardenne Presbyterian Church, from the date of that congregational meeting, ‘shall hold title to its property and exercise its privileges of incorporation and property ownership’ according to the provisions of Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States as that chapter existed on the date of June 10, 1983.”

On June 10, 1983, Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States stated in pertinent part as follows:

Section 6–3. All property held by or for a particular church, 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 the particular church or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church in the United States.

Section 6–4. If a particular church is dissolved by the Presbytery, attempts by either majority or unanimous vote to withdraw from the Presbyterian Church in the United States or otherwise ceases to exist or function as a member of the Presbyterian Church in the United States, any property that it may have shall be within the control of the Presbytery and may be held for designated purposes or sold or disposed of in such manner as the Presbytery, in its discretion may direct.

Exhibit 13; Affidavit of Ryan Landino (“Landino Aff.”) ¶¶ 17–18 & Exhibit A thereto.<sup>1</sup>

6. The 1984 Resolution was the final step in a series of related transactions designed by the Dardenne Church to protect the its property from any PCUSA trust claim. *See Affidavit of Jerry Leigh* at ¶¶ 12-14.

**RESPONSE:** Denied. *See Exhibits 13 & 15; Landino Aff. ¶¶ 17–18 & Exhibit A thereto.* The 1984 Resolution and Letter indicate a clear intention by the Dardenne Church to place into trust for the benefit of the Presbytery “all” property titled in Dardenne’s name. In addition, for the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose the affiant and examine the statements made in the cited affidavit. *See Missouri Rule 74.04(f).* The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

7. Other transactional documents related to the same real estate at issue were approved by the church in May 1982 and executed by the Dardenne Church in June 1982 and March 1983. *See Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12.*

**RESPONSE:** For the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose witnesses to determine the authenticity of the referenced exhibits or to examine potentially other documents bearing on Plaintiff’s actions or intentions. *See Missouri Rule 74.04(f).* The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

8. The other connected transactional documents executed in 1982 and 1983 unequivocally demonstrate that the Dardenne Church did not want to convey any property rights to the PCUS/PCUSA or become subject to any PCUS/PCUSA trust. *See Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12.*

**RESPONSE:** Denied. Paragraph 8 is not a stated fact, but instead a conclusion that Plaintiff has drawn from certain documents, which the Presbytery disputes. No response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if

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<sup>1</sup> The Affidavit of Ryan Landino is attached hereto.

uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment). Moreover, the actions that Plaintiff took in 1984 are what is relevant here, not what Plaintiff may have done in 1982 and 1983. See Additional Facts ¶¶ 17–20, *infra*.

9. Transactional and property-related documents executed after the 1984 Resolution similarly confirm that the Dardenne Church did not want to convey any property rights to the PCUS/PCUSA or become subject to any PCUS/PCUSA trust. See Exhibit 14.

**RESPONSE:** Denied. Paragraph 9 is not a stated fact, but instead a conclusion that Plaintiff has drawn from certain documents, which the Presbytery disputes. No response is required. See *Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment). Moreover, the actions that Plaintiff took after the 1984 Resolution are irrelevant inasmuch as the actions taken in 1984 placed Dardenne’s property into *irrevocable trust* for the benefit of the Presbytery. Thus actions Plaintiff took afterwards cannot alter the irrevocable nature of the trust. See Additional Facts ¶¶ 17–20, *infra*.

In addition, for the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose witnesses to determine the authenticity of the referenced exhibits or to examine potentially other documents bearing on Plaintiff’s actions or intentions. See Missouri Rule 74.04(f). The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

10. The Dardenne Church did not vote to join the PCUSA, and, in fact, its relevant representatives cast votes against the PCUSA’s formation at the relevant meeting of the Presbytery. See *Affidavit of Tom Sale* at ¶ 5.

