

have been exclusively used and possessed by the Defendants¹ since they left The Episcopal Church and the Diocese on or about November 15, 2008.

Diocesan Recovery and Reconciliation Plan

4. Attached as Exhibit A is a list of the 55 continuing parishes and missions of the Diocese, indicating the 22 parishes and missions that continue Episcopal services and the 33 missions that have not yet reorganized after diocesan leaders left the Church in November 2008.

5. **Current Planning:** The Diocese continues to develop and implement its plan to continue the mission of The Episcopal Church in the 55 congregations of the Diocese. A central element of this plan is for reconciliation with the many worshippers who will return to or remain in the pews of our properties, currently in possession of the Defendants, when we resume the Episcopal ministry in those facilities. For example, we are developing a liturgy of reconciliation for use in each congregation in the Diocese, and we are specially emphasizing elements of reconciliation and forgiveness in all training and education programs, such as the Diocesan 2011 Lenten Program with the theme "Reconciliation and Renewal" and specialized training for the individuals who will serve as "visitors" to implement the inspections of our property as part of discovery in this case. Diocesan leaders and I have also set the tone for reconciliation in our November 2010 Annual Convention and as reflected in my January 23, 2011 pastoral letter (Exhibit B) regarding our response to the Court's granting the Episcopal Parties' motions for summary judgment. In addition, the March 21, 2011 Visioning workshop attended by diocesan leaders focused on strategic planning for the Diocese, including the reorganization of congregations, the recovery of people desiring to remain a part of the historical congregations affiliated with The Episcopal Church, the recovery of property, and the reincorporation of each

¹ For the purposes of this affidavit the term "Defendants" refers to all the parties identified as "Defendants" in Defendants' Motion for Partial Summary Judgment, except for the Diocese and the Diocesan Corporation.

of the 55 of our parish and mission congregations in the mission of The Episcopal Church in the Diocese. The Trustees of the Diocesan Corporation, the Recovery Committee, the Assistant to the Bishop for Recovery, and a host of other volunteers continue to develop this plan.

6. **Continuing Communication:** In many divided congregations, some members of both groups—the Southern Cone groups and the Episcopal groups—continue to join in Bible studies and prayer groups and attend weddings, funerals and other events hosted by the other group. It is our joy that, even in these difficult times, these friends and communities can partially continue to minister to each other and to the world despite the legal disputes between their leaders. We anticipate that most of those folks will rejoin us when we resume possession of our property.

7. **First Sunday Plans:** The Diocese will immediately implement its plan to provide continuing Episcopal services to the congregations across the Diocese, beginning the first Sunday after the Diocese is legally permitted to resume possession of its diocesan and parish property for the ministry of The Episcopal Church.

a. Since November 2008, the Diocese has been inundated with offers from around the Church from clergy who offer to assist in any way they can. Presiding Bishop Katharine Jefforts Schori has personally aided in the effort to recruit and encourage assistance to us from other dioceses across the Church to serve these North Texas communities.

b. I continue to develop a list of Episcopal clergy from neighboring Episcopal dioceses who have volunteered to travel to our Diocese for the first two to four weeks to supply sacramental ministry and leadership to those congregations in properties which have been under possession of the Defendants for over two years.

c. We are developing lay and clergy ministry teams for each congregation who will seed the redevelopment of these congregations and help to organize and conduct Episcopal services, redevelop congregational ministry, assist in reorganizing governance and finances, and protect the property for the mission of The Episcopal Church.

d. I am coordinating with the Transitional Ministries Office of The Episcopal Church Center in New York to develop a second list of Episcopal clergy who might be able to provide longer term leadership from six months to a year for those same congregations. By the conclusion of that time, the diocesan leadership should be able to make informed decisions about appropriate clergy leadership for each of those congregations on a more permanent basis.

