

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

THE FIRST PRESBYTERIAN CHURCH
OF THIBODAUX

NO:

SECTION:

VERSUS

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

**PETITION FOR DECLARATORY
JUDGMENT**

NOW INTO COURT, through undersigned counsel, comes petitioner, The First Presbyterian Church of Thibodaux, a Louisiana nonprofit corporation, domiciled in the Parish of Lafourche, and respectfully represents:

THE PARTIES

1.

The First Presbyterian Church of Thibodaux, “First Presbyterian Church”, or “FPCT”) is a Louisiana nonprofit corporation incorporated January 28, 2007 domiciled in Lafourche Parish, but the church body itself (the "Church") was originally founded on June 6, 1847. The FPCT is the assignee/successor of the assets of The First Presbyterian Church of Thibodaux, Louisiana, first incorporated on December 17, 1904.

2.

Made defendant is the Presbytery of South Louisiana of the Presbyterian Church (USA) (“PSL”), a Louisiana nonprofit corporation, formed in 1973, and domiciled in East Baton Rouge Parish. [The PSL is a regional administrative unit (akin to a diocese) for the Presbyterian Church (USA) (“PCUSA” or “denomination”, which denomination was formed in 1983 and currently has approximately 11,000 member churches located throughout the United States, including the State of Louisiana and East Baton Rouge Parish)].

JURISDICTION AND VENUE

3.

This court has jurisdiction to hear and decide this church property matter under Jones v. Wolf, 443 U.S. 995 (1979) and Fluker v. Hitchens, 419 So.2d 445 (La. 1982).

4.

Venue is proper in East Baton Rouge Parish, as the defendant is domiciled in East Baton Rouge Parish.

OWNERSHIP OF LOCAL CHURCH PROPERTY

5.

As set forth above the Church was founded on June 6, 1847. It was first incorporated as a Louisiana nonprofit corporation on December 17, 1904, for a term of 99 years. In 2007 the members of the Church, the members of the 1904 corporation, adopted new Articles of Incorporation (First Presbyterian Church of Thibodaux) at a duly called congregational/corporate meeting on January 28, 2007, which 2007 Articles were then filed with the Louisiana Secretary of State on June 21, 2007 and recorded with the Clerk of Court, Parish of Lafourche, on July 3, 2007. (Exhibits 1 and 2)

6.

The June 6, 1847 founding minutes make no reference to a national denomination.

7.

None of the Articles of Incorporation ever in effect, whether the 1904 Articles or the 2007 Articles, make any reference to a national denomination.

8.

All immovable property owned and held by the 1904 corporation were acquired in various acts of transfer (donations or acts of sale) variously dated: September 27, 1926; January 16, 1939 (2); August 21, 1952; June 12, 1954 (2); January 31, 1974; September 1, 1989; August 2, 2002; and by legacy from the succession of Charles B. Gilbert (Probate #8231), said property being more fully described in Exhibit 3 submitted herewith.

9.

All acquisitions of immovable or real property and any moveable property, owned and held by the 1904 corporation, First Presbyterian Church of Thibodaux, Louisiana, and all improvements thereon, whether corporeal or incorporeal, movable or immovable, real or personal, were acquired and/or built exclusively as a result of financial contributions made by the members of the local (i.e., particular) Church, or by donations made to First Presbyterian Church of Thibodaux, Louisiana, with the clear understanding that the property and improvements were

and would continue to be owned and held by the local Church, whether unincorporated or incorporated. No financial contributions or donations were made by the PSL, the PCUSA or any predecessor national or regional denomination. Said property included:

A. All of that immovable property, together with all buildings, improvements, servitudes, mineral rights and other appurtenances related thereto, described on Exhibit A and Exhibit "B" hereto, including particularly all mineral rights, mineral servitudes, mineral leases and mineral royalties affecting and/or arising from any and all of the properties described on Exhibit "A" and Exhibit "B" (Exhibit 3).

B. Any and all movable property of Grantor, wherever located, including all of the furniture, fixtures and equipment, contract rights, general intangibles, monies, stocks, and bank accounts. Exhibit C (Exhibit 5)

10.

All real properties owned and held by First Presbyterian Church of Thibodaux, Louisiana were originally titled in, and at all times have remained titled in, the name of the local church corporation only, and do not mention or refer to a national denomination such as the PCUSA nor contain any language creating or accepting any trust over said property in favor of a national denomination or any of its regional administrative units such as the PSL. Said property has continuously been so titled in the public records of the Parish of Lafourche, State of Louisiana. (Exhibit 3)

11.

