

HIGHLAND PARK PRESBYTERIAN
CHURCH INC.

Plaintiff,

v.

GRACE PRESBYTERY, INC.

Defendant.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

298TH JUDICIAL DISTRICT

TEMPORARY INJUNCTION

After considering Plaintiff Highland Park Presbyterian's Original Petition and Application for Injunctive Relief, the Court finds there is evidence that Plaintiff has a probable right to the relief it seeks on final hearing, that harm is imminent to Plaintiff and if the court does not issue the temporary injunction, Plaintiff will be irreparably injured. The Court finds that: (i) Plaintiff is a Texas not-for-profit corporation; (ii) Its primary purpose is not monetary but spiritual and philanthropic; and (iii) Plaintiff supports numerous ministries, missionaries, and charitable endeavors of wide-ranging civic and community impact, including but not limited to: Habitat for Humanity, Interfaith Housing Coalition, Dallas Pregnancy Resource Center, Presbyterian Children's Homes & Service, Salvation Army Partners, food banks, soup kitchens, childhood literacy education programs, prison ministries, adult job training services, and assisted living for the elderly. The Court further finds that absent a temporary injunction, the rights of Plaintiff and its ministry will be irreparably injured, as seizure of Plaintiff's property by Grace Presbytery will adversely impact donations and volunteer support by Plaintiff's congregants. The Court also finds that Plaintiff seeks protection of the ownership, possession and enjoyment of immoveable and personal property and that existing policy and prior action of Grace

Presbytery demonstrates that Plaintiff will suffer irreparable injury if injunctive relief is not granted and, thus, a monetary award is an insufficient remedy at law.

THEREFORE, IT IS HEREBY ORDERED, that this Temporary Injunction be and it is hereby issued against Grace Presbytery of the Presbyterian Church (USA), its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead (herein "Presbytery"). This Temporary Injunction pertains to all property held by or for Highland Park Presbyterian Church and its civil corporation ("HPPC"), both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for, or in the name of HPPC. The Presbytery is enjoined from filing any documents in the deed and conveyance records of Dallas County to assert ownership, use or control, or rights to determine ownership, use or control, to any immovable property titled in the name of HPPC or to assert a trust on behalf of the Presbytery or other affiliated third party over immovable property titled in the name of HPPC, or otherwise held by or for HPPC, the effect of which would be to place a cloud on the title of said immovable property, or otherwise interfere with or disturb plaintiff's ownership, use, control, or disposition of plaintiff's personal or real property, or interfere with plaintiff's right to determine the ownership, use, control, or disposition of personal or real property held by or for HPPC or held in the possession of, control of, or owned by or titled in the name of HPPC.

IT IS FURTHER ORDERED that Grace Presbytery of the Presbyterian Church (USA), and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily enjoined from taking any action that could affect the property rights of HPPC, including but not limited to: 1) seeking to change the locks

of HPPC; 2) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of HPPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation; 3) dissolving HPPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over HPPC in order to assume or effect control over the ownership, use, or disposition of the personal or real property; or, 4) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of HPPC, the governing body of Plaintiff (the session), or the board of trustees (the governing body of Plaintiff) or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.

Nothing in this Temporary Injunction shall preclude the Presbytery from taking ecclesiastical action for non-pretexual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting the ownership, control, use, or disposition of the personal or real property held by, for, or in the name of HPPC.

IT IS FURTHER ORDERED that the trial on the merits is set for non-jury trial on ~~September 9,~~ ^{March 10,} 2014.

IT IS FURTHER ORDERED that the bond in the amount of Five Hundred Dollars (\$500.00) previously filed in support of the Temporary Restraining Order shall remain in effect and serve as bond for this Temporary Injunction.

SIGNED: October 14, 2013, at 3:53 pm


HONORABLE EMILY TOBOLSKY
JUDGE PRESIDING