



THE EPISCOPAL CHURCH, THE RT.  
REV. C. WALLIS OHL, ROBERT HICKS  
FLOYD MCKNEELY, SHANNON SHIPP,  
DAVID SKELTON, and WHIT SMITH

Plaintiffs

VS.

FRANKLIN SALAZAR, JO ANN PATTON,  
WALTER VIRDEN, III, ROD BARBER, CHAD  
BATES, THE RT. REV. JACK LEO IKER, JUDY  
MAYO, JULIA SMEAD, THE REV. CHRISTOPHER  
CANTRELL, THE REV. TIMOTHY PERKINS, and  
THE REV. RYAN REED

Defendants/Counter-Defendants

THE ANGLICAN PROVINCE OF THE SOUTHERN  
CONE'S "DIOCESE OF FORT WORTH"

Defendant/Third-Party Plaintiff/Counter-  
Defendant

THE ANGLICAN PROVINCE OF THE SOUTHERN  
CONE'S "CORPORATION OF THE EPISCOPAL  
DIOCESE OF FORT WORTH"

Intervenor/Third-Party Plaintiff/  
Defendant/Counter-Defendant

ST. ANTHONY OF PADUA CHURCH (Alvarado),  
ST. ALBAN'S CHURCH (Arlington), ST. MARK'S  
CHURCH (Arlington), CHURCH OF ST. PETER and  
ST. PAUL (Arlington), CHURCH OF ST. PHILIP  
THE APOSTLE (Arlington), ST. VINCENT'S  
CATHEDRAL (Bedford), ST. PATRICK'S CHURCH  
(Bowie), ST. ANDREW'S CHURCH (Breckenridge),  
GOOD SHEPHERD CHURCH (Brownwood), ST.  
JOHN'S CHURCH (Brownwood), CHURCH OF ST.  
JOHN THE DIVINE (Burkburnett), HOLY  
COMFORTER CHURCH (Cleburne), ST.  
MATTHEW'S CHURCH (Comanche), TRINITY  
CHURCH (Dublin), HOLY TRINITY CHURCH  
(Eastland), CHRIST THE KING CHURCH (Fort  
Worth), HOLY APOSTLES CHURCH (Fort Worth),  
IGLESIA SAN JUAN APOSTOL (Fort Worth),

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

141<sup>ST</sup> DISTRICT COURT

IGLESIA SAN MIGUEL (Fort Worth), ST. )  
ANDREW'S CHURCH (Fort Worth), ST. ANNE'S )  
CHURCH (Fort Worth), CHURCH OF ST. )  
BARNABAS THE APOSTLE (Fort Worth), ST. )  
JOHN'S CHURCH (Fort Worth), ST. MICHAEL'S )  
CHURCH (Richland Hills), CHURCH OF ST. SIMON )  
OF CYRENE (Fort Worth), ST. TIMOTHY'S )  
CHURCH (Fort Worth), ST. PAUL'S CHURCH )  
(Gainesville), GOOD SHEPHERD CHURCH )  
(Granbury), CHURCH OF THE HOLY SPIRIT )  
(Graham), ST. ANDREW'S CHURCH (Grand )  
Prairie), ST. JOSEPH'S CHURCH (Grand Prairie), ST. )  
LAURENCE'S CHURCH (Southlake), ST. MARY'S )  
CHURCH (Hamilton), TRINITY CHURCH )  
(Henrietta), ST. MARY'S CHURCH (Hillsboro), ST. )  
ALBAN'S CHURCH (Hubbard), ST. STEPHEN'S )  
CHURCH (Hurst), CHURCH OF ST. THOMAS THE )  
APOSTLE (Jacksboro), CHURCH OF OUR LADY )  
OF THE LAKE (Laguna Park), ST. GREGORY'S )  
CHURCH ) (Mansfield), ST. LUKE'S CHURCH )  
(Mineral Wells), CHURCH OF ST. PETER BY THE )  
LAKE (Graford), ALL SAINT'S CHURCH )  
(Weatherford), ALL SAINT'S CHURCH (Wichita )  
Falls), CHURCH OF THE GOOD SHEPHERD )  
(Wichita Falls), CHURCH OF ST. FRANCIS OF )  
ASSISI (Willow Park), and CHURCH OF THE )  
ASCENSION & ST. MARK (Bridgeport) )

Intervenors/Third-Party Plaintiffs/  
Defendants/Counter-Defendants )

VS. )

MARGARET MIEULI, ANNE T. BASS, WALT )  
CABE, THE REV. CHRISTOPHER JAMBOR, THE )  
REV. FREDERICK BARBER, THE REV. DAVID )  
MADISON, ROBERT M. BASS, CHERIE SHIPP, )  
DR. TRACE WORRELL, THE REV. JAMES )  
HAZEL, THE REV. JOHN STANLEY, THE RT. )  
REV. EDWIN F. GULICK, JR. and KATHLEEN )  
WELLS, )

Third-Party Defendants/Counterclaimants )

THE EPISCOPAL CHURCH, )

Third-Party Defendant )

**AFFIDAVIT OF THE RT. REV. C. WALLIS OHL IN SUPPORT OF EPISCOPAL  
PARTIES' MOTION FOR PARTIAL SUMMARY JUDGMENT**

STATE OF TENNESSEE    §  
                                  §  
COUNTY OF FRANKLIN   §

BEFORE ME THE UNDERSIGNED AUTHORITY, on this day personally appeared  
The Rt. Rev. C. WALLIS OHL, who, being by me personally sworn, upon his oath stated:

1. My name is C. Wallis Ohl. I am over eighteen (18) years of age, of sound mind, and fully capable and competent to make this Affidavit. I have personal knowledge of the facts stated herein, and all facts stated herein are true and correct.

