

**Asia**  
**Pacific**  
 Bangkok  
 Beijing  
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 Jakarta  
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 Bogota  
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 Porto Alegre  
 Rio de Janeiro  
 San Diego  
 San Francisco  
 Santiago  
 Sao Paulo  
 Tijuana  
 Toronto  
 Valencia  
 Washington, DC

June 21, 2007

Charles H. Dick, Jr.  
 Tel: +1 619 235 7790  
 charles.h.dick@bakernet.com

**By Certified Mail**  
**Return Receipt Requested**

Holy Trinity Episcopal Parish (s/k/a Holy Trinity Parish)  
 c/o The Rev. Lawrence Bausch  
 2083 Sunset Cliffs Blvd.  
 San Diego, California 92107

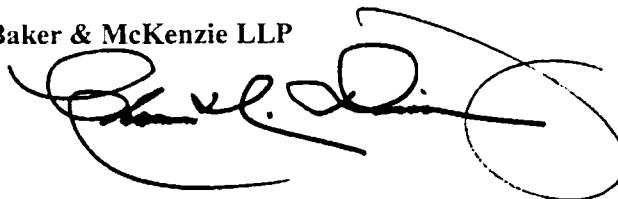
RE: The Episcopal Diocese of San Diego v. St. John's Parish, et al.

Dear Father Bausch:

In accordance with Code of Civil Procedure section 405.22, I write for the purpose of serving Holy Trinity Episcopal Parish (s/k/a Holy Trinity Parish) with a Notice of Pendency of Action that is to be recorded with the San Diego County Recorder. I also enclose a copy of an Errata we have filed with the Court upon discovering that Exhibit "A" to the Complaint inadvertently was omitted when the pleading was sent for filing.

Sincerely yours,

Baker & McKenzie LLP



Charles H. Dick, Jr.  
 Partner

CHD:lgp

Enclosures

1 Charles H. Dick, Jr., State Bar No. 73981  
Abby B. Silverman, State Bar No. 90405  
2 Shannon D. Sweeney, State Bar No. 204868  
Lauren S. Cartwright, State Bar No. 129862  
3 **Baker & McKenzie LLP**  
101 West Broadway, Twelfth Floor  
4 San Diego, CA 92101-3890  
Telephone: +1 619 236 1441  
5 Facsimile: +1 619 236 0429

6 Attorneys for the Plaintiff

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 THE EPISCOPAL DIOCESE OF SAN DIEGO,  
12 a California nonprofit religious corporation,

13 Plaintiff,

14 v.

15 ST. JOHN'S PARISH (EPISCOPAL),  
FALLBROOK, CALIFORNIA (s/k/a St. John's  
16 Parish (Anglican), Fallbrook, California), a  
California nonprofit religious corporation; THE  
17 RECTOR, WARDENS AND VESTRY OF ST.  
ANNE'S PARISH IN OCEANSIDE,  
18 CALIFORNIA, a California nonprofit religious  
corporation; HOLY TRINITY EPISCOPAL  
19 PARISH (s/k/a Holy Trinity Parish), a  
California nonprofit religious corporation,

20 Defendants.

Case No. 37-2007-00068521-CU-MC-CTL

**NOTICE OF ERRATA REGARDING  
COMPLAINT FOR DECLARATORY  
RELIEF**

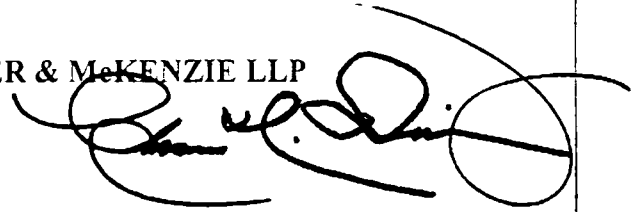
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TO ALL PARTIES AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that due to oversight in final document assembly, Exhibit "A" to the Complaint in this matter inadvertently was omitted from that pleading when it was filed on June 18, 2007, and served upon the Defendants. A copy of the previously-omitted Exhibit is attached to this Notice of Errata as Exhibit "A."

Dated: June 21, 2007

BAKER & MCKENZIE LLP



By: \_\_\_\_\_

Charles H. Dick, Jr.  
Attorneys for the Plaintiff

RECORDING REQUESTED BY 1975

FILE/PAGE NO. 75-025739

RECORDED REQUEST OF ATTORNEY

FEB 4 8 31 AM '75

OFFICIAL RECORDS SANDIEGO COUNTY, CALIF. HARLEY F. GUSTAFSON RECORDER

\$3.00

DATE WHEN RECORDED MAIL TO

Name: Michael Ibs Gonzalez, Esq. Luce, Forward, Hamilton & Scripps Suite 1700, 110 W. "A" St. San Diego, California 92101

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Name: St. John's Episcopal Church 434 NORTH IOWA STREET, Fallbrook, California 92028

Documentary Transfer Tax: -0- Computed on full value of property conveyed, or computed on full value less liens and encumbrances existing thereon at time of sale. SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME

Corporation Grant Deed

Parcel No. 103-184-09

TO 408 CA (7-68)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged. THE EPISCOPAL DIOCESE OF SAN DIEGO, a non-profit Corporation a corporation organized under the laws of the state of California hereby GRANTS to ST. JOHN'S PARISH (EPISCOPAL), FALLBROOK, CALIFORNIA,

the following described real property in the City of Fallbrook, County of San Diego, State of California:

Lots 1, 2, 8 and 10 in Block 51 of West Fallbrook, in the County of San Diego, State of California, according to Map thereof No. 557, filed in the Office of the County Recorder of San Diego County, October 9, 1888.

SUBJECT TO: Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any.

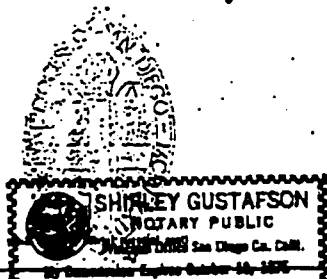
75-025739

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its President and Secretary THE EPISCOPAL DIOCESE OF SAN DIEGO, a non-profit Corporation. Dated: January 29, 1975

STATE OF CALIFORNIA } COUNTY OF San Diego } SS. On January 29, 1975 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Walterstorff known to me to be the President, and Michael Ibs Gonzalez known to me to be Secretary of the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors. WITNESS my hand and official seal.

By: Robert M. Walterstorff, President; Michael Ibs Gonzalez, Secretary

Signature: Shirley Gustafson Name (Typed or Printed)



Title Order No. Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1 **Recording requested by:**  
Charles H. Dick, Jr., Esq.  
2 Baker & McKenzie LLP

3 **When recorded mail to:**  
Charles H. Dick, Jr. Esq.  
4 **Baker & McKenzie LLP**  
101 West Broadway, Twelfth Floor  
5 San Diego, CA 92101-3890  
Telephone: +1 619 236 1441  
6 Facsimile: +1 619 236 0429

7 Attorneys for  
THE EPISCOPAL DIOCESE OF SAN DIEGO

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 THE EPISCOPAL DIOCESE OF SAN DIEGO,  
12 a California nonprofit religious corporation,

13 Plaintiff,

14 v.