All moveable property held by or for First Presbyterian Church of Thibodaux, Louisiana was owned exclusively and in full by it, without any third party interest, in trust or otherwise, attaching thereto. Exhibit 5 (Exhibit C).

12.

As a result of the lapse of the chartered incorporation of First Presbyterian Church of Thibodaux, Louisiana, the members of the Church, who were also the members of the 1904 corporation, decided to form a new nonprofit corporation on January 28, 2007, which ultimately led to the formation of the plaintiff corporation the First Presbyterian Church of Thibodaux.

13.

Further, the members of the Church, the members of the 1904 corporation, approved and authorized the transfer of all of the assets of the 1904 corporation to the plaintiff herein as set

forth in a resolution of the members adopted on April 1, 2007 a copy of which is attached to the Act of Conveyance referred to below.

14.

Pursuant to said consent/authorization of the members, the 1904 corporation and the Church transferred all of its (their) assets to the plaintiff, FPCT, by Act of Conveyance dated July 25, 2007, recorded in the conveyance records of Lafourche Parish on July 27, 2007, in Conveyance Book 1703, page 343, as File No. 1030996. A copy of said Act of Conveyance is submitted herewith, along with the member consent authorizations, as Exhibit 4.

15.

The PCUSA was formed by the merger in 1983 of the Presbyterian Church in the United States (hereinafter the “PCUS” or the “southern church”) and the United Presbyterian Church in the United States of America (hereinafter the “UPCUSA” or the “northern church”). Prior to the formation of the PCUSA, First Presbyterian Church of Thibodaux, Louisiana, according to its 1904 Articles of Incorporation, existed to “promote, encourage and propagate the Christian Religion and especially that form of it embraced in the rites and tenents (sic) of the Presbyterian church in the United States ...”, without reference to a specific denomination or denominational constitution. Upon formation of the PCUSA, the PCUS and the UPCUSA both ceased to exist as separate denominations, and the Presbytery of Louisiana (subsequently re-formed as the Presbytery of South Louisiana) ceased being a regional administrative unit of the PCUS and became a regional administrative unit of the PCUSA.

16.

The Constitution of the PCUSA consists of two parts, the Book of Confessions (Part I) and the Book of Order (Part II). The Book of Confessions contains doctrinal statements and statements of church governance (polity). The Book of Order focuses on church governance and divides itself into three main sections: the Form of Government, the Directory of Worship and the Rules of Discipline. The provisions in the PCUSA Constitution relating to property are found primarily but not exclusively in the Form of Government of the Book of Order, Chapter VIII, G-8.000 – G-8.700. (Exhibit 6)

17.

The PCUSA Book of Order includes a clause, G-8.0201, which asserts that, “All property held by or for a particular church ... is held in trust nevertheless for the use and benefit of the Presbyterian Church (USA).” This clause, and its predecessor trust clauses in the PCUS Book of Church Order (Exhibit 7), are not applicable to petitioner’s property and are not legally enforceable under the Constitution or the laws of the State of Louisiana.

18.

The PCUSA Book of Order contains a clause asserted by the denomination to pertain to ownership. G-8.0600 asserts that a PCUSA presbytery (such as PSL) may dictate ownership of local church property located within the geographic bounds of the presbytery. The PCUS Book of Church Order was amended in 1982/83 to add a similar clause (6-5). On information and belief, the PCUS Book of Church Order did not previously contain a similar clause. It is petitioner’s position that G-8.0600 and any predecessor clause in the PCUS Book of Church Order are not applicable to petitioner’s property and are not legally enforceable under the Constitution or the laws of the State of Louisiana.

19.

G-8.0301 of the PCUSA Book of Order pertains to disaffiliation and provides that when a local church ceases to be a particular church of the PCUSA, its property shall be “held, used, applied, transferred, or sold as provided by the presbytery.” The PCUS Book of Church Order was amended in 1982/83 to add a similar clause (6-4). On information and belief, the PCUS Book of Church Order did not previously contain a similar clause. It is the petitioner’s position that G-8.0301 and any predecessor clause in the PCUS Book of Church Order are not applicable to petitioner’s property and are not legally enforceable under the Constitution or the laws of the State of Louisiana.

20.