2. I am the former Bishop of The Episcopal Church's Diocese of Northwest Texas, having served in that capacity from 1997, when I was ordained a bishop in The Episcopal Church, until January 1, 2009, when I retired. I was ordained to the priesthood in The Episcopal Church in 1974 and served in congregations in two other dioceses before becoming bishop of Northwest Texas in 1997.

3. I was elected by the Convention of the Episcopal Diocese of Fort Worth and installed as the provisional bishop of the Episcopal Diocese of Fort Worth at the 27<sup>th</sup> Annual Meeting of the Diocesan Convention on November 14, 2009. Since November 14, 2009, I have served and continue to serve as the provisional bishop of The Episcopal Church's Diocese of Fort Worth, exercising "all the duties and offices" of the Bishop of the Diocese as authorized under Episcopal Church Canon III.13.

**Diocese of Fort Worth**

4. I attended the 27<sup>th</sup> Annual Meeting of the Diocesan Convention on November 13 - 14, 2009. At that meeting, Bishop Gulick resigned as provisional bishop effective November 14,

2009. On that day I was elected by the Convention of the Episcopal Diocese of Fort Worth and was installed as the provisional bishop of the Episcopal Diocese of Fort Worth. Since November 14, 2009, I have continued to serve as the provisional bishop of The Episcopal Church's Diocese of Fort Worth, exercising "all the duties and offices" of the Bishop of the Diocese as authorized under Episcopal Church Canon III.13. Some of the actions taken at the 27th Annual Meeting of the Diocesan Convention on November 13 -14, 2009 include:

a. I was elected and installed as the second provisional bishop of the Episcopal Diocese of Fort Worth, in consultation with the Presiding Bishop, pursuant to Church Canon III.13.1;

b. Elections were held for positions on the Standing Committee and Board of Trustees of the Diocesan Corporation, and for Chancellor, among other positions, which resulted in the same persons holding those positions as were in place after the Special Meeting of the Convention held on February 7, 2009;

c. The Convention adopted Resolution 1, which ratified the adoption of Resolution 1 at the Special Meeting of the Convention and which declared null and void certain actions taken at and prior to the November 15, 2008 Annual meeting of the Convention under former Bishop Iker's control, including purported amendments of the diocesan Constitution and canons and a resolution purporting to affiliate the Diocese with the Anglican Province of the Southern Cone. A true and correct copy of Resolution 1 is attached hereto as pages 2-4 of **Exhibit 1**;

d. The Convention adopted Resolution 2, which ratified the actions of the February 7, 2009 Special Meeting of the Convention, including a declaration of vacancies in various diocesan offices such as members of the Standing Committee, trustees of the Diocesan

Corporation, Chancellor, and other diocesan offices. A true and correct copy of Resolution 2 is attached hereto as pages 5-6 of **Exhibit 1**;

e. The Convention adopted Resolution 3 regarding church property and litigation, which declared in part that the property of certain parishes and missions of the Diocese, including the property held by each of the Intervening Congregations in the above-referenced litigation, is not being held in compliance with Church Canon I.7.4 or the Constitution and Canons of The Episcopal Church, that those currently in control of the property have no authority to do so, and which commended the Presiding Bishop and Diocesan officials for their leadership in protecting, recovering, and enforcing the interest in diocesan, parish, and mission property for the use and benefit of The Episcopal Church and the Diocese. A true and correct copy of Resolution 3 is attached hereto as pages 7-10 of **Exhibit 1**;

f. The Convention received letters of congratulations and commendation from the Most Rev. Katharine Jefferts Schori, Presiding Bishop and President of the House of Bishops of The Episcopal Church, and from Bonnie Anderson, President of the House of Deputies of the General Convention of The Episcopal Church. True and correct copies of the letters are attached hereto as **Exhibit 2**; and

g. The Convention approved the amendment of the Diocesan Constitution and Canons to remove certain provisions that purportedly were added or changed since the original documents had been adopted in 1982 and which additions or changes were inconsistent with the Constitution and/or Canons of The Episcopal Church.

### **Episcopal Church Recognition of Leaders of the Continuing Diocese of Fort Worth**

5. In addition to the evidence set out in the Affidavit of the Rt. Rev. Edwin F. Gulick (dated July 28, 2009), since November 14, 2009, when I was elected and installed as Provisional

Bishop of the Episcopal Diocese of Fort Worth, The Episcopal Church has recognized me as the Bishop of The Episcopal Church's Diocese of Fort Worth and has recognized the current leadership of the Diocese as the persons authorized to govern the Diocese. For example:

a. As the person serving as the Bishop of the Diocese, I have been asked to give my canonical consent to the ordination of new bishops who have been elected by other dioceses of the Church;

b. The Standing Committee, elected by the Conventions of the Diocese on February 7, 2009 and November 14, 2009, has been asked to give its canonical consent to the ordination of new bishops who have been elected by other dioceses of the Church;

c. I have been recognized and accepted by the Church's House of Bishops as the person holding the office of the Bishop of Fort Worth, and I attended the March 2010 and September 2010 meetings of the House of Bishops of The Episcopal Church in that capacity;

d. The Episcopal Church's Executive Council has accepted the 2009 annual report of the Diocese submitted under my supervision as required by Episcopal Church Canon I.6;