15 ST. JOHN'S PARISH (EPISCOPAL),  
16 FALLBROOK, CALIFORNIA (s/k/a St. John's  
Parish (Anglican), Fallbrook, California), a  
California nonprofit religious corporation; THE  
17 RECTOR, WARDENS AND VESTRY OF ST.  
ANNE'S PARISH IN OCEANSIDE,  
18 CALIFORNIA, a California nonprofit religious  
corporation; HOLY TRINITY EPISCOPAL  
19 PARISH (s/k/a Holy Trinity Parish), a  
California nonprofit religious corporation,

20 Defendants.  
21

**Case No. 37-2007-00068521-CU-MC-CTL**

**NOTICE OF PENDENCY OF ACTION  
(LIS PENDENS) [No. 1 of 3]**

22  
23 NOTICE IS GIVEN that the above-captioned action was commenced on June 18, 2007 in  
24 this Court by The Episcopal Diocese of San Diego against the parish corporation named "**St. John's**  
25 **Parish (Episcopal), Fallbrook, California**" (s/k/a **St. John's Parish (Anglican), Fallbrook,**  
26 **California**, a California nonprofit religious corporation which was incorporated under California  
27 law as a subordinate body created under the authority of a national association – The Protestant  
28 Episcopal Church in the United States of America. Also named as defendants are two other parish

1 corporations: The Rector, Wardens, and Vestry of St. Anne's Parish in Oceanside, California; Holy  
2 Trinity Episcopal Parish (s/k/a Holy Trinity Parish). St. John's Parish (Episcopal) currently is under  
3 the *de facto* control of individuals who purport to have changed the name of the corporation to "St.  
4 John's Parish (Anglican) and who claim authority to sever the link between that Church and the  
5 Episcopal Church. The action is pending in San Diego County Superior Court, and the Complaint  
6 alleges a real property claim affecting certain real property that is situated in San Diego County,  
7 California, and that is described below:

- 8
- 9 1. Lots 1, 2, 9 and 10 in Block 51 of West Fallbrook, in the County of San Diego, State  
10 of California, according to Map thereof No. 567, filed in the Office of the County  
Recorder of San Diego County, October 9, 1888;

11 SUBJECT TO: Covenants, conditions, restrictions, reservations, rights, rights of way  
12 and easements of record, if any.  
13 (Commonly known as 434 Iowa Street, Fallbrook, CA 92028, assigned Assessor's  
Parcel Map Number 103-184-09-00);

- 14 2. Parcels 1, 2, 3 and 4 of Parcel Map No. 11439, in the County of San Diego, State of  
15 California, filed in the Office of the County Recorder of San Diego County, July 2,  
1981 as File No. 81-209572 of Official Records.  
16 (Assessor's Parcel Map Numbers 105-281-60-00, 105-281-61-00, 105-281-62-00,  
and 105-281-63-00);

- 17 3. That Portion of the South Half of the Northwest Quarter of the Southwest Quarter of  
18 Section 20, Township 9 South, Range 3 West, San Bernardino Meridian, in the  
County of San Diego, State of California, according to United States Government  
19 Survey, approved September 11, 1879, described as follows.

20 Beginning at the Southwest Corner of the said Northwest Quarter of the Southwest  
21 Quarter; thence North 0°07'45" West along the West Line thereof, 335.45 feet to a  
point distant thereon South 0°07'45" East, 330 feet from the Northwest Corner of the  
22 South Half of said Northwest Quarter of the Southwest Quarter; thence parallel with  
the North Line of said South Half, South 89°46'30" East 184 Feet; thence South  
23 0°07'45" East, parallel with said West Line 335.52 feet to the South Line of said  
Northwest Quarter of the Southwest Quarter; thence North 89°45'15" West along said  
24 South Line 184 feet to the point of beginning.

25 Excepting therefrom that portion described as follows:

26 The South 30 Feet of that portion of the South Half of the Northwest Quarter of the  
27 Southwest Quarter of Section 20, Township 9 South, Range 3 West, San Bernardino  
base and meridian, described in deed to F. Craig Ritter and Gladys V. Ritter, Husband  
28 and Wife, recorded July 8, 1965 as document No 121546 of Official Records in the

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Office of the County Recorder of San Diego County.

Also excepting therefrom that portion described as follows:

That portion of the South Half of the Northwest Quarter of the Southwest Quarter lying Northerly of the North Line of the hereinbefore described Parcel 69452-A and lying Southwesterly of a 25-foot radius curve concave Northeasterly that is tangent both said North Line of Parcel 69452-A and to the East Line of the West 40 Feet of said South Half of the Northwest Quarter of the Southwest Quarter of Section 20. (Also described as S Stage Coach Lane, Fallbrook, CA 62028, Assessor's Parcel Map Number 105-281-25-00)

Dated: June 21, 2007

BAKER & MCKENZIE LLP

By: 

Charles H. Dick, Jr.  
Attorneys for The Episcopal Diocese of  
San Diego

1 State of California )  
2 County of San Diego ) SS.

3  
4 On June 21, 2007 before me, Cristina Conroy, personally appeared  
5 Charles J. Dick, Jr., [] personally known to me or [ ] proved to me on the basis of satisfactory  
6 evidence to be the person whose name(s) is/are subscribed to the within instrument and  
7 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
8 that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which  
9 the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Cristina Conroy  
Notary Public Signature

(Seal)

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1 **Recording requested by:**  
Charles H. Dick, Jr., Esq.  
2 Baker & McKenzie LLP

3 **When recorded mail to:**  
Charles H. Dick, Jr. Esq.  
4 **Baker & McKenzie LLP**  
101 West Broadway, Twelfth Floor  
5 San Diego, CA 92101-3890  
Telephone: +1 619 236 1441  
6 Facsimile: +1 619 236 0429

7 Attorneys for  
THE EPISCOPAL DIOCESE OF SAN DIEGO

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 THE EPISCOPAL DIOCESE OF SAN DIEGO,  
12 a California nonprofit religious corporation,

13 Plaintiff,

14 v.

15 ST. JOHN'S PARISH (EPISCOPAL),  
FALLBROOK, CALIFORNIA (s/k/a St. John's  
16 Parish (Anglican), Fallbrook, California), a  
California nonprofit religious corporation; THE  
17 RECTOR, WARDENS AND VESTRY OF ST.  
ANNE'S PARISH IN OCEANSIDE,  
18 CALIFORNIA, a California nonprofit religious  
corporation; HOLY TRINITY EPISCOPAL  
19 PARISH (s/k/a Holy Trinity Parish), a  
California nonprofit religious corporation,  
20

21 Defendants.

**Case No. 37-2007-00068521-CU-MC-CTL**

**NOTICE OF PENDENCY OF ACTION  
(LIS PENDENS) [No. 2 of 3]**

22  
23 NOTICE IS GIVEN that the above-captioned lawsuit was commenced on June 18, 2007 in  
24 this Court by The Episcopal Diocese of San Diego against the parish corporation named "*The*  
25 *Rector, Wardens and Vestry of St. Anne's Parish in Oceanside, California,*" a California nonprofit  
26 religious corporation which was incorporated under California law as a subordinate body created  
27 under the authority of a national association – The Protestant Episcopal Church in the United States  
28 of America. Also named as defendants are two other parish corporations: St. John's Parish

1 (Episcopal), Fallbrook, California (s/k/a St. John's Parish (Anglican), Fallbrook, California; Holy  
2 Trinity Episcopal Parish (s/k/a Holy Trinity Parish). The Rector, Wardens and Vestry of St. Anne's  
3 Parish in Oceanside, California currently is under the *de facto* control of individuals who claim  
4 authority to sever the link between that Church and the Episcopal Church. The action is pending in  
5 San Diego County Superior Court, and the Complaint alleges a real property claim affecting certain  
6 real property that is situated in San Diego County, California, and that is described below:

- 7
- 8 1. The Southeasterly 50 feet of Lot 4, all of Lots 5, 6, 7, 8, and 9 in Block "A" of  
9 Heather Home Tract No. 2, in the City of Oceanside, County of San Diego, State of  
10 California, according to Map thereof No. 1964, filed in the office of the County  
11 Recorder of San Diego County November 24, 1926.  
(Commonly known as 511 West Street, Oceanside, CA 92054. Assessor's Parcel Map  
12 No. 152-021-28-00);
  - 13 2. Lots 10 and 11 in Block A of HEATHER HOME TRACT NO. 2, in the City of  
14 Oceanside, County of San Diego, State of California, according to the Map thereof  
15 No. 1964, filed in the Office of the County Recorder of San Diego County, November  
16 24, 1926;
  - 17 3. Lot 12, Block "A" of Heather Home Tract Unit No. 2, in the City of Oceanside,  
18 County of San Diego, State of California, according to Map thereof No. 1964, filed in  
19 the office of the County Recorder of San Diego County, November 24, 1926.  
20 (Commonly known as 1002 S Coast Hwy, Oceanside CA 92054, Assessor's Parcel  
21 Map No. 152-21-10-00)