Although G-8.0501 of the PCUSA Book of Order states that the written permission of the presbytery is required before a particular church can sell, mortgage or otherwise encumber any of its real property, Chapter 6 of the 1982/1983 edition of the PCUS Book of Church Order did not contain such a requirement but, to the contrary, stated at 6-8, that “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.”

21.

In addition, other property provisions in Chapter VIII of the PCUSA Book of Order that are not substantially similar to provisions in Chapter 6 of the 1982/1983 edition of the PCUS Book of Church Order are also not applicable to the First Presbyterian Church of Thibodaux.

22.

The PCUSA Book of Order sets forth “Historic Principles of Church Order” which state at G-1.0301(1) that, as a matter of religious freedom, provisions of the denominational constitution are not to be enforced through the power of civil courts. G-1.0301(1) states:

- (a) That “God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to his Word, or beside it, in matters of faith or worship.”
- (b) Therefore we consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: We do not even wish to see any religious constitution aided by the civil power, further than may be necessary for production and security, and at the same time, be equal and common to all others.

23.

Part I of the constitution of the PCUSA, the Book of Confessions, sets forth the principle that the collective organization or gathering (communion) of Christians under a Presbyterian form of government should not burden or infringe existing property rights. The Westminster Confession of 1647, included in the Book of Confessions, states at 6.148, “Nor doth their communion one with another as saints, take away or infringe the title or property which each man hath in his goods and possessions.”

24.

According to the constitution of the PCUSA, ecclesiastical authority, instruction and rules are derived from Scripture, as guided first by the Book of Confessions, and derived only secondarily by the Book of Order.

25.

G-8.0700 of the PCUSA Book of Order sets forth an exemption from the provisions of Chapter VIII of the PCUSA Book of Order by providing that no particular church (local congregation) of the PCUSA shall be bound by any of the provisions in Chapter VIII if it was not

previously subject to a similar provision in the denomination of which it was a part before the creation of the PCUSA — as long as that congregation, within a period of eight years following the establishment of PCUSA, votes to exempt itself from such provision. In the event of such timely vote, a particular church “shall hold title to its property and exercise its privileges of incorporation and property ownership under the provisions of the Constitution to which it was subject immediately prior to the establishment of the Presbyterian Church USA.”

26.

First Presbyterian Church of Thibodaux timely exercised the exemption clause of G-8.0700 of the PCUSA Book of Order at a regularly called meeting on September 9, 1990, unanimously adopting a motion to exercise the exemption provision in Chapter VIII of the PCUSA Book of Order, it being the understanding and intent of the congregation that by so doing it would “maintain our local control”. (Exhibit 8)

27.

Following the congregational adoption of the September 9, 1990, motion, the minutes of that congregational meeting were signed by the senior minister and clerk of session and timely submitted to the PSL which, pursuant to G-9.0407 – 9.0409 of the PCUSA Book of Order, were accepted without objection by the PSL in affirmation that said proceedings were “regular and in accordance with the Constitution” and were “prudent and equitable.” (Exhibit 9)

28.

For 135 years, from the time First Presbyterian Church of Thibodaux was founded in 1847, and continuously throughout its existence until 1982, no denomination with which it was affiliated ever contained any express trust clause in the denominational constitution. Prior to the addition of express trust language in the 1982/1983 edition of the PCUS Book of Church Order, no denomination with which it was affiliated ever contained in its constitution any implied trust over local church property. (Exhibit 10)

29.

Leading up to and in connection with the merger of the “southern church” and the “northern church,” in the year immediately prior to the 1983 formation of the PCUSA, the PCUS Book of Church Order was amended (reportedly) to add express trust clauses, in Section 6-1,

Section 6-2 and 6-3, which first appeared in the 1982/1983 edition of the PCUS Book of Church Order. These three trust clauses are ambiguous, inconsistent and are of uncertain meaning. Sections 6-1 and 6-2 of the 1982/1983 edition of the PCUS Book of Church Order assert that a particular church holds title to property in trust for *both* the benefit of the particular church (“the corporation” in 6-2) and the denomination. Section 6-3 asserts a trust in favor of the denomination. (Exhibit 7)

30.