e. The Episcopal Church Annual for 2010, the standard directory of clergy, dioceses, parishes, and congregations of The Episcopal Church, continues to include the Episcopal Diocese of Fort Worth and identifies me as the Provisional Bishop of that Diocese;

f. The Diocese was the host diocese for the triennial National Chancellors' Conference in Fort Worth of the Episcopal Chancellors' Conference on May 6-8, 2010, where over 75 chancellors from across the other 110 dioceses of The Episcopal Church were registered,

and the diocesan chancellor, Kathleen Wells, served on several panels making presentations at the conference;

g. The Diocese was the host diocese for a regional and Province VII training on 2009 revisions to the Title IV ecclesiastical disciplinary canons on May 5, 2010, with church officials from numerous other dioceses attending;

h. The Executive Council of the Episcopal Church has scheduled its quarterly meeting in Fort Worth on February 16-18, 2011. Katie Sherrod, the Communications Director of the Diocese, was elected as a member of the Executive Council at the 2009 meeting of General Convention and continues to serve on that body of the Church;

i. The Church's CREDO program led a seminar entitled "Strength for the Journey," on September 24-25, 2010 in Arlington, Texas, for more than 150 clergy and lay leaders of the Diocese of Fort Worth to encourage and to instruct in means to continue the reorganization of the ministry of the continuing Diocese, despite the disruptions caused by former leaders who left the Church and the Diocese and continue to possess temporarily its property and funds; and

j. Four of the deputies from Fort Worth to the Church's 2009 General Convention were appointed by Church authorities to various committees, commissions, agencies, and boards of The Episcopal Church: Katie Sherrod to the Communications Committee; The Rev. Canon Courtland Moore to the Social and Urban Concerns Committee; Kathleen Wells to the Standing Commission on Constitution and Canons; and The Rev. David Madison to the Program Budget and Finance Committee.



**Leaders of the Episcopal Diocese of Fort Worth,  
Corporation of the Episcopal Diocese of Fort Worth, and  
Fund for the Endowment of the Episcopate**

6. I have read the affidavit of The Rt. Rev. Edwin F. Gulick, Jr. (dated July 28, 2009), that previously was filed in this case. Since November 14, 2009 the unauthorized actions of Bishop Iker and other persons described by Bishop Gulick have continued as they use and/or possess most of the property, including real and personal property, records, funds, and the distinctive seal and trade names of The Episcopal Church's Diocese of Fort Worth, Corporation of the Episcopal Diocese of Fort Worth, and Fund for the Endowment of the Episcopate, even though those persons no longer have any connection with The Episcopal Church, its Diocese of Fort Worth, or the Diocesan Corporation or Endowment Fund, and despite demand that such property be returned for use in support of the continued mission of The Episcopal Church and its Diocese of Fort Worth.

7. The faction or entity headed by Jack Leo Iker is not the Episcopal Diocese of Fort Worth, and its agents, including their counsel, have no authority to speak for the Episcopal Diocese of Fort Worth or the Corporation for the Episcopal Diocese of Fort Worth that were formed effective 1983.

8. As indicated above, I am—and Jack Leo Iker is not—the legitimate and duly and properly elected Bishop of the Episcopal Diocese of Fort Worth that was formed effective 1983.

9. The Rev. James Hazel, Cherie Shipp, Trace Worrell, Robert M. Bass, The Rev. John Stanley, and I—and not Franklin Salazar, Jo Ann Patton, Walter Virden III, Rod Barber, Chad Bates, and Jack Leo Iker—are the legitimate and duly and properly elected Trustees of the Corporation of the Episcopal Diocese of Fort Worth that was formed effective 1983.

10. Margaret Mieuli, Walt Cabe, Anne T. Bass, The Rev. J. Frederick Barber, The Rev. Christopher Jambor, and The Rev. David Madison—and not Judy Mayo, Franklin Salazar, Julia Smead, the Rev. Christopher Cantrell, the Rev. Timothy Perkins, and the Rev. Ryan Reed—are the legitimate and duly and properly elected members of the Standing Committee of the Episcopal Diocese of Fort Worth that was formed effective 1983.

11. Robert Hicks, Floyd McKneely, Shannon Shipp, David Skelton, Whit Smith, the Rev. James Hazel, and Anne T. Bass—and not Franklin Salazar, Jo Ann Patton, Walter Virden III, Rod Barber, and Chad Bates—are the legitimate and duly and properly elected members of the Board of the Fund for the Endowment of the Episcopate of the Episcopal Diocese of Fort Worth formed effective 1983.

12. Effective July 6, 2009, Bishop Gulick inhibited a number of members of the diocesan clergy who had abandoned The Episcopal Church and refused to recognize the authority of Bishop Gulick and instead had begun doing ministry under the authority of Jack Leo Iker and the Anglican Province of the Southern Cone after November 15, 2008. Pursuant to the procedures required by the Canons of the Church, I then deposed some 57 of those clergy on February 15, 2010, including the Rev. Thomas E. Hightower, the Rev. Christopher Cantrell, the Rev. Timothy Perkins, and the Rev. Ryan Reed, who purport to serve on the Standing Committee under Bishop, and most of the purported clergy serving in the Intervening Congregations. A true copy of the notice of deposition is attached as **Exhibit 3**.

13. Each of the 55 parishes and missions that were part of the Diocese on November 14, 2008 is still a part of The Episcopal Church and its Episcopal Diocese of Fort Worth and remains subject to The Episcopal Church and its Constitution and Canons. Some of the missions are still in the process of reorganizing; some of the parishes and missions are forced to meet in

temporary space because former Episcopalians are wrongfully possessing and using the property given for the ministry and mission of the Episcopal Church and its continuing Diocese of Fort Worth.