22 Dated: June 21, 2007

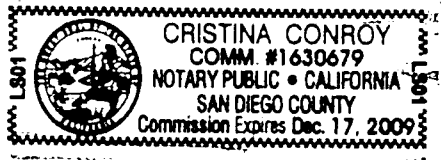
23 BAKER & MCKENZIE LLP

24 By: 

25 Charles H. Dick, Jr.  
26 Attorneys for The Episcopal Diocese of  
27 San Diego

1 State of California )  
2 County of San Diego ) ss.

3  
4 On June 21, 2007 before me, Cristina Conroy, personally appeared  
5 Charles J. Dick, Jr.,  personally known to me or [ ] proved to me on the basis of satisfactory  
6 evidence to be the person whose name(s) is/are subscribed to the within instrument and  
7 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
8 that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which  
9 the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Cristina Conroy  
Notary Public Signature

(Seal)

1 **Recording requested by:**  
Charles H. Dick, Jr., Esq.  
2 Baker & McKenzie LLP

3 **When recorded mail to:**  
Charles H. Dick, Jr. Esq.  
4 **Baker & McKenzie LLP**  
101 West Broadway, Twelfth Floor  
5 San Diego, CA 92101-3890  
Telephone: +1 619 236 1441  
6 Facsimile: +1 619 236 0429

7 Attorneys for  
THE EPISCOPAL DIOCESE OF SAN DIEGO

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 THE EPISCOPAL DIOCESE OF SAN DIEGO,  
12 a California nonprofit religious corporation,

13 Plaintiff,

14 v.

15 ST. JOHN'S PARISH (EPISCOPAL),  
FALLBROOK, CALIFORNIA (s/k/a St. John's  
16 Parish (Anglican), Fallbrook, California), a  
California nonprofit religious corporation; THE  
17 RECTOR, WARDENS AND VESTRY OF ST.  
ANNE'S PARISH IN OCEANSIDE,  
18 CALIFORNIA, a California nonprofit religious  
corporation; HOLY TRINITY EPISCOPAL  
19 PARISH (s/k/a Holy Trinity Parish), a  
California nonprofit religious corporation,  
20

21 Defendants.

**Case No. 37-2007-00068521-CU-MC-CTL**

**NOTICE OF PENDENCY OF ACTION  
(LIS PENDENS) [No. 3 of 3]**

22  
23 NOTICE IS GIVEN that the above-captioned action was commenced on June 18, 2007 in  
24 this Court by The Episcopal Diocese of San Diego against the parish corporation named "**Holy**  
25 **Trinity Episcopal Parish**" (s/k/a Holy Trinity Parish), a California nonprofit religious corporation  
26 which was incorporated under California law as a subordinate body created under the authority of a  
27 national association – The Protestant Episcopal Church in the United States of America. Also  
28 named as defendants are two other parish corporations: The Rector, Wardens, and Vestry of St.

1 Anne's Parish in Oceanside, California; St. John's Parish (Episcopal), Fallbrook, California  
2 (s/k/a St. John's Parish (Anglican), Fallbrook, California. Holy Trinity Episcopal Parish currently is  
3 under the *de facto* control of individuals who purport to have changed the name of the corporation to  
4 "Holy Trinity Parish," and who claim authority to sever the link between that Church and the  
5 Episcopal Church. The action is pending in San Diego County Superior Court, and the Complaint  
6 alleges a real property claim affecting certain real property that is situated in San Diego County,  
7 California, and that is described below:

- 8 1. Lots 42 and 43 in Block 29 of Ocean Beach, according to Map thereof No. 279 filed  
9 in the office of the County Recorder of said San Diego County, May 28, 1887.  
10 (Commonly known as 4773 Brighton Avenue, San Diego, CA 92107-2221, assigned  
11 Assessor's Parcel Map Number 448-412-30-00);
- 12 2. Lots 45, 46, 47 and 48 in Block 29 of Ocean Beach, in the City of San Diego, County  
13 of San Diego, State of California, according to map thereof No. 279, filed in the  
14 office of the Recorder of San Diego County, May 28, 1887; subject to conditions,  
15 restrictions, reservations, easements and rights of way, and encumbrances of record.  
16 (Commonly known as 2083 Sunset Cliffs Blvd., Ocean Beach, CA 92107, assigned  
17 Assessor's Parcel Number 448-412-34-00).

18 Dated: June 21, 2007

19 BAKER & McKENZIE LLP

20 By: 

21 Charles H. Dick, Jr.  
22 Attorneys for The Episcopal Diocese of  
23 San Diego

1 State of California )  
2 County of San Diego ) ss.

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4 On June 21, 2007 before me, Cristina Conroy, personally appeared  
5 Charles J. Dick, Jr.  personally known to me or [ ] proved to me on the basis of satisfactory  
6 evidence to be the person whose name(s) is/are subscribed to the within instrument and  
7 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
8 that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which  
9 the person(s) acted, executed the instrument.



10 WITNESS my hand and official seal.

11 Cristina Conroy

12 Notary Public Signature

13 (Seal)

1 Charles H. Dick, Jr., State Bar No. 73981  
2 Abby B. Silverman, State Bar No. 90405  
3 Shannon D. Sweeney, State Bar No. 204868  
4 Lauren S. Cartwright, State Bar No. 129862  
5 **Baker & McKenzie LLP**  
6 101 West Broadway, Twelfth Floor  
7 San Diego, CA 92101-3890  
8 Telephone: +1 619 236 1441  
9 Facsimile: +1 619 236 0429

10 Attorneys for the Plaintiff

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN DIEGO  
13 CENTRAL DIVISION

14 THE EPISCOPAL DIOCESE OF SAN DIEGO,  
15 a California nonprofit religious corporation,

16 Plaintiff,

17 v.

18 ST. JOHN'S PARISH (EPISCOPAL),  
19 FALLBROOK, CALIFORNIA (s/k/a St. John's  
20 Parish (Anglican), Fallbrook, California), a  
21 California nonprofit religious corporation; THE  
22 RECTOR, WARDENS AND VESTRY OF ST.  
23 ANNE'S PARISH IN OCEANSIDE,  
24 CALIFORNIA, a California nonprofit religious  
25 corporation; HOLY TRINITY EPISCOPAL  
26 PARISH (s/k/a Holy Trinity Parish), a  
27 California nonprofit religious corporation,

28 Defendants.

Case No. 37-2007-00068521-CU-MC-CTL

PROOF OF SERVICE

I, Linda Gage Pomerinke, declare as follows:

I am over the age of eighteen years and not a party to the case. I am employed in the County of San Diego, State of California, where the mailing occurs; and my business address is **BAKER & MCKENZIE LLP**, 101 West Broadway, Twelfth Floor, San Diego, California 92101-3890; +1 619 236 1441.

