

**IN THE CIRCUIT COURT OF ALCORN COUNTY, MISSISSIPPI**

**FIRST PRESBYTERIAN CHURCH OF  
THE CITY OF CORINTH, MISSISSIPPI**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. \_\_\_\_\_**

**PRESBYTERY OF SAINT ANDREW,  
PRESBYTERIAN CHURCH U.S.A., INC.**

**DEFENDANT**

---

**AFFIDAVIT OF REVEREND DON ELLIOTT**

---

STATE OF MISSISSIPPI

COUNTY OF ALCORN

1. My name is Don Elliott. I am Pastor of First Presbyterian Church of Corinth, Mississippi ("First Presbyterian"). In this capacity, I have personal knowledge of the facts set forth herein.

2. I have been Pastor of First Presbyterian Church ("First Presbyterian") in Corinth, Mississippi since 1985.

3. First Presbyterian is currently a member of the Presbyterian Church (U.S.A.)("PCUSA") denomination.

4. The Presbytery of St. Andrew ("Presbytery") is a regional, administrative body of the PCUSA that serves the local congregations located in North Mississippi, including First Presbyterian.

5. In addition to being Pastor of First Presbyterian, I am also a member of the Presbytery's Committee on Ministry ("Committee").

6. During the Committee meetings held January 4, 2007 and January 23, 2007, the Committee authorized the Executive Presbyter to, *inter alia*, engage legal counsel for the purpose of filing a declaratory judgment against First Presbyterian to enforce a property trust clause contained in the PCUSA Constitution.

7. The Executive Presbyter has already engaged an attorney; that the attorney has already begun drafting the necessary legal documents to attempt to assert the trust clause; and that the attorney recommended that the Presbytery form an administrative commission to deal with First Presbyterian.

8. I received a letter from the Committee dated January 24, 2007 confirming that the Committee will recommend that the Presbytery file a declaratory judgment to try and enforce the trust clause on First Presbyterian's real property. The letter also inaccurately implied that I had been actively advocating for the withdrawal of First Presbyterian from the PCUSA and warned that such action was "not an approved work."

9. I am familiar with the legal strategy memoranda drafted by PCUSA lawyers that advise presbyteries to form administrative commissions to deal with church property disputes by taking the following actions against the local congregations without notice:

- (a) Removing the local pastor and/or the governing body of the local church;
- (b) Freezing local church assets; and
- (c) Filing affidavits in the property records to cloud the local church property titles.

10. The Presbytery is scheduled to meet on February 6, 2007, in Leland, Mississippi. I believe that at this meeting the Presbytery will authorize the filing of a declaratory judgment against First Presbyterian. I also believe that, after being served with First Presbyterian's lawsuit on February 5, 2007, the Presbytery will form an administrative commission that could take some of the above-mentioned actions against First Presbyterian.

11. Any action by the Presbytery that interferes with the ministry and daily operations of First Presbyterian would cause irreparable harm to me, the officers of First Presbyterian, and the members of the congregation.

12. The facts in this Affidavit are based on my personal knowledge and are true and correct to the best of my knowledge, information, and belief.

DATED, this the \_\_\_\_ day of February, 2007.

\_\_\_\_\_  
REVEREND DON ELLIOTT

SWORN TO AND SUBSCRIBED BEFORE ME, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

\_\_\_\_\_