  
The Rt. Rev. C. Wallis Ohl

SUBSCRIBED AND SWORN TO BEFORE ME this 13 day of October, 2010.

  
Notary Public, State of Tennessee

My commission expires: 3/18/14







REPORT OF THE  
RESOLUTIONS COMMITTEE

27<sup>th</sup> ANNUAL CONVENTION  
NOVEMBER 13-14, 2009

## RESOLUTION 1

### **RESOLUTION RATIFYING ACTION ADOPTING RESOLUTION 1 AT SPECIAL CONVENTION AND DECLARING NULL AND VOID CERTAIN PROVISIONS OF DIOCESAN CONSTITUTION AND CANONS AND RESOLUTIONS**

WHEREAS, some of the former leadership of the Episcopal Diocese of Fort Worth embarked on a plan to leave the Episcopal Church and purportedly for the Diocese to dissolve its affiliation with the Episcopal Church; and

WHEREAS, in a series of Annual Diocesan Conventions steps were taken by diocesan leadership to modify the Diocesan Constitution and Canons in furtherance of that plan, and in 2007 and 2008 a majority of the delegates voted in favor of certain changes to the Diocesan Constitution and Canons and passed a Resolution, all in an attempt to effect their plan to leave the Episcopal Church; and

WHEREAS certain of those actions are null and void on their face because they are in contravention of the Constitution and/or Canons of the Episcopal Church and/or applicable law and thus are unenforceable, including but not limited to the attempted unilateral disassociation of the Diocese itself from the Episcopal Church, a continuing claim of former diocesan leadership to church property in the Diocese, and an attempted affiliation of the Diocese with the Anglican Province of the Southern Cone; and

WHEREAS, at the Special Meeting of the Convention on February 7, 2009 the Convention adopted Resolution 1 and acknowledged that the need existed to immediately declare those actions to be unenforceable until such time as those governing documents can be formally amended to bring them into conformity with the Constitution and Canons of the Episcopal Church, as provided in the Diocesan Constitution and Canons, beginning at the next Annual Diocesan Convention in 2009; and

WHEREAS, at this Annual Meeting of the Convention, which is the first annual meeting following the illegal actions taken at the November 15, 2008 Annual Meeting of the Convention and following the Special Meeting of the Convention on February 7, 2009, the Convention will be able to amend the canons under Diocesan Constitution Article 18 to delete the illegal provisions of the canons to be effective upon adjournment of this meeting but will only be able to cast the first of two votes required under Diocesan Constitution Article 19 to amend the provisions of the Constitution to delete the illegal provisions to be effective at the adjournment of the Convention's annual meeting in 2010; and

WHEREAS the Convention desires to reaffirm and ratify its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare certain provisions of the Constitution, Canons, and Resolutions purportedly adopted as of November 15, 2008 to be null and void and unenforceable from their inception; and

WHEREAS the Convention further desires to declare that the illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be declared null and void and unenforceable until they are formally amended.

BE IT THEREFORE RESOLVED, that the Convention reaffirms and ratifies its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare the following certain provisions of the Constitution, Canons, and Resolutions to be null and void and unenforceable from their inception; and

BE IT FURTHER RESOLVED, that the Convention further declares that during the time between this Annual Meeting of Convention in 2009 and the Annual Meeting of Convention in 2010, the following illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be and are hereby declared null and void and unenforceable until they are formally amended:

Reference	Unenforceable Provision	Reason
Constitution: Preamble (revised 2008)	Deletion of the phrase: "The Episcopal Church, resident in that portion of the State of Texas constituting what is known as . . ."	The Diocese needs geographic boundaries to determine jurisdiction, in conformity with historic understanding of the episcopacy. The provision also needs a reference to Lay and Clergy as being members of the Episcopal Church.
Constitution Article I— Anglican Identity (revised 2008)	Entire Article	The Article deletes all reference to the diocese as a constituent diocese in The Episcopal Church and the authority of its General Convention.
Constitution Article I— Authority of General Convention (revised 1997)	Inclusion of the phrase: ". . . , provided that no action of General Convention which is contrary to Holy Scripture and the Apostolic Teaching of the Church shall be of any force or effect in this Diocese."	Episcopal Church Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
Constitution Article 18—	Deletion of the phrase: ". . .	Episcopal Church

Canons (revised 2008)	and the Constitution and Canons of the Episcopal Church,” in the first sentence.	Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
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Submitted by: The Constitution and Canons Committee

**EXPLANATION:**

Under Constitution Article 18 the illegal provisions of the canons can be amended effective the adjournment of the Convention. However, it takes votes in two consecutive Annual Conventions to amend the Constitution. This resolution continues the February 7, 2009 declaration of Resolution 1 to declare the illegal provisions of the Constitution to be null and void and unenforceable as we await the second vote at the Annual Convention in 2010 to formally remove that illegal language from the Constitution that is inconsistent with the Church Constitution and canons.