1 On June 21, 2007, I served a copy of the within document(s):

2 **NOTICE OF ERRATA REGARDING COMPLAINT FOR DECLARATORY**  
3 **RELIEF**

4 **NOTICE OF PENDENCY OF ACTION (LIS PENDENS) [NO. 1 OF 3]**

5 **NOTICE OF PENDENCY OF ACTION (LIS PENDENS) [NO. 2 OF 3]**

6 **NOTICE OF PENDENCY OF ACTION (LIS PENDENS) [NO. 3 OF 3]**

7 on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes  
8 addressed as follows:

9  
10 Eric C. Sohlgren, Esq.  
Daniel F. Lula, Esq.  
Payne & Fears, LLP  
11 4 Park Plaza, Suite 1100  
Irvine, CA 92614  
12 Tel: (949) 851-1100  
13 Fax: (949) 851-1212

Attorneys for Defendants  
ST. JOHN'S PARISH  
(EPISCOPAL), FALLBROOK,  
CALIFORNIA and THE  
RECTOR, WARDENS AND  
VESTRY OF ST. ANNE'S  
PARISH IN OCEANSIDE,  
CALIFORNIA

14  
15 Holy Trinity Episcopal Parish  
c/o The Reverend Lawrence Bausch, Rector  
2083 Sunset Cliffs Blvd.  
16 San Diego, CA 92107


Defendant

- 17  
18  (BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) I placed each such sealed,  
19 prepaid envelope, for collection and mailing at Baker & McKenzie LLP, San Diego,  
20 California, following ordinary business practices. I am familiar with the practice of  
21 collection for U.S. mail, said practice being that in the ordinary course of business,  
22 correspondence is picked up at our office the same day as it is placed for collection pursuant  
23 to Code of Civil Procedure § 1013(e). I am aware that on motion of the party served, service  
24 is presumed invalid if postal cancellation date or postage meter date is more than one day  
25 after date of deposit for mailing in affidavit.
- 26  (BY U.S. MAIL) I placed each such sealed, prepaid envelope, for collection and mailing at  
27 Baker & McKenzie LLP, San Diego, California, following ordinary business practices. I am  
28 familiar with the practice of collection for U.S. mail, said practice being that in the ordinary  
course of business, correspondence is picked up at our office the same day as it is placed for  
collection pursuant to Code of Civil Procedure § 1013(e). I am aware that on motion of the  
party served, service is presumed invalid if postal cancellation date or postage meter date is  
more than one day after date of deposit for mailing in affidavit.
- (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the  
addressee(s) above by American Messenger Service. The actual Declaration of Personal  
Service shall be filed upon its receipt pursuant to Code of Civil Procedure § 1011.

- 1  (BY HAND-DELIVERY) I delivered by hand each sealed envelope to the addressee(s)  
above.
- 2  (BY EXPRESS MAIL) I placed each such sealed envelope, to be collected at  
3 Baker & McKenzie LLP, San Diego, California, following ordinary business practices. I am  
4 familiar with the practice of Baker & McKenzie for collection and processing of overnight  
5 packages, said practice being that in the ordinary course of business, overnight packages are  
picked up by a representative of that company to be sent that same day pursuant to Code of  
Civil Procedure § 1013(c).
- 6  (BY FACSIMILE) I caused such document to be sent via facsimile to the above listed names  
7 and facsimile numbers and received confirmed transmission reports indicating that this  
8 document was successfully transmitted to the parties named above pursuant to Code of Civil  
Procedure § 1013(e).

Executed on June 21, 2007 at San Diego, California.

9 I declare under penalty of perjury under the laws of the State of California that the above is  
10 true and correct.

11   
12 \_\_\_\_\_  
13 Linda Gage Pomerinke

**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT: ST. JOHN'S PARISH (EPISCOPAL), FALLBROOK, CALIFORNIA (s/k/a St. John's Parish (Anglican), Fallbrook, California), a California nonprofit religious corporation; THE RECTOR, WARDENS AND VESTRY OF ST. ANNE'S PARISH IN OCEANSIDE, CALIFORNIA, a California nonprofit religious corporation; HOLY TRINITY EPISCOPAL PARISH (s/k/a Holy Trinity Parish), a California nonprofit religious corporation  
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF: THE EPISCOPAL DIOCESE OF SAN DIEGO, a California nonprofit religious corporation  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una Carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la Corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

COPY

The name and address of the court is:

(El nombre y dirección de la corte es):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

- HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
- RAMONA BRANCH 1428 MONTECITO RD., RAMONA CA 92065-5200
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649
- JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792

CASE NUMBER:

(Número del Caso) **27-2007-00068521-CU-MC-CTL**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Charles H. Dick, Jr.  
Baker & McKenzie LLP  
101 W. Broadway, Twelfth Floor  
San Diego, CA 92101

(619) 236-1441  
(619) 236-0429

DATE: **JUN 18 2007**  
June 18, 2007  
(Fecha)

CLERK OF THE SUPERIOR COURT

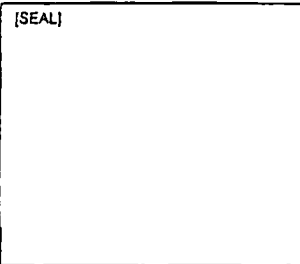
**WYNNIE S. ABELLA**

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010))

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are SERVED



1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify): **Holy Trinity Episcopal Parish (s/k/a) Holy Trinity Parish**  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  CCP 416.70 (conservatee)  CCP 416.20 (defunct corporation)  CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  other (specify): **NPO Religion Corporation**
4.  by personal delivery on (date): **6/20/07**

1 Charles H. Dick, Jr., State Bar No. 73981  
2 Abby B. Silverman, State Bar No. 90405  
3 Shannon D. Sweeney, State Bar No. 204868  
4 Lauren S. Cartwright, State Bar No. 129862  
5 **Baker & McKenzie LLP**  
6 101 West Broadway, Twelfth Floor  
7 San Diego, CA 92101-3890  
8 Telephone: +1 619 236 1441  
9 Facsimile: +1 619 236 0429

10 Attorneys for the Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CENTRAL DIVISION

THE EPISCOPAL DIOCESE OF SAN DIEGO,  
a California nonprofit religious corporation,

Plaintiff,

v.

ST. JOHN'S PARISH (EPISCOPAL),  
FALLBROOK, CALIFORNIA (s/k/a St. John's  
Parish (Anglican), Fallbrook, California), a  
California nonprofit religious corporation; THE  
RECTOR, WARDENS AND VESTRY OF ST.  
ANNE'S PARISH IN OCEANSIDE,  
CALIFORNIA, a California nonprofit religious  
corporation; HOLY TRINITY EPISCOPAL  
PARISH (s/k/a Holy Trinity Parish), a  
California nonprofit religious corporation,

Defendants.

37-2007-00068521-CU-MC-CTL

Case No.

BY FAX

COMPLAINT FOR DECLARATORY  
RELIEF

As its Complaint for Declaratory Relief, The Episcopal Diocese of San Diego, a California nonprofit religious corporation, respectfully states:

**THE PARTIES**

1. The Episcopal Diocese of San Diego ("the Diocese") is an ecclesiastical entity in union with and subordinate to the Constitution, Canons, and General Convention of the Protestant Episcopal Church in the United States of America ("the Episcopal Church"). The Diocese formed a California nonprofit religious corporation, the headquarters office of which is in San Diego,

1 California; that corporate entity is the "Corporation of the Diocese," which brings this Complaint to  
2 enforce its interest and the interest of the Diocese in ensuring that all the property of the Defendants  
3 is preserved for the mission and ministry of the Episcopal Church and the Diocese.