**RESPONSE:** The statements in paragraph 10 are not relevant to issues in the case, considering there is no dispute that Plaintiff is and has been a member of the PCUSA since it was formed more than 40 years ago. See Pet. ¶ 2 (“For the last 40 years, the Dardenne Church has been a member of the PCUSA denomination.”); *id.* ¶ 15 (“For the last 40 years, and through today, the Dardenne Church has remained a member of the PCUSA.”); see also Exhibit 13 (minutes of Dardenne Church congregation meeting stating carried resolution that “the Dardenne Presbyterian Church, in Dardenne Prairie, Missouri, on or about June 10, 1983 became particular church [sic] in the reunited denomination known as the Presbyterian Church (U.S.A.)”).

In addition, for the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose the affiant or to examine potentially other documents bearing on Plaintiff's actions or intentions. *See* Missouri Rule 74.04(f). The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

11. In 1983 and 1984, the Dardenne Church was not excited about being incorporated into the PCUSA, but was in fact worried about the denomination's political leanings and views on local church property rights. *See Affidavit of Tom Sale* at ¶¶ 8-9; *Affidavit of Baxter Tate* at ¶¶ 3-4; *Affidavit of Jerry Aubuchon* at p. 2; *Affidavit of Jerry Leigh* at ¶¶ 9, 14-15; *Affidavit of David Schlansker* at ¶¶ 5-7; *Affidavit of Steve Collier* at ¶ 6; *Affidavit of Charles C. Poe, Jr.* at ¶¶ 4-6.

**RESPONSE:** The statements in paragraph 11 are not relevant to issues in the case, considering there is no dispute that Plaintiff is and has been a member of the PCUSA since it was formed more than 40 years ago. *See* Pet. ¶ 2 (“For the last 40 years, the Dardenne Church has been a member of the PCUSA denomination.”); *id.* ¶ 15 (“For the last 40 years, and through today, the Dardenne Church has remained a member of the PCUSA.”); *see also* Exhibit 13 (minutes of Dardenne Church congregation meeting stating carried resolution that “the Dardenne Presbyterian Church, in Dardenne Prairie, Missouri, on or about June 10, 1983 became particular church [sic] in the reunited denomination known as the Presbyterian Church (U.S.A.)”).

In addition, for the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose the affiants or to examine potentially other documents bearing on Plaintiff's actions or intentions. *See* Missouri Rule 74.04(f). The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

12. The design and intent of the 1984 Resolution was not to give any trust interest to the PCUSA or Presbytery, but to ensure that the Dardenne Church retained and preserved all property rights that it had. *Affidavit of Tom Sale* at ¶¶ 3-11; *Affidavit of Baxter Tate* at ¶¶ 3-5; *Affidavit of Jerry Aubuchon* at p. 1-3; *Affidavit of Jerry Leigh* at ¶¶ 4-15; *Affidavit of David Schlansker* at ¶¶ 4-8; *Affidavit of Steve Collier* at ¶¶ 5-8; *Affidavit of Allen Sebaugh* at ¶¶ 4-7; *Affidavit of Charles C. Poe, Jr.* at ¶¶ 4-7.

**RESPONSE:** The statements in paragraph 12 are not relevant to issues in the case, considering there is no ambiguity in the 1984 Resolution or the January 31, 1984 Letter to the Presbytery regarding Plaintiff's election placing its property into trust for the benefit of the Presbytery, which speak for themselves and are the best evidence of Plaintiff's intentions. *See* Exhibits 13 & 15.

In addition, for the reasons given in the Affidavit of Ryan Landino, additional facts needed to justify opposition to this statement of fact cannot be presented in opposing affidavits. The Presbytery has not yet had the opportunity to depose the affiant or to examine potentially other documents bearing on Plaintiff's actions or intentions. *See* Missouri Rule 74.04(f). The Court should deny the motion for summary judgment and allow depositions to be taken and other discovery to be had.

13. The 1984 Resolution, even if deemed to incorporate the PCUS Book of Church Order and its "trust language," does not mention the PCUSA/Presbytery or purport to create a trust in favor of the PCUSA. *See* Exhibit 13; Exhibit 15; Exhibit 5 at 225, § 6-3.