## RESOLUTION 2

### **RESOLUTION RATIFYING RETROACTIVELY ACTIONS OF FEBRUARY 7, 2009 SPECIAL MEETING OF CONVENTION**

WHEREAS, as a result of the actions taken at the November 15, 2008 Annual Convention of the Diocese, a significant number of diocesan leaders, both lay and clergy, left the Episcopal Church and its Episcopal Diocese of Fort Worth and claim to have become members of the Anglican Province of the Southern Cone; and

WHEREAS, on December 5, 2008 the Presiding Bishop of the Episcopal Church accepted the renunciation by the former bishop, The Rt. Rev. Jack L. Iker, of his ministry in the Episcopal Church; and

WHEREAS, on December 15, 2008 the Presiding Bishop declared that the members of the Standing Committee of the Diocese were no longer qualified to serve on the Diocesan Standing Committee as they had left the Episcopal Church; and

WHEREAS, because of the actions of former diocesan leaders the Diocese was without a bishop, a standing committee, or other critical diocesan officials to continue the work of the Diocese and the mission of the Episcopal Church; and

WHEREAS, the Presiding Bishop called a special meeting of the Convention of the Episcopal Diocese of Fort Worth for February 7, 2009 to elect a provisional bishop and fill other vacancies in Diocesan offices and take other actions necessary to reorganize the Diocese; and

WHEREAS, at this Annual Meeting the Convention desires to ratify and confirm the calling of that Special Meeting, seating of delegates from the various congregations, and its actions taken at that Special Meeting, including but not limited to each of the resolutions adopted by the Convention and each election and appointment to fill vacant Diocesan offices; and

WHEREAS, despite extensive notice and publicity before and after the February 7, 2009 Special Meeting of Convention regarding the reorganization of the Diocese, including the filling of vacant Diocesan offices, and the continued mission of The Episcopal Church through its reorganized Episcopal Diocese of Fort Worth under the leadership of Bishop Edwin F. Gulick, Jr. and further despite numerous opportunities after February 7, 2009, none of the former Diocesan officials, whose positions were declared to be vacant and which positions were filled on or after February 7, 2009, have made known to Bishop Edwin F. Gulick, Jr. or any other Diocesan or Church officials that the official was qualified to exercise and desired to exercise the duties of that office in the continuing, reorganized Diocese because the official had not left The Episcopal Church and still was a member of the clergy or a lay member in good standing in The Episcopal Church and would conform to his or her ordination vows and/or meet the fiduciary duties required by Church canons in the continued work of the reorganized Diocese; and

WHEREAS, the procedures provided by the Diocesan Constitution and Canons to call the Special Meeting of Convention, select delegates from the various congregations in the

Diocese, or to fill those Diocesan positions so vacated by former diocesan leaders were impossible to comply with as a direct result of the actions of former Diocesan leaders; and

WHEREAS, the Diocese was and remains otherwise burdened by the extraordinary circumstances created by the decisions made at the 26<sup>th</sup> Diocesan Convention in 2008 and consequent abandonment of the Episcopal Church and its Episcopal Diocese of Fort Worth by Diocesan leaders; and

WHEREAS, under these extraordinary circumstances strict application of the provisions of the Diocesan Constitution and Canons regarding filling vacant Diocesan offices would have paralyzed the Diocese and worked an injustice, contrary to the intention and purpose of the Constitution and Canons; and

WHEREAS, it was and is in the best interest of the Episcopal Church and its continuing Episcopal Diocese of Fort Worth for the Convention of the Diocese to have met in February 7, 2009 and to have declared certain offices to be vacant and to have expeditiously selected and installed qualified officials to fill the offices vacated by those who have left the Episcopal Church so that the work and mission of the Diocese may have proceeded in the months proceeding this Annual Meeting of the Convention, which it has done.

BE IT THEREFORE RESOLVED that the Convention hereby declares that, in addition to those offices previously declared vacant by the Presiding Bishop, the offices filled by election or appointment on and after February 7, 2009 were in fact vacant on February 7, 2009 and the procedures for filling those vacancies are hereby ratified and regularized even if there were not technical compliance with the applicable governance provision in doing so.

IT IS FURTHER RESOLVED that the Convention hereby declares that each of the resolutions, elections, appointments, and other actions taken at the Special Meeting of the Convention, including but not limited to the call of the Special Meeting of Convention, the selection and qualification of deputies from the various congregations in the Diocese, and the filling of those Diocesan positions so vacated by former diocesan leaders, be and are hereby declared to be ratified retroactively to February 7, 2009.

IT IS FURTHER RESOLVED that, to the extent it was impossible to comply with the procedures established by the Constitution or Canons or other applicable authority to fill the vacancies in these offices, the Convention finds that the procedures used to fill those vacancies at and after that Special Meeting of the Convention be and are hereby declared to be valid.

Submitted by: The Resolutions Committee

#### EXPLANATION

The actions of former diocesan leaders made it impossible to comply with certain canonical and constitutional provisions related to the Special Convention. By this resolution the Convention at its Annual Meeting ratifies and acknowledges that those actions are valid.

**RESOLUTION 3**

**CHURCH PROPERTY AND LITIGATION**

WHEREAS Church Canon I.7.4 documents the existing trust interest of The Episcopal Church and its Episcopal Diocese of Fort Worth in all parish and mission property, real and personal, in the Diocese; and

WHEREAS Canon I.7.4 conditionally grants limited authority and power to local parish and mission officials to use and control the property only “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons;” and

WHEREAS since at least November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of certain parishes and missions which, though they are still part of The Episcopal Church and this Diocese, have been adversely held, used and controlled by those who claim not to be subject to The Episcopal Church and its Constitution and Canons and have permitted unauthorized use of the parish or mission property in violation of Church and Diocesan Constitution and Canons, including the conditional authority granted under Church Canon I.7.4; and

WHEREAS such actions constitute a violation of the fiduciary duties imposed on church officials under Church Canon I.17.8, and/or a violation of oaths of ordination to “conform to the Doctrine, Discipline, and Worship of The Episcopal Church” under Church Constitution Article VIII; and

WHEREAS, despite ample opportunity since November 15, 2008, those persons have failed to acknowledge the authority of the Provisional Bishop and other officials of the Diocese or of The Episcopal Church and failed to acknowledge the interest of the Church and the Diocese in the property.