4         2.       St. John's Episcopal Parish in Fallbrook, California ("St. John's Parish") also is an  
5 ecclesiastical entity in union with and subordinate to the Constitutions, Canons, and Conventions of  
6 the Diocese and the Episcopal Church. After its formation, St. John's Parish formed a California  
7 nonprofit religious corporation as a subordinate body created under the authority of a national  
8 association; it chose the corporate name of "St. John's Parish (Episcopal), Fallbrook, California"  
9 with its principal place of ministry at 434 North Iowa Street, Fallbrook, California, which is within  
10 the geographic area of the Diocese, and it subsequently selected a building site for future church  
11 expansion at the corner of Stage Coach Lane and Fallbrook Street in Fallbrook, California. The  
12 parish corporation of St. John's Parish currently is under the *de facto* control of individuals who  
13 purport to have changed the name of that corporation to "St. John's Parish (Anglican), Fallbrook,  
14 California, and who claim authority to sever the link between the Parish and the Episcopal Church  
15 and the Diocese; the authority to divert the real and personal property of that Parish for their own use  
16 in affiliation with another church outside the United States; the authority to exclude that Parish's  
17 faithful Episcopal clergy and members (who have been recognized as such by the Diocese) from the  
18 control and use of that property.

19         3.       St. Anne's Episcopal Church, Oceanside, California ("St. Anne's Parish"), also is an  
20 ecclesiastical entity in union with and subordinate to the Constitutions, Canons, and Conventions of  
21 the Diocese and the Episcopal Church. After its formation, St. Anne's Parish also formed a  
22 California nonprofit religious corporation as a subordinate body created under the authority of a  
23 national association; it chose the corporate name of "The Rector, Wardens, and Vestry of St. Anne's  
24 Parish, Oceanside, California" with its principal place of ministry at 701 West Street, Oceanside,  
25 California, which is within the geographic area of the Diocese. The parish corporation of St. Anne's  
26 Parish currently is under the *de facto* control of individuals who claim authority to sever the link  
27 between that Parish and the Episcopal Church and the Diocese; the authority to divert the real and  
28 personal property of that Parish for their own use in affiliation with another church outside the

1 United States; the authority to exclude that Parish's faithful Episcopal clergy and members (who  
2 have been recognized as such by the Diocese) from the control and use of that property.

3 4. Holy Trinity Episcopal Church ("Holy Trinity Parish") also is an ecclesiastical entity  
4 in union with and subordinate to the Constitutions, Canons, and Conventions of the Diocese and the  
5 Episcopal Church. After its formation, Holy Trinity Parish also formed a California nonprofit  
6 religious corporation as a subordinate body created under the authority of a national association; it  
7 chose the corporate name of "Holy Trinity Episcopal Parish" with its principal place of ministry at  
8 2083 Sunset Cliffs Boulevard, San Diego, California, which is within the geographic area of the  
9 Diocese. The parish corporation of Holy Trinity Parish currently is under the *de facto* control of  
10 individuals who purport to have changed the name of the parish corporation to "Holy Trinity  
11 Parish," and who claim authority to sever the link between that Parish and the Episcopal Church and  
12 the Diocese; the authority to divert the real and personal property of that Parish for their own use in  
13 affiliation with another church outside the United States; the authority to exclude faithful Episcopal  
14 clergy and members from the control and use of that property.

#### 15 THE EPISCOPAL CHURCH IS A HIERARCHICAL CHURCH

16 5. The Episcopal Church also is an ecclesiastical entity; it operates as a nonprofit,  
17 unincorporated association with its principal office located in New York, New York. It is a  
18 "hierarchical" church, which must be distinguished from different churches in the United States that  
19 have been organized with a "congregational" model of governance that permits localized authority  
20 and control over the doctrine and discipline of the local church congregation. As a hierarchical  
21 church, the Episcopal Church has three levels of authority, with the Episcopal Church on a national  
22 level being the highest level, and each subordinate level being bound by and subject to the authority  
23 of the levels above it.

24 6. Within the hierarchy of the Episcopal Church, the lowest level comprises the more  
25 than 7200 individual churches in the United States, plus others located in additional countries, where  
26 congregants meet on a local level to participate in Episcopal worship and to engage in ministry and  
27 mission. Most of these congregations are "parishes," but those congregations (generally newly-  
28 forming congregations) that do not meet all of the qualifications for admission as parishes, are

1 known as "missions." Each of these parishes and missions is a subordinate part of the Episcopal  
2 Church.

3 7. Episcopal parishes and missions necessarily are created by a diocese for the purpose  
4 of providing a place of worship and ministry for those who choose to be Episcopalians. They  
5 operate within the structure of the Episcopal Church; avail themselves of the supportive mechanisms  
6 and institutions of the Episcopal Church; conduct worship in accord with rites and liturgies set forth  
7 in the Episcopal Book of Common Prayer.

8 8. The second level of the Episcopal Church comprises 111 subordinate geographic  
9 units called "dioceses," each created, authorized, and empowered by the Episcopal Church, its  
10 Constitution and Canons, and its General Convention. Each diocese is under the authority of a  
11 Diocesan Bishop. Each Diocesan Bishop is the Chief Executive Officer of the Diocese, and in that  
12 capacity, exercises "ecclesiastical authority" over the spiritual and temporal affairs of the diocese  
13 itself, as well as all the parishes and missions within the geographic area of that diocese.

14 9. The Episcopal Diocese of San Diego is one of the subordinate geographic units of the  
15 Episcopal Church with responsibility for San Diego County, Imperial County, part of Riverside  
16 County, and Yuma, Arizona. Prior to 1973, the geographic territory of the Diocese first had been  
17 included in the jurisdiction of the Diocese of California and later in the Diocese of Los Angeles. By  
18 action of the Episcopal Church's General Convention on October 8, 1973, the Diocese was  
19 recognized as such and admitted into union with the Church's General Convention. The Diocese (or  
20 its predecessors) has created, authorized, and empowered local congregations of persons in  
21 communion with the Episcopal Church and the Diocese to carry out the ministry and mission of the  
22 Episcopal Church throughout the communities of the Diocese.

23 10. The Right Reverend James R. Mathes is the duly ordained and constituted Diocesan  
24 Bishop of the Episcopal Diocese of San Diego.

25 11. As the rules of the Episcopal Church require, each parish elects lay members of its  
26 governing body, which is known as its "vestry." The vestry, in turn, elects an ordained priest of the  
27 Episcopal Church to serve as the "rector," who, with the Diocesan Bishop's consent, becomes the  
28

1 chief pastor of the parish. The rector is, ex officio, a member and chair of the vestry. If the parish  
2 chooses to form a parish corporation, the vestry also serves as the corporation's board of directors.

3 12. Each parish also elects representatives to an "Annual Convention," which is the  
4 governing body of the diocese in which that parish is located. Each diocese, in turn, sends bishops,  
5 other ordained clergy, and lay representatives as voting members to the triennial meeting of the  
6 Episcopal Church's General Convention.

7 13. The Episcopal Church's General Convention has adopted a Constitution and other  
8 rules, known as "canons," which are binding upon all Episcopal dioceses, parishes, and missions.  
9 The convention of each diocese also promulgates a diocesan constitution and canons which are  
10 binding on all parishes and missions within the geographic area of that diocese. Each parish and  
11 mission of the Episcopal Church is bound by the current national and applicable diocesan  
12 constitutions and canons, as those are amended over time by the relevant conventions of the Church.

13 14. As parishes of the Episcopal Church, St. John's Parish, St. Anne's Parish, and Holy  
14 Trinity Parish are irrevocably subject to the Constitution, Canons, and discipline of both the Diocese  
15 and the Episcopal Church.

#### 16 THE CANONS OF THE EPISCOPAL CHURCH RESPECTING PROPERTY

17 15. It has always been the policy of the Episcopal Church that local parish and mission  
18 property is held and must be used for the ministry and mission of the Episcopal Church. This  
19 interest and restriction is reflected in numerous canons of the Episcopal Church.

20 16. First adopted in 1868 and 1871, Canon II.6 of the Episcopal Church specifically  
21 prohibits parishes and missions from unilaterally encumbering or alienating consecrated real  
22 property, and requires that such property be "secured for ownership and use by a Parish, Mission,  
23 Congregation, or Institution affiliated with this Church and subject to its Constitution and canons."