**RESPONSE:** Denied. Both the Resolution and the Letter expressly reference the "Presbyterian Church (U.S.A.);" and express Plaintiff's intention "to 'hold title to its property and exercise its privileges of incorporation and property ownership' according to the provisions of Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States as that chapter existed on the date of June 10, 1983." *See* Exhibits 13 & 15.

On June 10, 1983, Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States stated in pertinent part as follows:

Section 6-3. All property held by or for a particular church, 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 the particular church or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church in the United States.

Section 6-4. If a particular church is dissolved by the Presbytery, attempts by either majority or unanimous vote to withdraw from the Presbyterian Church in the United States or otherwise ceases to exist or function as a member of the Presbyterian Church in the United States, any property that it may have shall be within the control of the Presbytery and may be held for designated purposes or sold or disposed of in such manner as the Presbytery, in its discretion may direct.

Landino Aff. ¶¶ 17-18 & Exhibit A thereto.

14. The PCUSA is not the legal successor of the PCUS and cannot establish any cognizable chain of equitable real estate title from the PCUS that is relevant to this case or as is

necessary to assert a claim against real estate. *See* Exhibit 24.

**RESPONSE:** Paragraph 14 is not a stated fact, but instead a conclusion that Plaintiff has drawn from certain documents, which the Presbytery disputes. No response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment).

In addition, the documents at Exhibit 24 do not support the conclusion asserted. The compiled documents at Exhibit 24 address the “Presbyterian Church (U.S.A.), A Corporation,” which is not the same as the PCUSA denomination, 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, as explained more fully in the Affidavit of Caroline Laurie Griffith, filed in Support of Defendant Presbyterian Church (U.S.A.), A Corporation’s January 23, 2024 Motion to Dismiss in this action.<sup>2</sup>

The right and responsibility to enforce and seek recognition of all property rights held by or for the benefit of the PCUSA denomination with respect to the property titled in the name of Dardenne Presbyterian Church lies solely and wholly with the Presbytery of Giddings-Lovejoy, which is the corporate expression of the PCUSA denomination within the geographic district that includes Plaintiff. *See* Griffith Aff. ¶ 20.

15. The PCUS trust provision allegedly “adopted” by the Dardenne Church in 1984 was accompanied by and attached to numerous contemporary PCUS affirmations that the trust language was not binding, legally effective, or operative to transfer any property rights. *See* Exhibit 5 at 224-25, 235-37; Exhibit 6; Exhibit 7; Exhibit 22 at §§ 1-2, 1-3, 14-1, 14-2.

**RESPONSE:** Denied. The documents cited do not support Plaintiff’s interpretation of the documents referenced in paragraph 15. *See* Presbytery’s Memorandum of Law in Opposition to Motion for Summary Judgment at 15–16.

16. The 1984 Resolution does not adequately describe any real estate, or include anything approaching a legal description, sufficient to convey legal title. *See* Exhibit 13; Exhibit 15.

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<sup>2</sup> The Affidavit of Laurie Griffith, filed on the docket on January 23, 2024, is also attached hereto for convenience.



**RESPONSE:** Paragraph 16 states legal conclusions to which no response is required. *See Amoroso v. Truman State Univ.*, 683 S.W.3d 298, 303 (Mo. App. W.D. 2024) (conclusory statements and legal conclusions, even if uncontroverted, are not “facts” for purposes of Rule 74.04, and cannot form the factual basis for summary judgment); *Taneycomo Lakefront Resort & RV Park, LLC v. Empire Dist. Elec. Co.*, 686 S.W.3d 660, 663 (Mo. App. S.D. 2024) (one’s property interest is a legal conclusion).

The Presbytery denies the conclusions. Both the 1984 Resolution and the 1984 Letter clearly express Plaintiff’s intention “to ‘hold title to its property and exercise its privileges of incorporation and property ownership’ according to the provisions of Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States as that chapter existed on the date of June 10, 1983.” Exhibits 13 & 15.

On June 10, 1983, Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States stated in pertinent part as follows:

Section 6–3. *All property* held by or for a particular church, 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 the particular church or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church in the United States.