The process whereby property clauses (6-1, 6-2 and 6-3 of the 1982/1983 edition of the PCUS Book of Church Order and G-8.0201 of the 1983 PCUSA Book of Order) were adopted did not include or result from any vote, approval or action by the petitioner, which is the owner and titleholder of record of the property in question. Instead, the process involved: a) participation by commissioners (voting delegates) to the General Assembly, which commissioners are chosen by regional bodies (the presbyteries) who would be beneficiaries of the asserted trusts, and b) participation by presbyters (voting delegates) to the presbyteries, which presbyters are sent to the meeting of the presbytery by the congregations. However, those presbyters are not required under Presbyterian governance to act in a representative capacity on behalf of the congregations.

31.

Following initial approval by the commissioners to General Assembly, the new clauses that asserted trusts were added to the denominational Constitutions upon ratification by a requisite number of presbyteries — irrespective of whether or not the PSL, acting through its then-presbyters, voted in favor of ratification.

32.

Regardless of how one interprets the ambiguous and inconsistent trust clauses in Chapter 6 of the PCUS Book of Church Order, the resolution adopted by First Presbyterian Church of Thibodaux at its September 9, 1990, congregational meeting, which resolution and minutes have been received and approved by the PSL, manifest an intent by First Presbyterian Church of Thibodaux to reject any ownership or control claims by a denomination, or claims by the denomination of a right to determine ownership, and to reject the concept of holding or

conveying any of its property in trust, or creating or establishing a trust, for the use and benefit of a national denomination, whether the PCUSA or the PCUS, all of which was done in compliance with the procedures established by G-8.0700 of the PCUSA Book of Order.

33.

The PCUS Book of Church Order did not require, nor does the PCUSA Book of Order require, that any property deeds include trust clauses in favor of a national denomination, nor do they otherwise require referral, mention, or inclusion of a national denomination such as the PCUS or PCUSA in the name or identity of the title holder to property.

34.

At no time has the congregation of the Church, the members of the 1904 corporation, the 2007 corporation, nor the members of First Presbyterian Church of Thibodaux, their respective governing bodies (the session) or the governing bodies of the church corporations (the board of trustees) ever concurred in, accepted or otherwise indicated acquiescence to the denomination's assertion of a trust over local church property nor any denominational claim to determine ownership of property titled in the name of the local church corporation or of any improvements thereon. At all times the congregation, the session, and the board of trustees have affirmed and reaffirmed their understanding and intent that all property held by the local church, whether incorporated or as an unincorporated religious association, whether corporeal or incorporeal, movable or immovable, (real or personal), is held by it in full and complete ownership in accordance with the deeds, articles of incorporation and other documents indicative of intent, and that none of said property is held in trust for the use and benefit of a national denomination or any of its regional administrative units such as the PSL.

35.

The June 6, 1847 local church minutes state it was established at the initiative of and by individual residents of Thibodaux, Louisiana, who then voluntarily placed themselves under the pastoral care of the (former) Presbytery of Louisiana. The 1904 Articles of Incorporation grant, in Articles I and III, full right and exclusive power in all property matters, and expressly state that the board of Trustees of the local church corporation "shall have full power and control

generally of all property belonging to the said corporation”. Said powers are not made subject in the 1904 Articles to the provisions of any denominational constitution.

36.

The 2007 Articles of Incorporation of the First Presbyterian Church of Thibodaux provide that the board of trustees shall exercise all powers of the corporation. The 2007 Articles of Incorporation of the First Presbyterian Church of Thibodaux grant without limitation in Article II full authority on all property matters variously to the local board of trustees and the congregation. Said powers in the 2007 Articles are not made subject in the Articles to the provisions of any denominational constitution.

37.

Neither the 1904 Articles nor the 2007 Articles of Incorporation contain any provision creating or establishing any trust, express or implied, upon the property held in the name of the local church corporation in favor of a national denomination. Said Articles were never amended to add such trust provisions. Neither the congregation, the session or the board of trustees of First Presbyterian Church of Thibodaux or its predecessor local entities have ever adopted a corporate or congregational resolution creating or establishing a trust pertaining to property held by and titled in the name of the local church corporation.

38.

Upon expiration of its 1904 Articles, the Church, the members of the 1904 corporation, First Presbyterian Church of Thibodaux, Louisiana, adopted new Articles in 2007 to cure the problem caused by the expired 1904 Articles, to remove outdated, anachronistic language, and to conform to recent developments in corporate law concerning perpetual existence, indemnification and other matters. No mention of denominational affiliation (whether PCUS or PCUSA) is included. Said articles were adopted at a duly called and noticed meeting held on January 28, 2007. The 2007 Articles were subsequently filed and recorded with the Louisiana Secretary of State on June 21, 2007, and in the Clerk of Court’s office, Lafourche Parish, on July 3, 2007. The 2007 Articles have also been available at all times to the PSL pursuant to G-9.047 – 9.0409 of the PCUSA Book of Order. (Exhibit 9)

39.