24 17. Adopted in 1940, Canon I.7(3) of the Episcopal Church provides:

25 "No Vestry, Trustee, or other Body, authorized by Civil or Canon law  
26 to hold, manage, or administer real property for any Parish, Mission,  
27 Congregation, or Institution, shall encumber or alienate the same or  
28 any part thereof without the written consent of the Bishop and  
Standing Committee of the Diocese of which the Parish, Mission,  
Congregation, or Institution is a part. except under such regulations as  
may be prescribed by Canon of the Diocese."

1           18.     The Episcopal Church's Canon III.9.5, which was adopted in 1904, requires that  
2 "[f]or the purposes of the office and for the full and free discharge of all functions and duties  
3 pertaining thereto," it is "the Rector [who] shall at all times be entitled to the use and control of the  
4 Church and Parish buildings together with all appurtenances and furniture, and access to all records  
5 and registers maintained by or on behalf of the Congregation."

6           19.     In 1979, the Episcopal Church's General Convention adopted Canons I.7 (4) and (5)  
7 to confirm the larger Church's historic interest in parish property. Those Canons provide:

8                   "Sec. 4: All real and personal property held by or for the benefit of  
9 any Parish, Mission or Congregation is held in trust for this Church  
10 and the Diocese thereof in which such Parish, Mission or  
11 Congregation is located. The existence of this trust, however, shall in  
12 no way limit the power and authority of the Parish, Mission or  
13 Congregation otherwise existing over such property so long as the  
14 particular Parish, Mission or Congregation remains a part of, and  
15 subject to, this Church and its Constitution and Canons.

16                   Sec. 5: The several Dioceses may, at their election, further confirm  
17 the trust declared under the foregoing Section 4 by appropriate action,  
18 but no such action shall be necessary for the existence and validity of  
19 the trust."

20           20.     At all times material, Title II, Canon 3.09 of the Diocesan Canons also has provided:

21                   "**Consent Required before Encumbering, Acquiring or Disposing  
22 of Real Property.** Should any Parish desire to mortgage or otherwise  
23 encumber, to sell, exchange or otherwise dispose of all or any of its  
24 real property, or to acquire, except by gift, devise or bequest, any real  
25 property subject to an existing encumbrance, or to assume an existing  
26 encumbrance, the written consents of the Bishop and the Standing  
27 Committee must be obtained prior to any such sale, exchange,  
28 mortgage, or other encumbrance, disposition or acquisition."

29           21.     Through its elected representatives to the Annual Conventions of the Diocese and by  
30 representation through the Diocese to the General Conventions of the Episcopal Church, each of the  
31 Defendants has effectively participated in the adoption of those amendments to the Canons of the  
32 Diocese and the Episcopal Church that have occurred since each Parish and its parish corporation  
33 was formed, including the adoption of Canons I.7(4) and (5).



1 accede to the Constitution and Canons of the national church. That requirement has been in effect at  
2 all times material and remains in effect today.

3 28. As a condition of its authorization and empowerment to act as a diocese of the  
4 Episcopal Church, the incorporators of the Diocese included a provision in the Constitution of the  
5 Diocese acceding to the Constitution and Canons of the Episcopal Church. Accordingly, the  
6 Constitution of the Diocese has provided at all times material:

7 "The Church in the Episcopal Diocese of San Diego accedes to the  
8 Constitution and Canons of that branch of the One, Holy, Catholic and  
9 Apostolic Church, known as The Protestant Episcopal Church in the  
United States of America, also known as The Episcopal Church, and  
recognizes the authority of the General Convention of the same."

10 29. Article XIII of the Diocesan Constitution also provides that the Diocese (with the  
11 approval of the Diocesan Bishop) may admit a parish into union with the Convention of the Diocese  
12 if the local congregation has organized itself with bylaws "in which such Parish expressly accedes to  
13 the Constitution, Canons, doctrine, discipline and worship of The Episcopal Church and to the  
14 Constitution and Canons" of the Diocese. That requirement has been in effect at all times material  
15 and remains in effect today.

16 30. At all times material, Title II, Canon 3.07 of the Diocesan Canons has provided:

17 "**Parish *May* Incorporate.** [A] Parish may incorporate under the laws  
18 of the State of California....The Bylaws shall further state that the  
19 Constitution and Canons of The Episcopal Church and the  
20 Constitution and Canons of The Episcopal Diocese of San Diego, from  
21 time to time in effect, shall be incorporated in said Bylaws; and that in  
the case of any conflict between said Constitutions and Canons and  
said Bylaws, the former shall prevail over and in all respects supersede  
and to that extent effect the repeal of the said Bylaws." [Emphasis  
added.]

22 31. Episcopal Church Canon I.17.8 further requires that:

23 "Any person accepting any office in this Church shall well and  
24 faithfully perform the duties of that office in accordance with the  
25 Constitution and Canons of this Church and of the Diocese in which  
the office is being exercised."

#### 26 ST. JOHN'S PARISH

27 32. In 1891, St. John's Fallbrook was organized as an unincorporated mission of the  
28 Episcopal Church with support and assistance from the Diocese of California for the benefit of those

1 in the Fallbrook community who wished to establish a place of Episcopal worship and a place from  
2 which to engage in the ministry and mission of the Episcopal Church.

3 33. In 1973, after the geographic territory that included San Diego County became part of  
4 the newly-formed Diocese of San Diego, the mission congregation at St. John's sought permission  
5 from the Diocese to become a parish. In their application, the representatives of the prospective  
6 parish promised that St. John's Parish would be bound by and conform to the Constitution and  
7 Canons of the Episcopal Church and the Diocese.

8 34. In consideration for promises of subservience to the Constitution and Canons of the  
9 Diocese and the Episcopal Church, the Diocese admitted St. John's Fallbrook as a Parish at the  
10 Primary Convention of the Diocese on December 7, 1973.

11 35. The property of St. John's Parish has been consecrated as sacred and dedicated to the  
12 mission and ministry of the Episcopal Church.

13 36. In furtherance of being a subordinate parish of the Diocese, St. John's Parish  
14 eventually formed a parish corporation in November 1974. In satisfaction of the condition to its  
15 authorization and empowerment to act as a parish of the Diocese, the incorporators of St. John's  
16 Parish included a provision in its Articles of Incorporation acceding to the Constitution and Canons  
17 of the Diocese and the Episcopal Church. St. John's Parish's Articles of Incorporation specified:

18 "The specific and primary purpose for which this corporation is  
19 formed is: To incorporate ... the existing unincorporated religious  
20 association and church known as St. John's Parish (Episcopal),  
21 Fallbrook ... *(a subordinate body and integral unit of the Episcopal  
22 Diocese of San Diego and of the Protestant Episcopal Church in the  
23 United States of America)*, as a subordinate body of 'The Episcopal  
24 Diocese of San Diego,' a non-profit religious corporation, within the  
25 meaning of Section 9202, 9203, and 9802 of the Corporations Code of  
26 California; and to further establish, develop, maintain, and operate a  
27 parish church which is, and *which shall continue perpetually to be, a  
28 constituent unit or part of ... [The Episcopal Church] pursuant to  
and in accordance with the Constitutions and Canons, rules,  
regulations, and disciplines of said Church ....*" [Emphasis added.]

"(h) The property of this corporation is irrevocably dedicated to  
religious, charitable, , or hospital purposes, and upon liquidation,  
dissolution, or abandonment of the corporation, this corporation being  
the owner, such property will not inure to the benefit of any private  
persons except a fund, foundation, or corporation ... *to wit, in this  
case, the Episcopal Diocese of San Diego; ....*" (Emphasis added.)