Section 6–4. If a particular church is dissolved by the Presbytery, attempts by either majority or unanimous vote to withdraw from the Presbyterian Church in the United States or otherwise ceases to exist or function as a member of the Presbyterian Church in the United States, any property that it may have shall be within the control of the Presbytery and may be held for designated purposes or sold or disposed of in such manner as the Presbytery, in its discretion may direct.

Exhibit 13 (emphasis added); Landino Aff. ¶¶ 17–18 & Exhibit A thereto.

The reference to “all property” is clear and unequivocal and sufficient to establish a trust for the benefit of the Presbytery over *all* of Plaintiff’s property titled in its name.

### **STATEMENT OF ADDITIONAL MATERIAL FACTS**

17. In January 1984, Dardenne Church passed the following congregational resolutions:

WHEREAS, the Dardenne Presbyterian Church, in Dardenne Prairie, Missouri, on or about June 10, 1983 became [a] particular church in the reunited denomination known as the Presbyterian Church (U.S.A.); and

WHEREAS, the Dardenne Presbyterian Church in Dardenne Prairie, Missouri, prior to that date was a particular church of the Presbyterian Church in the United States, one of the denominations which participated in the aforesaid reunion; and

WHEREAS, the *Book of Order* of the Presbyterian Church (U.S.A.) in Chapter VIII which was entitled “the Church and Its Property” contains provision which are somewhat different from those contained in the *Book of Church Order* of the Presbyterian Church in the United States in Chapter VI which is entitled “Church Property”; and

WHEREAS, Chapter VIII of the *Book of Order* of the Presbyterian Church (U.S.A.), Sub-section 7, entitled “Exceptions” and numbered G.80701, provides that where there are provisions in that Chapter which are different from those in Chapter VI of the *Book of Church [Order]*, “any church which was not subject to a similar provision of the Constitution of the Church of which it was a party, prior to the reunion . . . shall be excused from that provision of this Chapter if the Congregation of the Presbyterian Church (U.S.A.) shall within a period of eight years following the establishment of the Presbyterian Church (U.S.A.) vote to be exempt from such in a regularly called meeting and shall thereafter notify the Presbytery.”

NOW, THEREFORE, BE IT RESOLVED that the congregation of the Dardenne Presbyterian Church, in a meeting properly called and conducted, does hereby vote to be exempt from the provisions of Chapter VIII of the *Book of Order* to which it was not subject prior to the reunion which established the Presbyterian Church (U.S.A.) and will hold title to its property and exercise the privileges of incorporation under the provisions of the *Book of Church Order, Presbyterian Church in the United States* (1982-1983 edition), this action having been taken within the period of eight years following the establishment of the Presbyterian Church (U.S.A.).

Exhibit 13 at 6–7.

18. At the same meeting when it passed the resolutions above, Dardenne Church also voted “that the Southeast Missouri Presbytery be notified of the . . . resolutions.” Exhibit 13 at 6.

19. In a January 31, 1984 letter from Dardenne Church to the Presbytery of Southeast Missouri, on church letterhead and signed by both the church’s Pastor and Moderator as well as its Clerk of Session, Dardenne Church notified the Presbytery as follows:

On the 15th day of January, in the year of our Lord 1984, the congregation of the Dardenne Presbyterian Church of Dardenne Prairie, Missouri, voted to be exempt from the provisions of G-8.0501 and G-8.0502 of the Form of Government of the

Presbyterian Church (U.S.A.). These provisions deal with selling, encumbering, or leasing the property of said congregation.

The Presbytery of Southeast Missouri is hereby informed of such action, and is further informed that the congregation of the Dardenne Presbyterian Church, from the date of that congregational meeting, “shall hold title to its property and exercise its privileges of incorporation and property ownership” according to the provisions of Chapter 6 of the *Book of Church Order* of the Presbyterian Church in the United States as that chapter existed on the date of June 10, 1983.

Exhibit 15.