BE IT THEREFORE RESOLVED that the Convention does hereby declare that as of on or about November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of the following parishes and missions of the Diocese have not been held in compliance with the conditional grant of authority to parish and mission leaders to use and control the property under Church Canon I.7.4:

City	Non Compliant
Alvarado	<i>St. Anthony M</i>
Arlington	St. Alban**
Arlington	St. Mark
Arlington	St. Peter/Paul
Arlington	<i>St. Philip M</i>
Bedford	St. Vincent
Bowie	<i>St. Patrick M</i>
Breckenridge	St. Andrew
Brownwood	Good Shepherd

Brownwood	St. John
Burkburnett	<i>St. John the Divine M</i>
Cleburne	Holy Comforter
Comanche	<i>St. Matthew M</i>
Dublin	<i>Trinity M</i>
Eastland	<i>Holy Trinity M</i>
Fort Worth	Christ the King**
Fort Worth	Holy Apostles**
Fort Worth	<i>San Juan Apostol M</i>
Fort Worth	St. Andrew
Fort Worth	St. Anne**
Fort Worth	<i>St. Barnabas M</i>
Fort Worth	St. John
Fort Worth	St. Michael
Fort Worth	<i>San Miguel</i>
Fort Worth	St. Simon Cyrene**
Fort Worth	<i>St. Timothy M</i>
Gainesville	St. Paul
Graford	<i>St. Peter by the Lake M</i>
Graham	<i>Holy Spirit M</i>
Granbury	Good Shepherd**
Grand Prairie	St. Andrew
Grand Prairie	<i>St. Joseph M</i>
Grapevine	St. Laurence
Hamilton	<i>St. Mary M**</i>
Henrietta	<i>Trinity M</i>
Hillsboro	<i>St. Mary M**</i>
Hubbard	<i>St. Alban M</i>
Hurst	St. Stephen**
Jacksboro	<i>St. Thomas the Apostle M</i>
Laguna Park	<i>Our Lady of the Lake M</i>
Mansfield	St. Gregory
Mineral Wells	<i>St. Luke</i>
Weatherford	All Saints**
Wichita Falls	All Saints**
Wichita Falls	Good Shepherd**
Willow Park	St. Francis of Assisi**
Wise County	<i>Ascension/St. Mark M</i>

[\*\* For these congregations the vestry or bishop's committees have reorganized but are not in possession or control of the real and personal property of the parish or mission that existed as of November 15, 2008.]

BE IT FURTHER RESOLVED that the Convention declares that the persons who are adversely occupying, possessing, and controlling the above-referenced parish and mission property have no authority to do so.

BE IT FURTHER RESOLVED that the Convention ratifies and supports the efforts of Presiding Bishop Katharine Jefforts-Schori and Bishop Edwin F. Gulick, Jr. and other Church and Diocesan leaders for their stewardship and strong leadership to protect and enforce the interest of The Episcopal Church and the Episcopal Diocese of Fort Worth in, and to protect and

recover possession of, the diocesan, parish and mission property for the mission, use, and benefit of The Church and its Diocese.

**EXPLANATION:**

Canon I.7.4 (the “Dennis Canon”) was adopted by General Convention in 1979 before the formation of the Diocese. The Diocese made an unqualified accession as a condition of its formation, with consent of General Convention in 1982, from the Diocese of Dallas in 1983. The Dennis Canon recognizes the long-standing trust interest of The Episcopal Church and its Episcopal Diocese of Fort Worth in parish and mission property in the Diocese. It provides a condition, however, that the various congregations may exercise authority over the property “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.”

The reality is that since November 15, 2008 in some of the congregations of the Diocese the persons who are currently in possession and control of the property now claim to not be subject to the Episcopal Church or its Constitution and Canons and instead claim to be subject to the Anglican Province of the Southern Cone. Since November 15, 2008 these persons have also permitted the property to be used for the use and benefit of a church which is not The Episcopal Church, a use not authorized by The Episcopal Church or the Diocese, in violation of the Church and Diocesan Constitution and Canons.

Despite this misuse of the property, these Episcopal congregations and their property are still a part of this Church and the Diocese. In some congregations the loyal Episcopalians who remain have reorganized their vestries and called clergy as they actively continue the mission of the congregation; in others the loyal Episcopalians have not yet reorganized.

This resolution declares that the real and personal property of those congregations, as it existed on November 15, 2008, is not being administered by the persons in control in compliance with the Dennis Canon and thus those persons have and have had no authority to control the property since November 15, 2008. The resolution also ratifies the actions of the Church and Diocese to protect and recover possession and use of this property.

Below are excerpts (emphasis added) of some of the canons related to this resolution:

**EPISCOPAL CHURCH CANON I.7.4 (DENNIS CANON)**

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

#### **EPISCOPAL CHURCH CANON II.6.4**

Sec. 4. Any dedicated and consecrated Church or Chapel shall be subject to the trust declared with respect to real and personal property held by any Parish, Mission, or Congregation as set forth in Canon I.7.4.

#### **DIOCESAN CANON 30 USE OF DEDICATED AND CONSECRATED CHURCHES**

Sec. 30.1 The dedicated and consecrated Churches and Chapels of the several Parishes and Missions of the Diocese may be opened only for the services, rites and ceremonies, or other purposes, either authorized or approved by this Church, and for no other use.