8. **Congregation Contacts:** Diocesan leadership has identified lay members in most of the 33 historical congregations for which we do not currently have oversight, who are either worshipping in the Southern Cone services in their historical church buildings or who have temporarily withdrawn from worship entirely until the Episcopalians return to the property. A number of other individuals have provided us information about the state of repair of the buildings and the general health of the communities in which they now worship or once worshipped. We are in conversation with these individuals about the future return of the Episcopal Church to their communities and are collecting names of others in those congregations who likely will remain in the property until we return and be included in the reorganized congregation. Many of these individuals, both clergy and lay, have asked not to be identified because of possible repercussions by Southern Cone leadership, and we have honored that request.

9. **Active Congregations:** There are 14 "parallel" congregations (e.g., St. Stephen's Episcopal Church in Hurst) where the Southern Cone congregation has used the historical

property and the Episcopal congregation has been forced to worship in temporary space for over two years.² The Diocese has prepared for the recovery of the parish property with active members of our reorganized congregations who have been worshipping in exile. Despite being forced to worship outside their property, these active, growing congregations include Episcopalians who have transferred in to the parish or persons who became Episcopalians since November 2008. These congregations already have Episcopal clergy and are ready to move immediately from their rented spaces back into their buildings to continue their ongoing mission and ministry as an Episcopal parish.

10. **No Empty Churches:** When the possession of the real and personal property is returned to the Episcopal Parties, there will be no empty churches. The Diocesan leadership and the thousands of loyal Episcopalians across the Diocese are committed to reclaiming that property and, more importantly, the people who wish to remain part of the historical congregations of The Episcopal Church for the mission and ministry of The Episcopal Church, to fulfill the legacy of Episcopalians for over 170 years of the Church's mission in this area.

Irreparable Harm to the Diocese

11. The Diocese has suffered irreparable damage from those who left The Episcopal Church in November 2008 while at the same time using the real and personal property, funds, records, name, and seal of the Diocese and preventing The Episcopal Church's use of its consecrated parish and mission churches, the diocesan camp and conference center, and the diocesan administrative offices. This damage has occurred in the following ways:

12. **Misuse of Diocesan Name and Seal and term "Episcopal:"** By continuing to use the historic name and seal properly belonging to The Episcopal Church's Episcopal Diocese

² There is only one parallel congregation, All Saints Episcopal Church in Fort Worth, for which the Episcopal congregation remained in the facilities and those who left the Episcopal Church meet in other facilities.

of Fort, the Defendants have fomented confusion in communities across the 24-county diocese, including with newcomers and visitors searching for a church home, people in the communities, and even long-time members sitting in the pews. This confusion as to who is an "Episcopalian" and as to what church is conducting services in historic Episcopal church buildings using the historic Episcopal parish name, the logos, the official Book of Common Prayer, and the official Hymnals of The Episcopal Church undermines the mission and ministry of The Episcopal Church and its diocese. Applying basic grammar rules, the Defendants' new church may be "episcopalian" in its form of government if it has bishops, but it is not "Episcopalian," the commonly used descriptive referring to The Episcopal Church. The past and continuing misuse of the Diocese's name and seal, including on the web, has confused neophytes and faithful Episcopalians alike in identifying local congregations loyal to The Episcopal Church instead of to the Defendants' South American church. Those still in buildings usurped by the Southern Cone leadership are falsely assured by the Defendants that they are still "Episcopalians" and thus they may not understand the important doctrinal differences and differences in religious practice and worship that distinguish the Defendants' new South American church from The Episcopal Church.

13. Active Congregations' Exclusion from Facilities for Ongoing Programs:

Also devastating is the damage done to our active congregations described in paragraph 9 above because of their exclusion by the Defendants from their historic church buildings and facilities, some of which have been in use by The Episcopal Church since the mid-1800's. These congregations, already have been forced to relocate and deal with the deficiencies of temporary locations for Episcopal worship and fellowship activities for over two years, and this harm will continue until we regain possession of our property. In virtually every situation, space for

nursery care and for Christian education for our children, youth, and adults alike is either severely limited or non-existent. This leads newcomers to seek other worshipping communities elsewhere because we do not have the facilities and the classes to educate their children. We have received reports from families who have visited but not returned because we are not able to provide a full range of our historical education programs for their children. In addition, many of our congregations have access to these rented facilities only for designated hours on Sunday morning but not for Sunday or mid-week evenings or at any other times needed for the critical Episcopal Youth Community (EYC) youth programs for adolescents and fellowship development for adults, youth, or children.