1 37. In satisfaction of the condition to its authorization and empowerment to act as a  
2 parish of the Diocese, the incorporators of St. John's Parish also included a provision in the Bylaws  
3 of St. John's Parish stating:

4 "The Constitution, Canons, Rules, Regulations, and discipline of the  
5 Episcopal Church ... and the Constitution and Canons of the said  
6 Church in the Episcopal Diocese of San Diego *shall*, unless they be  
7 contrary to the laws of this State, *always form part of the by-laws,*  
8 *ordinances, constitutions, and discipline of this parish*; and prevail  
9 against any resolutions, by-laws, or other enactments by this parish  
10 that may appear to be repugnant to such Constitutions, Canons, Rules,  
11 Regulations, or Discipline." [Emphasis added.]

12 38. In January 1975, without consideration other than the parish's commitment and  
13 pledge of accession to and perpetual conformity with the Episcopal Church's and the Diocese's  
14 Constitution and Canons, the Diocese conveyed title to real property to St. John's Parish for the  
15 purpose of maintaining a place of Episcopal worship in Fallbrook, California. A copy of that Deed  
16 is attached as Exhibit "A."

#### 17 ST. ANNE'S PARISH

18 39. In 1891, the Diocese of California organized an unincorporated mission of the  
19 Episcopal Church under the name of "Grace Church Oceanside" with diocesan support and  
20 assistance for the benefit of those in the Oceanside community who wished to establish a place of  
21 Episcopal worship and a place from which to engage in the ministry and mission of the Episcopal  
22 Church.

23 40. When the Diocese of Los Angeles was admitted into union with the Episcopal Church  
24 in December 1895, responsibility for the support and assistance of the mission congregation at Grace  
25 Church Oceanside was transferred to that new diocese.

26 41. In 1948, the mission congregation of Grace Church Oceanside sought permission  
27 from the Diocese of Los Angeles to become a parish. In their application, the representatives of the  
28 prospective parish promised that the new parish would be bound by and conform to the Constitution  
and Canons of the Episcopal Church and the Diocese of Los Angeles.

42. In consideration for promises of subservience to the Constitution and Canons of the  
Diocese and the Episcopal Church, at its Diocesan Convention on January 27, 1949, the Diocese of

1 Los Angeles admitted Grace Church Oceanside as a Parish in communion with that Diocese under  
2 the name of St. Anne's Parish.

3 43. The property of St. Anne's Parish has been consecrated as sacred and dedicated to the  
4 mission and ministry of the Episcopal Church.

5 44. In furtherance of being a subordinate parish of the Diocese of Los Angeles, St.  
6 Anne's Parish eventually formed a parish corporation in July 1949. In satisfaction of the condition  
7 to its authorization and empowerment to act as a parish of the Diocese of Los Angeles, the  
8 incorporators of St. Anne's Parish included a provision in its Articles of Incorporation acceding to  
9 the Constitution and Canons of that Diocese and the Episcopal Church. St. Anne's Parish's Articles  
10 of Incorporation specified:

11 "The purposes for which [this] Corporation is formed are:

12  
13 (a) To establish and maintain a Parish which shall form a constituent  
14 part of the Diocese of Los Angeles in that branch of the Holy Catholic  
15 Church now known as the Protestant Episcopal Church in the United  
16 States of America.

17  
18 ....  
19 (c) To maintain a church edifice for public worship ... according to the  
20 form and Canons of the Protestant Episcopal Church in the United  
21 States of America ...

22  
23 ....  
24 (e) Generally to do, perform and transact any and all acts and business,  
25 and to exercise any and all powers and privileges in anywise permitted  
26 or granted by the laws of the State of California to Religious  
27 Corporations *and not contrary to the Constitution, Canons, Rules  
28 and Regulations of said Church in the United States of America  
and/or the Diocese of Los Angeles* [emphasis added.]."

#### 29 ACCESSION OF HOLY TRINITY PARISH

30 45. In 1921, Holy Trinity Parish also was organized as an unincorporated mission of the  
31 Episcopal Church with support and assistance from the Diocese of Los Angeles for the benefit of  
32 those in the Ocean Beach community of San Diego who wished to establish a place of Episcopal  
33 worship and a place from which to engage in the ministry and mission of the Episcopal Church.

34 46. In 1956, the mission congregation of Holy Trinity Mission also sought permission  
35 from the Diocese of Los Angeles to become a parish. In their application, the representatives of the

1 prospective parish promised that Holy Trinity Parish would be bound by and conform to the  
2 Constitution and Canons of the Episcopal Church and the Diocese of Los Angeles.

3 47. In consideration for promises of subservience to the Constitution and Canons of the  
4 Diocese and the Episcopal Church, at its Diocesan Convention on January 23, 1957, the Diocese of  
5 Los Angeles admitted Holy Trinity Mission as a Parish in communion with that Diocese.

6 48. The property of Holy Trinity Parish has been consecrated as sacred and dedicated to  
7 the mission and ministry of the Episcopal Church.

8 49. In furtherance of being a subordinate parish of the Diocese of Los Angeles, Holy  
9 Trinity Parish eventually formed a parish corporation in June 1957. In satisfaction of the condition  
10 to its authorization and empowerment to act as a parish of the Diocese of Los Angeles, the  
11 incorporators of Holy Trinity Parish included a provision in its Articles of Incorporation acceding to  
12 the Constitution and Canons of that Diocese and the Episcopal Church. Holy Trinity Parish's  
13 Articles of Incorporation specified:

14 "SECOND: That the specific and principal purposes for which this  
15 corporation is formed are to incorporate Holy Trinity Church, an  
16 unincorporated association ... and to continue the objects and purposes  
17 of the said Holy Trinity Church under a proper corporate organization  
18 and in furtherance thereof to establish and continue a suitable and  
19 customary organization for the purpose of public worship and religious  
20 training in the County of San Diego, State of California, according to  
21 the Constitution and Canons and rules and regulations and discipline  
22 of the Protestant Episcopal Church in the Diocese of Los Angeles and  
23 to conduct and further religious worship in accordance with such  
24 Constitution and Canons."

#### 25 THE DEFENDANTS' BOARD ATTEMPTS TO LEAVE THE EPISCOPAL CHURCH

26 50. At an unknown date prior to January 29, 2006, the Clergy and certain members of St.  
27 Anne's Parish chose to renounce their membership in the Episcopal Church and become members of  
28 an Anglican Church in Bolivia.

51. At an unknown date prior to July 11, 2006, the Clergy and certain members of St.  
John's Parish also chose to renounce their membership in the Episcopal Church and become  
members of an Anglican Church in Uganda.

1           52.     At an unknown date prior to September 7, 2006, the Clergy and certain members of  
2 Holy Trinity Parish also chose to renounce their membership in the Episcopal Church and become  
3 members of an Anglican Church in Argentina.

4           53.     The actions of the Clergy and certain members of the St. John's Parish, St. Anne's  
5 Parish, and Holy Trinity Parish cannot and did not alter the status of those parishes as subordinate  
6 ecclesiastical entities within the hierarchy of the Episcopal Church. Such actions could not and did  
7 not affect the legally enforceable interest of the Episcopal Church and the Diocese in ensuring that  
8 all the church records and other property of St. John's Parish, St. Anne's Parish, and Holy Trinity  
9 Parish – be it real, personal, intangible, or mixed in character -- continues to be held and used for the  
10 mission of the Episcopal Church and the Diocese.

11           54.     In accordance with Title II, Canon 3.10 of the Diocesan Canons, Bishop Mathes and  
12 the Standing Committee of the Diocese have dissolved St. Anne's Parish and Holy Trinity Parish.

13           55.     Bishop Mathes has appointed a Priest-in-Charge of St. John's Parish, and also  
14 assigned Priests for the Episcopal congregants of St. Anne's Parish and Holy Trinity Parish.

15           56.     The action of Bishop Mathes in determining who is the Priest-in-Charge of St. John's  
16 Parish and in electing to dissolve St. Anne's Parish and Holy Trinity Parish is a right that  
17 ecclesiastical authorities of hierarchical churches have with respect to matters of internal self-  
18 governance within such hierarchical churches under both the First Amendment to the Constitution of  
19 the United States and the Constitution of California.