Submitted by The Resolutions Committee

**RESOLUTION 4**

**PROVISIONAL BISHOP**

WHEREAS, the Rt. Rev. Edwin F. Gulick, Jr. has given notice of his intention to resign as Provisional Bishop of the Episcopal Diocese of Fort Worth (the "Diocese"); and

WHEREAS the Standing Committee of the Diocese has consulted pursuant to Canon III.13.1 of the General Convention of the Episcopal Church, with the Presiding Bishop Katharine Jefferts Schori regarding continued placement of the Diocese under the provisional charge and authority of a Bishop of another Diocese or of a resigned Bishop, and recommends The Rt. Rev. \_\_\_\_\_ to serve as the second Provisional Bishop of the Diocese and calls for his election.

BE IT THEREFORE RESOLVED that this Convention, regretfully but with gratitude for his exemplary service to the Diocese and the Church, accepts the resignation of the Rt. Rev. Edwin F. Gulick, Jr. as Provisional Bishop of the Diocese, effective the date of his resignation.

BE IT FURTHER RESOLVED that, pursuant to Canon III.13.1 of the General Convention of the Episcopal Church, this Convention, in consultation with the Presiding Bishop Katharine Jefferts Schori, places the Diocese under the provisional charge and authority of the Rt. Rev. \_\_\_\_\_ (the "Provisional Bishop"), a resigned bishop in good standing with the Episcopal Church to serve beginning the effective date of Bishop Gulick's resignation.

BE IT FURTHER RESOLVED that the Provisional Bishop, who shall serve with jurisdiction, shall be authorized to exercise all the duties and offices of Bishop of the Diocese until such time a bishop is elected and ordained for the Diocese or until this action is revoked by this Convention.

BE IT FURTHER RESOLVED that the Standing Committee of the Diocese shall be authorized to enter into an agreement with the Provisional Bishop providing for the compensation and benefits of the Provisional Bishop.

**EXPLANATION:**

A Provisional Bishop has the same authority, duties and responsibilities as a Diocesan Bishop. It is critical that a Provisional Bishop be utilized to successfully meet the current pastoral, governance, and legal challenges facing the Diocese. The utilization of a Provisional Bishop with the authority of a Diocesan Bishop will ensure that the necessary tools and authority be available and utilized to ensure a successful continued reorganization of the Diocese and the protection of the Diocese and its assets.

Below is an excerpt of the relevant Church Canon regarding provisional bishops:

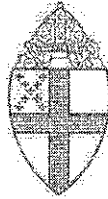
**TITLE III, CANON 13, Sec. 1.** A Diocese without a Bishop may, by an act of its Convention, and in consultation with the Presiding

Bishop, be placed under the provisional charge and authority of a Bishop of another Diocese or of a resigned Bishop, who shall by that act be authorized to exercise all the duties and offices of the Bishop of the Diocese until a Bishop is elected and ordained for that Diocese or until the act of the Convention is revoked.

Submitted by the Resolutions Committee.







## THE EPISCOPAL CHURCH

The Most Reverend Katharine Jefferts Schori  
*Presiding Bishop and Primate*

November 12, 2009

To the People of Fort Worth:

I give thanks for your strong and faithful ministry over the last year. You continue to witness to the power of the resurrection, giving an account of the faith that is within you. You give hope to others as well!

I am abundantly grateful for the highly effective and courageous leadership of Bishop Gulick in your midst, and hope you will say farewell to him in appropriate ways. I know that he will carry you with him in his heart. People of faith are changed by common experience of grief and trauma like yours. You have walked through the valley of the shadow of death, and you have known God's presence in your midst. Thank God for Bp. Gulick's ministry of accompaniment!

I am also very grateful for the willingness of Bishop Ohl to join you for the next stage of your journey. I know his gifts of clarity and good humor will be important as you continue your climb out of the valley and begin to survey the landscape around you. Ask him about the Llano Estacado, and what it may have to say about the journey ahead.

Keep walking, and know who walks with you. You continue in my prayers. I remain

Your servant in Christ,

Katharine Jefferts Schori



THE EPISCOPAL CHURCH  
THE GENERAL CONVENTION

BONNIE ANDERSON, D.D.  
PRESIDENT OF THE HOUSE OF DEPUTIES



November 6, 2009

Dear Deputies and First Alternates,

My thoughts and prayers are with you and the Diocese of Fort Worth as you approach the 27th gathering of the people of God at the diocesan convention.

I would like to offer my sincere thanks to you for your generosity of spirit in your preparation for General Convention and for your faithful participation in all that the House of Deputies accomplished at General Convention in Anaheim.

For the 76th time in the history of The Episcopal Church, in Anaheim we experienced how the Holy Spirit works through our governance structure, fashioned by our founders, that requires the equal participation of laity, clergy and bishops. Centered in our community worship, we navigated difficult decisions with care and prayer.

Now we begin again, clergy, bishops, laity, all taking our places in the councils of the Church as called for in our Catechism. Your diocesan convention offers the opportunities for relationship building, mission development and leadership. All are enabled by God in a unique gathering of all the baptized. As deputies, elected by and trusted by your diocese, you have been called into continuing leadership.

Leadership in "tough times" is challenging. We are called to do more ministry with fewer material resources. But our spiritual resources have not been diminished. Our spiritual resources are strengthened and increased as we come together in Christian community. Jesus is as close to us as our own breath.