14. **Injury to Unreorganized Congregations:** The congregations described in paragraph 8 above have suffered the most extensive injury. Those Episcopalians do not yet have their own reorganized congregation to carry on Episcopal worship and mission. Most are worshipping in other churches, traveling long distances to attend a neighboring Episcopal church, or quietly suffering in the pews of their churches awaiting the time that the Episcopal Church resumes its mission and worship through that parish or mission. We have a good plan in place to reorganize and rebuild these congregations; however, because the Southern Cone parties have exclusively misused the property of these congregations for over two years, it will be even more difficult to renew the mission of these congregations as Episcopal congregations and re-identify these properties and churches, in the minds of the local community, as congregations of The Episcopal Church.

15. **Exclusion from Camp Crucis:** For over two years, Defendants have excluded the Diocese from Camp Crucis, the diocesan camp and conference center in Hood County, preventing the Diocese from using this camp for the ministry of The Episcopal Church in the

Diocese. Our summary judgment evidence shows that the majority of this 160-acre camp was acquired in 1947 from a grantor that expressly required that the property be held in "trust for the use of the Protestant Episcopal Church" by the then-bishop of the Episcopal Diocese of Dallas and his successors.³ I am that successor bishop in the successor diocese of that Church. Since November 2008, we have not had the opportunity to provide for our children and youth the healthy environment of a local Episcopal camping program where they can develop their spirituality and community within The Episcopal Church. Thus, the long term effects of this loss will be at least a generation of our children who will not have had the formative experience of developing their understanding of their life in Christ and ministry at an Episcopal camping program.

16. **Canterbury programs:** "Canterbury" is the historical name of college-level ministries of The Episcopal Church in universities and colleges across the country, a name which college students readily identify with The Episcopal Church. The established Canterbury programs at campuses across this diocese have been destroyed by the Defendants' claim to exclusive use of the "Canterbury" name and their misuse of the name and seal of the Diocese after November 2008. Local administrators at the major campuses of the University of Texas at Arlington and Texas Christian University understandably do not want to become embroiled in a church dispute over which church—The Episcopal Church or the Defendants' new church—is entitled to use the name "Canterbury" for college ministry. Students, including many long-time Episcopalians, who come to college from their home churches outside the Episcopal Diocese of Fort Worth are arguably confused about the affiliation of the alleged "Canterbury" program at their college and may think that it is an Episcopal program instead of being run by those who

³ See A1343-1345 (Ex. O-1, Certified copy of 1947 deed to Charles Avery Mason, as Bishop of the Protestant Episcopal Church, for the Diocese of Dallas (predecessor diocese to Diocese of Fort Worth)).

have left The Episcopal Church. The Episcopal Church's loss of ministry opportunity with these students is devastating. Historically, many members of The Episcopal Church came to The Episcopal Church through Canterbury associations during their college years. In addition, many of our clergy, both those "cradle Episcopalians" and those who became Episcopalians during late adolescence, discovered their vocations during their college years while being encouraged by campus chaplains as part of the Canterbury program. Although we have been forced to start up new ministries under new names at these campuses, the Defendants' hijacking of the "Canterbury" name has injured the success in this important ministry. We do not know, of course, how many students The Episcopal Church has lost because of the lack of an effective Canterbury program or, worse, because students have been misled to think that the "Canterbury" program they encounter through Defendants reflects the theology and ministry of The Episcopal Church. As a result, this harm cannot be measured.