The 2007 Articles of Incorporation contain no provision imposing or accepting a trust, express or implied, over local church property in favor of a national denomination.

40.

Article II of the 2007 Articles of Incorporation of First Presbyterian Church of Thibodaux vest full power and authority in the board of trustees of said local church corporation to receive, hold, encumber, manage, transfer property, real or personal, on behalf of the Church and to accept and execute deeds of title to such property, to have and exercise all other incidents of ownership without limitation on behalf of the Church ... and to exercise all rights, powers and privileges granted to nonprofit corporations consistent with the provisions of Louisiana Nonprofit Corporation Law.

41.

Article IX of the 2007 Articles of Incorporation further provides that the identity of the Corporation, the ownership of the Corporation's assets, and the right to use of the name First Presbyterian Church of Thibodaux, shall be determined at a duly noticed annual or special meeting of the members by a two-thirds vote of the members present and voting.

**LOUISIANA LAW DOES NOT PERMIT THE
ESTABLISHMENT OF A TRUST IN THE MANNER
ASSERTED BY THE PRESBYTERY OF SOUTH LOUISIANA**

42.

The laws of the State of Louisiana, Chapters 1 and 2 of Louisiana Trust Code, R.S. 9:1721, et seq., set forth the exclusive means by which a trust may be validly established in Louisiana. Absent conformity with these requirements, a trust does not exist in Louisiana; Louisiana law does not recognize the common law concept of constructive or implied trusts.

43.

The actions of First Presbyterian Church of Thibodaux, and its property-related documents recited herein, preclude a finding of the existence of any trust with respect to its property in favor of a national denomination. Specifically, but not exclusively, none of the following requirements of Louisiana trust law, La. R.S. 9:1721, et seq., have been satisfied with respect to any property held by and titled to the First Presbyterian Church of Thibodaux, and any improvements thereon, as regards a trust in favor of a national denomination, to wit:

- a) An inter vivos (nontestamentary) trust must be by authentic act or by act under private signature in the presence of two witnesses, duly acknowledged by the settlor or by affidavit of one of the attesting witnesses (§ 1752);
- b) It must clearly appear that the creation of a trust is intended (§ 1753);
- c) A trustee must be either a natural person with capacity to contract or a bank or trust company organized under Louisiana federal law and domiciled in Louisiana (§ 1783);
- d) If an inter vivos trust includes immovables or other property that title to which must be recorded in order to effect third parties, a trustee shall file the trust instrument for record in each parish in which the property is located (§ 2092);
- e) Trusts for charitable, benevolent or eleemosynary purposes, whether express or implied, are limited to those where all or a substantial part of the corpus thereof shall have been contributed by the local beneficiaries, who are those who shall have contributed (or whose predecessor beneficiaries shall have contributed) all or a substantial part of the corpus of the trust and who shall locally, immediately and directly enjoy the benefits of the trust (§ 2281).

**THE PCUSA AND THE PCUS HAVE RECOGNIZED THAT
CHURCH PROPERTY MATTERS ARE SUBJECT TO STATE LAW**

44.

Section G-7.0401 of the PCUSA Book of Order states that, “Whenever permitted by civil law, each particular church shall cause a corporation to be formed and maintained.” The PCUS Book of Church Order also contains clauses authorizing and encouraging incorporation under state law (6-1, 6-2 of the 1982/1983 edition). The PCUSA Book of Order not only mandates incorporation where permitted by civil law, but also provides, at G-7.0402, that the corporation so formed shall be the title holder of record of the local church property. (Exhibit 11)

45.

In mandating local church incorporation when permitted by civil law, the PCUSA and its regional administrative unit, the PSL, have acknowledged that property matters are not governed exclusively by the trust or ownership provisions asserted in the PCUSA Constitution, or the constitutions of its predecessor denominations, but instead are subject to the laws of the state in which the property is located. The PCUSA has expressly acknowledged this in its Legal Resource Manual for Presbyterian Church (USA) Middle Governing Bodies and Churches 2000-2003 (“Almost all property matters are governed by state law ...”). G-9.0102 of the PCUSA Book of Order further distinguishes the spiritual realm from civil authority by providing,

“Governing bodies of the church are distinct from the government of the state and have no civil jurisdiction or power to impose civil penalties. They have only ecclesiastical jurisdiction.”
(Exhibit 12)

46.