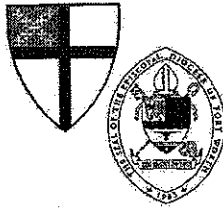
I pray that the convention of the Diocese of Fort Worth is spirit-filled, generous and joyful and that you are happy and at peace.

In thanksgiving for your ministry,

*Bonnie Anderson*

Bonnie Anderson, D.D.  
President, The House of Deputies





# THE EPISCOPAL DIOCESE OF FORT WORTH

The Rt. Rev. C. Wallis Ohl, Jr., *Provisional Bishop of Fort Worth*

February 15, 2010

To: The Presiding Bishop  
The Bishops of the Episcopal Church  
The Ecclesiastical Authorities of Dioceses without Bishops  
The Secretary of the House of Bishops  
The Secretary of the House of Deputies  
The Recorder of Ordinations  
The Church Deployment Office  
The Church Pension Fund  
The Clergy of the Episcopal Diocese of Fort Worth  
The Vestries of Episcopal Diocese of Fort Worth  
The Secretary of the Convention of the Episcopal Diocese of Fort Worth  
The Standing Committee of the Episcopal Diocese of Fort Worth  
Each of the Priests and Deacons the subject of this Notice of Deposition

## **Notice of Deposition of Priests and Deacons For Abandonment of Communion of The Episcopal Church**

On July 2, 2009, in accordance with the determination of the Standing Committee of the Episcopal Diocese of Fort Worth, the following Priests and Deacons were inhibited pursuant to the provisions of Title IV.10.1. The canonically required time of the inhibition having elapsed without reconciliation or renunciation, retraction, or denial as provided by Canon IV.10.2, I hereby adjudge and pronounce upon each of the following Priests and Deacons the Sentence of Deposition, pursuant to Canon IV.10.2.(i) and Canon IV.12.1.(d).(1).(iv), as a result of their having abandoned the Communion of The Episcopal Church:

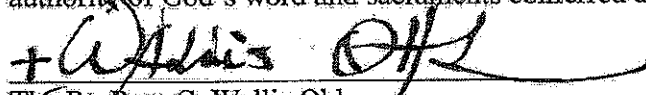
The Rev. Dewayne M. Adams  
The Rev. H. Jay Atwood  
The Rev. J. Ronald Baker  
The Rev. Patricia A. Banks  
The Rev. Canon William E. Blewett  
The Rev. Andrew F.L. Bradley  
The Very Rev. Christopher T. Cantrell  
The Rev. Richard A. Cantrell  
The Rev. William A. Crary  
The Rev. Christopher Culpepper  
The Rev. Sergio Diaz

The Rev. William R. Dickson  
The Rev. Jonathan Duncan  
The Rev. James A. Eanes  
The Rev. Lana K. Farley  
The Rev. Randall Foster  
The Rev. Roger Grist  
The Rev. Dennis W. Helbert  
The Rev. Thomas E. Hightower  
The Rev. Charles Hough IV  
The Rev. Cecil Dow James  
The Rev. Stephen W. Jones

The Rev. Kingsley Obi Jon-Ubabuco  
 The Rev. John W. Jordan  
 The Rev. Terence N. Jordan  
 The Rev. Thomas B. Kennedy  
 The Rev. David F. Klein  
 The Rev. Edward F. Kresowatty  
 The Rev. I. Javier Loyo  
 The Rev. Kenneth W. MacKenzie  
 The Rev. Timothy M. Matkin  
 The Rev. Sandra McCown  
 The Rev. Alan E. McGlauchlin  
 The Rev. George L. Milyiori  
 The Rev. Robert O. Mitchell  
 The Rev. Chad Nusbaum  
 The Rev. Canon David E. Nyberg  
 The Rev. William E. O'Connell  
 The Rev. Jonathan Ogujiofor  
 The Rev. Vance C. Page

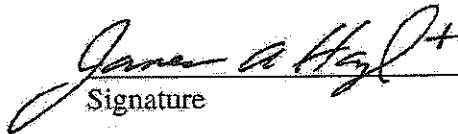
The Rev. Timothy P. Perkins  
 The Rev. John M. Phelps  
 The Rev. Darryl J. Pigeon  
 The Very Rev. Ryan S. Reed  
 The Rev. W. Ann Richards  
 The Rev. Zeke L. Rogers  
 The Rev. Stuart B. Smith  
 The Rev. Micah Snell  
 The Very Rev. Christopher C. Stainbrook  
 The Rev. Mark Stockstill  
 The Rev. S. Philip Swickard  
 The Rev. Louis L. Tobola  
 The Rev. Kerwin K. Wade  
 The Rev. Nancy S. Weaver  
 The Rev. Joshua Whitfield  
 The Very Rev. J. Scott Wilson  
 The Very Rev. Scott R. Wooten

I declare that from and after 12:01 a.m. on Tuesday, February 16, 2010 each of these Priests and Deacons shall be deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination in this Church.

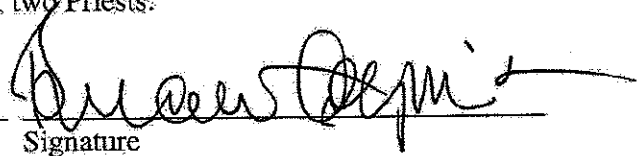


The Rt. Rev. C. Wallis Ohl,  
 Provisional Bishop  
 Episcopal Diocese of Fort Worth

Pronounced and declared in the presence of two Priests:

  
 Signature

James A. Hazel  
 Printed Name

  
 Signature

Bruce W. Coggins  
 Printed Name