20           57.     Notwithstanding the dissolution of St. Anne's Parish and Holy Trinity Parish and the  
21 appointment of a Priest-in-Charge of St. John's Parish, the former clergy and certain former  
22 members of those congregations have retained and are continuing to hold the church records and use  
23 the other property of St. John's Parish, St. Anne's Parish, and Holy Trinity Parish for their own use  
24 in association with a different church. They have diverted and are continuing to divert parish funds  
25 from the mission of the Episcopal Church; they have refused to surrender the property held by them  
26 or to allow its use by Episcopal clergy, lay leaders and church members in accordance with the  
27 Constitution, Canons, and discipline of the Episcopal Church.

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FIRST CAUSE OF ACTION

Declaratory Relief Regarding Church Property of St. John's Parish

[Code of Civil Procedure Section 1060]

58. The Plaintiff incorporates and realleges Paragraphs 1 through 38, 51, 53, and 55 through 57.

59. Pursuant to St. John's Parish's own repeated commitments, the true Articles and Bylaws of the Parish, and the Constitution and Canons of the Diocese and the Episcopal Church, the Plaintiff has a legally enforceable interest in ensuring that the church records and all the property of St. John's Parish – be it real, personal, intangible, or mixed in character -- continues to be held and used for the mission and ministry of the Episcopal Church and the Diocese.

60. An actual controversy has arisen and now exists between the Plaintiff and the persons in *de facto* control of the parish corporation for St. John's Parish concerning the parties's respective rights and duties regarding the property of that Parish.

61. The Plaintiff contends that the church records and all other property of St. John's Parish – be it real, personal, intangible, or mixed in character – is held in trust for the Episcopal Church and the Diocese; that property must be used for the ministry and mission of the Episcopal Church; the former clergy and certain members of that Parish may not retain possession, ownership, or control of the property of St. John's Parish once they have disaffiliated from the Episcopal Church and the Diocese.

62. On information and belief, the persons in *de facto* control of the parish corporation for St. John's Parish takes the position that they are entitled to divert the property of St. John's Parish for any use that the persons in charge of the parish corporation's board of directors choose.

63. A declaratory judgment of the Court is necessary and appropriate under the circumstances to resolve the dispute between the parties regarding the status of the property of St. John's Parish.

1 SECOND CAUSE OF ACTION

2 Declaratory Relief Regarding Church Property of St. Anne's Parish

3 [Code of Civil Procedure Section 1060]

4 64. The Plaintiff incorporates and realleges Paragraphs 1 through 31, 39 through 44, 50,  
5 and 53 through 57.

6 65. Pursuant to St. Anne's Parish's own repeated commitments, the true Articles and  
7 Bylaws of the Parish, and the Constitution and Canons of the Diocese and the Episcopal Church, the  
8 Plaintiff has a legally enforceable interest in ensuring that the church records and all the property of  
9 St. Anne's Parish – be it real, personal, intangible, or mixed in character -- continues to be held and  
10 used for the mission and ministry of the Episcopal Church and the Diocese.

11 66. An actual controversy has arisen and now exists between the Plaintiff and the persons  
12 in *de facto* control of the parish corporation for St. Anne's Parish concerning the parties's respective  
13 rights and duties regarding the property of that Church.

14 67. The Plaintiff contends that the church records and all other property of St. Anne's  
15 Parish – be it real, personal, intangible, or mixed in character – is held in trust for the Episcopal  
16 Church and the Diocese; that property must be used for the ministry and mission of the Episcopal  
17 Church; the former clergy and certain members of that Parish may not retain possession, ownership,  
18 or control of the property of St. Anne's Parish once they have disaffiliated from the Episcopal  
19 Church and the Diocese.

20 68. On information and belief, the persons in *de facto* control of the parish corporation  
21 for St. Anne's Parish take the position that they are entitled to divert the property of St. Anne's  
22 Parish for any use the persons who are in charge of the parish corporation's board of directors  
23 choose.

24 69. A declaratory judgment of the Court is necessary and appropriate under the  
25 circumstances to resolve the dispute between the parties regarding the status of the property of St.  
26 Anne's Parish.

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**THIRD CAUSE OF ACTION**

**Declaratory Relief Regarding Church Property of Holy Trinity Parish**

[Code of Civil Procedure Section 1060]

70. The Plaintiff incorporates and realleges Paragraphs 1 through 31, 45 through 49, and 52 through 57.

71. Pursuant to Holy Trinity Parish's own repeated commitments, the true Articles and Bylaws of the Parish, and the Constitution and Canons of the Diocese and the Episcopal Church, the Plaintiff has a legally enforceable interest in ensuring that the church records and all the property of Holy Trinity Parish – be it real, personal, intangible, or mixed in character -- continues to be held and used for the mission and ministry of the Episcopal Church and the Diocese.

72. An actual controversy has arisen and now exists between the Plaintiff and the persons in *de facto* control of the parish corporation for Holy Trinity Parish concerning the parties's respective rights and duties regarding the property of that Church.

73. The Plaintiff contends that the church records and all other property of Holy Trinity Parish – be it real, personal, intangible, or mixed in character – is held in trust for the Episcopal Church and the Diocese; that property must be used for the ministry and mission of the Episcopal Church; the former clergy and certain members of that Parish may not retain possession, ownership, or control of the property of Holy Trinity Parish once they have disaffiliated from the Episcopal Church and the Diocese.

74. On information and belief, the persons in *de facto* control of the parish corporation for Holy Trinity Parish take the position that they are entitled to divert the property of Holy Trinity Parish for any use the persons who are in charge of the parish corporation's board of directors choose.

75. A declaratory judgment of the Court is necessary and appropriate under the circumstances to resolve the dispute between the parties regarding the status of the property of Holy Trinity Parish.

1           **WHEREFORE**, the Plaintiff prays for entry of declaratory judgment that:

2           I.       All the church records and other property of each Defendant -- be that property real,  
3 personal, intangible, or mixed -- is held for the ministry and mission of the Episcopal Church and the  
4 Diocese.

5           II.     The Defendants may not divert, alienate, or use any of parish property except as  
6 provided by and in accordance with the Constitutions and Canons of the Episcopal Church and the  
7 Diocese.

8           III.    Bishop Mathes, as the Ecclesiastical Authority, acting in concert with the Standing  
9 Committee of the Diocese, has dissolved St. Anne's Parish and Holy Trinity Parish, and under the  
10 Constitution and Canons of the Episcopal Church and the Diocese, all assets and lawful liabilities of  
11 those Parishes shall be conveyed to or assumed by the Plaintiff.

12           IV.    Bishop Mathes, as the Ecclesiastical Authority, has determined, in accordance with  
13 the Constitution and Canons of the Episcopal Church and the Diocese, who is the Priest-in-Charge  
14 entitled to access the property of St. John's Parish.

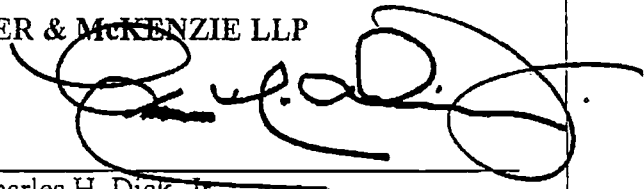
15           **WHEREFORE**, the Plaintiffs further pray for:

16           V.     Appropriate injunctive relief in furtherance and implementation of the Court's  
17 Declarations.

18           VI.    Their costs and such other and further relief as may be just and equitable.

19 Dated: June 18, 2007

BAKER & MCKENZIE LLP



By: \_\_\_\_\_  
Charles H. Dick, Jr.  
Attorneys for the Plaintiff