

3.

Plaintiff further seeks an order, pursuant to O.C.G.A. § 23-3-61, quieting title to said property.

4.

Plaintiff is a non-profit corporation organized and existing under the laws of the state of Georgia, with its principal place of business in Georgia, and, consequently a “person” as defined by O.C.G.A. § 23-3-61.

5.

Plaintiff holds valid title to certain real property located in McDonough, Henry County, Georgia, on which the Timberridge Presbyterian Church sits. (See Deeds, attached to Plaintiff’s Complaint as Exhibit 1.)

6.

Plaintiff’s deeds reflect the present and future freehold interest held by Plaintiff in the real property at issue, which property is currently possessed and occupied by Plaintiff.

7.

Plaintiff brings this in rem action to establish its title to the property and to quiet all adverse claims, known and unknown, and against all persons, known and unknown, named and unnamed in this suit, who claim or may claim an interest adverse to Plaintiff.

8.

Plaintiff seeks to determine and quiet all adverse claims including, but not limited to, those claims asserted by Defendant in Paragraphs 11 and 12 of its Answer, and Paragraph 10 of its Counterclaim, through which Defendant claims that the property is held in trust by Plaintiff for the Presbyterian Church (USA).

COUNT FOUR

9.

Plaintiff hereby realleges and incorporates paragraphs 1 through 8 of this Amended Complaint as if set forth fully herein.

10.

Under the Georgia Code, a person who claims an estate of freehold present or future or any estate for years of which at least five years are unexpired, in any land in this state, may bring a proceeding in rem against all the world to establish its title to the land and to determine all adverse claims thereto or to remove any particular cloud or clouds upon its title to the land, which proceeding may be against all persons known or unknown who claim or might claim adversely to it, whether or not the petition discloses any known or possible claimants. O.C.G.A. § 23-3-61.

11.

Plaintiff is a defined person in possession of property for which valid title has been recorded in its name, establishing for Plaintiff a freehold interest in said property.

12.

Plaintiff brings this in rem action to quiet its title and to determine all adverse claims in Plaintiff's favor, including but not limited to claims set forth by Defendant in its Answer and Counterclaim filed in this action.

13.

Because the property in question was transferred to Plaintiff and properly recorded, Plaintiff is entitled to a judgment declaring that the deeds attached to its Complaint as Exhibit 1 are valid and enforceable as against all adverse claims.

14.

Because Plaintiff possesses an unencumbered interest in the property, Plaintiff is entitled to a judgment declaring that Plaintiff holds all present and future interests in said property, free and clear of any encumbrances, clouds or claims of interest of any kind, asserted by Defendant or any other person or entity, named or unnamed, and known or unknown.

WHEREFORE, Plaintiff prays that this Court enter judgment declaring that all property held by or for Timberridge, 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 PGA; that all property held by or titled in the name of the local church corporation is held by it in full and exclusive ownership; that the PGA has no right, title or interest in said

property, nor any right to determine the ownership thereof; that an injunction be issued enjoining the PGA, and its agents, servants, and employees, and all persons acting by, through, under, in concert with, or for it, from (a) filing any documents in the mortgage and conveyance records of Henry County, in the state of Georgia, the effect of which would be to place a cloud on the title of any property titled in the name of Plaintiff, or otherwise taking any action to claim ownership of local church property whether corporeal or incorporeal, movable or immovable, or real or personal, or a right to determine ownership of local church property, in the possession of, control of, or owned by Timberridge; (b) asserting any rights to the property of Timberridge Presbyterian Church or Timberridge Presbyterian Church, Inc., including but not limited to seeking to change the locks of Timberridge, initiating any disciplinary action against the ministers or members of Timberridge, appointing an administrative commission, or otherwise interfering in any way with the rights and responsibilities of the ministers or other employees of Timberridge, the governing body of Timberridge (the session), its congregation, or the governing body of its local church corporation Timberridge (the board of trustees); or (c) proceeding in any way in violation of Georgia law and Plaintiff's property rights; and for further relief as this Court may deem just and appropriate.

This 3rd day of October, 2007.

Respectfully submitted,

TALLEY, FRENCH & KENDALL, P.C.

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