As a corollary to G-9.01012 of PCUSA Book of Order which states that the PCUSA and its administrative units such as the PSL have only ecclesiastical jurisdiction and do not have authority over civil matters (in recognition that property matters are to be governed by state law), G-1.0301(b) of the PCUSA Book of Order states that the provisions of the denominational constitution are not, as a matter of the free exercise of religion, to be enforced by the civil power of the state through its courts. Thus, while this court has subject matter jurisdiction to resolve the property dispute before it, it cannot do so by applying the PCUSA Book of Order property provisions, as such would constitute an unlawful church establishment prohibited by both the First Amendment to the United States Constitution and by the PCUSA’s own constitution. Rather, any trust or other property interest in favor of the PSL or PCUSA, if such exists at all, must be founded only upon mutual intent evidenced by the use of ordinary civil means pursuant to state law. (Exhibit 12)

47.

The PCUSA Book of Order does not, and the former PCUS Book of Church Order did not, require that a local church corporation be identified with the denomination in the text of its articles of incorporation, nor require inclusion of the name of the denomination (PCUS or PCUSA) in its corporate name.

DECLARATORY RELIEF

48.

Petitioner seeks a declaratory judgment: (a) that all property held by or for First Presbyterian Church of Thibodaux, and any improvements thereon, whether real or personal, corporeal or incorporeal, movable or immovable, is held without any trust in favor a national denomination or any of its regional administrative units, such as the PSL; (b) that all property held by or titled in the name of the local church corporation is held by it in full and exclusive

ownership; and (c) that neither the PCUSA nor the PSL has any right, title or interest in said property, nor right to determine the ownership or disposition thereof.

WHEREFORE, Petitioner, First Presbyterian Church of Thibodaux, prays that a declaratory judgment be issued herein as follows:

- 1) Declaratory Judgment - that all property held by or titled in the name of the petitioner, and all property formerly titled in the name of the First Presbyterian Church of Thibodaux, Louisiana (the 1904 corporation), whether corporeal or incorporeal, movable or immovable (real or personal) is or was held without trust for the use and benefit of the PCUSA or other national denomination, or any of its regional administrative units such as the Presbytery of South Louisiana, and that the petitioner holds all property titled in its name, and all improvements thereon, in full and complete ownership pursuant to the laws of the State of Louisiana and as set forth in petitioner's articles of incorporation, and that neither the PCUSA nor any of its regional administrative units such as the Presbytery of South Louisiana has any right, title or interest, in trust or otherwise, in said property nor right to determine the ownership or disposition thereof;
- 2) that defendant be served with a copy of the above and foregoing petition and order;
- 3) that defendant be cited to answer said petition and to appear before this Honorable Court at a date and time fixed by this Court to show cause why a declaratory judgment should not issue as prayed for in favor of petitioner;
- 4) for all general and equitable relief, and;
- 5) for all costs of these proceedings.

Respectfully submitted,

TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.
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ATTORNEYS FOR FIRST PRESBYTERIAN
CHURCH OF THIBODAUX

PLEASE SERVE:

THE PRESBYTERY OF SOUTH LOUISIANA
Through its agent for service of process:
William H. Bottomly, III
4800 Zenith St., Apt. 234
Metairie, LA 70001

VERIFICATION

STATE OF LOUISIANA

PARISH OF LAFOURCHE

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the Parish aforesaid, personally appeared:

JOHN WESLEY MAGEE, M.D.

who, being first duly sworn, did depose and say that he is chair of the Board of Trustees for The First Presbyterian Church of Thibodaux, a Louisiana corporation and the petitioner herein, that he has read the above and foregoing Petition for Declaratory Judgment and is familiar with the facts alleged therein, and that all information contained in the aforesaid petition is true and correct to the best of his knowledge, information and belief.

JOHN WESLEY MAGEE, M.D.

SWORN TO AND SUBSCRIBED, before me, on this 1st day of August, 2007 in Thibodaux, Louisiana.

NOTARY PUBLIC

_____, Bar Roll Number: 8439
Commission expires: _____