17. **Revenue:** Finally, the loss of donations and other revenue, which has been caused by the usurpation of our facilities and the intentional deception being perpetrated by the Defendants holding themselves out as Episcopalians, is enormous. For example, our summary judgment evidence shows that Defendant Iker solicits "Bishop's Dollars" and litigation funds for his new church while using the name and shield and mailing lists of the Diocese. Similarly, Defendants and the Intervening Congregations continue to collect rentals and distributions from rental property, parking lots, and historic endowments, funds, and foundations given for use of the ministry of The Episcopal Church and its Diocese, not Defendants' new church. For example, Defendant Iker, who has been removed from the ministry of The Episcopal Church since 2008, has been paid after November 2008 from the Fund for the Endowment of the Episcopate that was transferred from the Diocese of Dallas in 1984 to support the Episcopal

bishop of the Diocese. In addition, because of these financial losses, we have not been able to develop some potential ministries and outreach programs, including some opportunities that likely will be lost to us for a generation or more.

18. **Diocesan and Congregation Records:** In addition, the Diocese and its parishes and missions have lost the use of their sacramental, financial, and historical records that are in the possession of the Defendants. Some of these valued archives go back to the early days of the Church's mission in this area but are now in the hands of those who have abandoned more than 170 years of that continuing ministry in this area.

19. These losses are not recoverable now and will not be even when we regain the use of property. We will not likely regain these families and individuals as they have settled into other worshipping communities to avoid the disruption created by Defendants' decision to leave The Episcopal Church. We will not recover the formative summers for all the children that have missed the Episcopal camping program or EYC programs, the crucial college years for students attending area colleges, and the spiritual support and formation of young families in The Episcopal Church. Defendants' counsel has represented that the Defendants are "judgment proof," so collecting a judgment to recover millions of dollars of funds may offer no remedy for our substantial monetary loss.

20. Thus, the damage to the mission and ministry of The Episcopal Church in this Diocese—and to the thousands of loyal Episcopalians who remain committed to that ministry—is significant and irreparable. As a direct result of Defendants' hijacking the Diocesan name, funds, and property, we will likely need a full generation to overcome the damage caused by those who have left The Episcopal Church but continue to use our property, spend our money, and cause confusion to others.

C. Wallis Ohl
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SUBSCRIBED AND SWORN TO BEFORE ME this 21ST day of March, 2011,
to certify which witness my hand and seal of office.

Shirley Smallwood Aug 20, 2014
Notary Public in and for the State of ~~Oklahoma~~ North Carolina

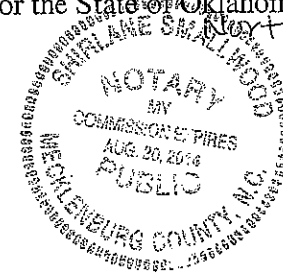


Exhibit A

Congregations of The Episcopal Diocese of Fort Worth

	City	22 Continuing Parishes and Missions	33 Unreorganized Missions
1.	Alvarado		St. Anthony
2.	Arlington	St. Alban	
3.	Arlington		St. Mark
4.	Arlington		St. Peter/Paul
5.	Arlington		St. Philip
6.	Bedford		St. Vincent
7.	Bowie		St. Patrick
8.	Breckenridge		St. Andrew
9.	Brownwood		Good Shepherd
10.	Brownwood		St. John
11.	Burkburnett		St. John the Divine
12.	Cleburne		Holy Comforter
13.	Comanche		St. Matthew
14.	Dublin		Trinity
15.	Eastland		Holy Trinity
16.	Fort Worth	All Saints	
17.	Fort Worth	Christ the King	
18.	Fort Worth	Holy Apostles	
19.	Fort Worth		San Juan Apostol
20.	Fort Worth	St. Andrew	
21.	Fort Worth	St. Anne	
22.	Fort Worth [Keller]		St. Barnabas
23.	Fort Worth	St. Christopher	
24.	Fort Worth	St. Elisabeth	
25.	Fort Worth		St. John
26.	Fort Worth	St. Luke in the Meadow	
27.	Fort Worth		St. Michael
28.	Fort Worth		San Miguel
29.	Fort Worth	St. Simon of Cyrene	
30.	Fort Worth		St. Timothy
31.	Fort Worth	Trinity	
32.	Gainesville		St. Paul
33.	Graford/Possum Kingdom Lake		St. Peter by the Lake
34.	Graham		Holy Spirit
35.	Granbury	Good Shepherd	
36.	Grand Prairie		St. Andrew
37.	Grand Prairie		St. Joseph