20. The 1982/1983 edition of the Book of Church Order contained the following provisions regarding church property:

§ 6–1. If a particular church is not incorporated, it may, at a regularly constituted congregational meeting, elect certain of its confirmed members as trustees, to hold title to property in trust for the benefit of the particular church and of the Presbyterian Church in the United States. The trustees have power and authority to buy, sell or mortgage property for the church, to accept and execute deeds and to manage any permanent special funds entrusted to them for church purposes. In buying, selling or mortgaging real property, the trustees shall act under the instructions of the congregation adopted in a regularly constituted meeting. Their powers and duties cannot infringe upon the powers or duties of the Session or the Board of Deacons. The trustees do not hold title to personal property or have responsibility for it except to the extent expressly given to them.

§ 6–3. All property held by or for a particular church, 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 the particular church or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church in the United States.

§ 6–4. If a particular church is dissolved by the Presbytery, attempts by either majority or unanimous vote to withdraw from the Presbyterian Church in the United States or otherwise ceases to exist or function as a member of the Presbyterian Church in the United States, any property that it may have shall be within the control of the Presbytery and may be held for designated purposes or sold or disposed of in such manner as the Presbytery, in its discretion may direct.

§ 6–8. Nothing in this chapter shall be construed to require a particular church to seek or obtain the consent or approval of any church court above the level of the particular church in order to buy, sell or mortgage the property of that particular church in the conduct of its affairs as a church of the PCUS.

Landino Aff. ¶¶ 17–18 & Exhibit A thereto.

21. Dardenne Church did not vote to leave the PCUSA within eight years of the merger in 1983. Landino Aff. ¶ 15.

22. As used in the PCUSA *Book of Order*, “Presbyterian Church (U.S.A.)” refers to the PCUSA denomination (and predecessor denominations), not to the “Presbyterian Church (U.S.A.), A Corporation,” which is the principal corporation of the highest council of the denomination, the General Assembly, established by authority from the *Book of Order* § G-4.0101. Affidavit of Laurie Griffith ¶ 11 (filed January 23, 2024 as Exhibit 1 to Presbyterian Church (U.S.A.), A Corporation’s Motion to Dismiss).

23. Article I of the Articles of Agreement Between the Presbyterian Church in the United States and the United Presbyterian Church in the United States of America states:

1.1 These Articles of Agreement are intended to, and they do, provide for the union of the Presbyterian Church in the United States and The United Presbyterian Church in the United States of America to form one Church which shall be known as the Presbyterian Church (U.S.A.). Whenever it becomes necessary to identify the Presbyterian Church in the United States or The United Presbyterian Church in the United States of American after union, the Presbyterian Church (U.S.A.) is, and shall be, the successor of each and the successor shall have that identity. The history of the Presbyterian Church (U.S.A.) is, and shall embody, the history of the Presbyterian Church in the United States and The United Presbyterian Church in the United States of America. . . . The Presbyterian Church in the United States, The United Presbyterian Church in the United States of America, and the Presbyterian Church (U.S.A.) affirm that it is the intention of each that the Presbyterian Church (U.S.A.), from the time of reunion, shall comprise and be one single ecclesiastical entity which is the continuing Church resulting from the reunion of the Presbyterian Church in the United Sates and The United Presbyterian Church in the United States of America.

Exhibit 8 (Appendix A, Articles of Agreement § 1.1).

24. The Presbytery is the successor to the Presbytery of Southeast Missouri, a former PCUS-affiliated presbytery formed in or around 1969 by the merger of two predecessor PCUS presbyteries. Landino Aff. ¶ 3.

25. In 1985, the Presbytery succeeded from the merger of two predecessor presbyteries following the reunion of the PCUSA and the PCUS in 1983. Landino Aff. ¶ 3.

Dated: May 23, 2024.

Respectfully submitted,

POLSINELLI PC

By: /s/ Britton St. Onge

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Presbytery of Giddings-Lovejoy, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2024, the foregoing in the above styled case was electronically served via Case.Net on all counsel of record.

*/s/ Britton St. Onge* \_\_\_\_\_