38	Grapevine		St. Laurence
39	Hamilton	St. Mary	
40	Henrietta		Trinity
41	Hillsboro	St. Mary	
42	Hubbard		St. Alban
43	Hurst	St. Stephen's	
44	Jacksboro		St. Thomas the Apostles
45	Keller	St. Martin in the Fields	
46	Laguna Park		Our Lady of the Lake
47	Mansfield		St. Gregory
48	Mineral Wells		St. Luke
49	Stephenville	St. Luke	
50	Weatherford	All Saints	
51	Wichita Falls	All Saints	
52	Wichita Falls	Good Shepherd	
53	Wichita Falls	St. Stephen	
54	Willow Park	St. Francis of Assisi	
55	Wise County		Ascension/St. Mark

Pastoral Letter to
The Episcopal Diocese of Fort Worth
To be read at Sunday services

23 January 2011

To the saints of the Church in the Episcopal Diocese of Fort Worth: grace to you and peace from God our Father and the Lord Jesus Christ.

I write to you today regarding the ruling handed down on Friday January 21st by Judge Chupp. I am sure all of you are by now aware that the ruling was made in favor of The Episcopal Church and its Episcopal Diocese of Fort Worth. If you have not read the ruling for yourself, I encourage you to do so. It is very brief and in two parts: one is a ruling for our motion for Summary Judgment and the other is the ruling for The Episcopal Church's motion for Summary Judgment.

The Order calls for the Southern Cone diocesan leaders to surrender diocesan property and assets and render an accounting within sixty (60) days and requires that they not hold themselves out as the leaders of the Episcopal Diocese of Fort Worth. That is the simple part.

The much more complex part concerns our response to the Order and how we will live our commitment to Jesus Christ as His Body the Church. Certainly we can take heart that our position has been validated by the court, but this process has been painful for both sides and there is no room for triumphalism. My hope is that we will together reach out in love to our sisters and brothers who have been separated from us. Let us set such a tone that a healing process can begin that will enable some to eventually return to The Episcopal Church, and for most to remain in place in their church homes when we are able to reclaim possession of the buildings.

As I said at our diocesan convention, no one will be turned out of their church home. That will not happen. To the contrary, we offer them a prodigious welcome.

Our diocese has been preparing for months for the days ahead. St. Paul's condemnation of factionalism in today's Epistle reading from I Corinthians is right on target. (Isn't God's sense of timing wonderful!) This decision simply means we will speed up our work toward reconciliation and healing between the factions. Our task is to redouble our efforts at working toward that time of reconciliation and renewal through prayer, including prayer for those who may now be in despair over the decision.

I ask you to be gentle with those who may have hurt you in the past. I encourage you to reconnect with any with whom you can begin the reestablishment of relationship. Invite them to come and meet and hear Presiding Bishop Katharine Jefferts Schori on Tuesday, February 15th at Southcliff Baptist Church, 4100 Southwest Loop 820, Fort Worth, 76109. The evening begins at 6:00pm with a book signing, followed by a 7pm presentation, meditation, and conversation with the presiding bishop. My hope is that we might have a thousand people, both our own members and members of the Southern Cone, to enter into this dialogue.

Again I express my thanks to you for your love and welcome of me as together we have grown in the mission and ministry of Christ Jesus over the past 15 months. Our Chancellor Kathleen Wells reminded us on the opening night of Diocesan Convention in November 2010, "Keep calm and carry on." I also want to remind you of the words of our Treasurer, Bob Hicks, "We are going to live out of abundance and not scarcity." Our abundance is primarily God's love for us which we must give away and the presence of the Holy Spirit which calls us to use our abundant gifts to draw those around us to Christ.

Pray diligently, give generously of God's love in you, and welcome absolutely everyone in Jesus' name.

Wallis Ohl
Provisional Bishop
The Episcopal Diocese of Fort Worth