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53/31.0
8803-01

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DONALD L. BARNETT,

Plaintiff,

v.

JACK A. HICKS, JACK H. DuBOIS and
E. SCOTT HARTLEY, individually
and as the Board of Directors
of COMMUNITY CHAPEL AND BIBLE
TRAINING CENTER AND COMMUNITY
CHAPEL AND BIBLE TRAINING
CENTER,

Defendants.

88-2 04148 2

NO.

SUMMONS

(20 days)

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by Donald L. Barnett, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the attorney signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice.

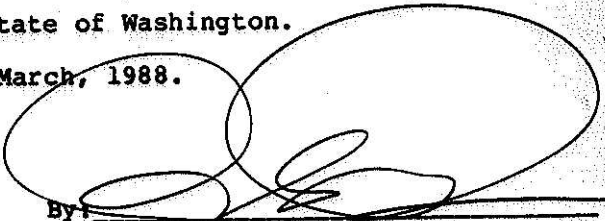
1 A default judgment is one where the plaintiff is entitled to what
2 he asks for because you have not responded. If you serve a
3 notice of appearance on the undersigned attorney, you are
4 entitled to notice before a default judgment may be entered.

5 You may demand that the plaintiff file this lawsuit with the
6 court. If you do so, the demand must be in writing and must be
7 served upon the attorney signing this summons. Within 14 days
8 after you serve the demand, the plaintiff must file this lawsuit
9 with the court, or the service on you of this summons and
10 complaint will be void.

11 If you wish to seek the advice of an attorney in this matter,
12 you should do so promptly so that your written response, if any,
13 may be served on time.

14 This summons is issued pursuant to rule 4 of the Superior
15 Court Civil Rules of the State of Washington.

16 DATED this 4th day of March, 1988.



17
18 By _____
19 Rodney G. Pierce
20 Attorney for Plaintiff

1 2.1 On November 1, 1967, the plaintiff Donald L. Barnett and
2 the defendant E. Scott Hartley, along with third parties Lyle L.
3 Bullinger and Keith E. Gunn executed the original Articles of
4 Incorporation of Community Chapel and Bible Training Center as
5 incorporators thereof.

6 2.2 As a portion of the original Articles of Incorporation,
7 Article VI, Section I, provided as follows:

8 Amendments to these Articles of Incorporation may
9 be made by a three-fourths affirmative vote of the
10 Board of Elders and the original Pastor's concurrence
11 if still presiding.

12 2.3 The Articles of Incorporation of Community Chapel were
13 amended by Articles of Amendment filed on September 14, 1979 with
14 the Secretary of State of the State of Washington. Pursuant to
15 the terms thereof, the original Articles of Incorporation, provi-
16 sion 2, was deleted in its entirety and in its place was substi-
17 tuted a new Article II, providing as follows:

18 This corporation shall have no members. All deci-
19 sion-making authority for this corporation shall be
20 hereafter vested in the Board of Directors, except as
21 specifically limited by the corporation bylaws.

22 III.

23 3.1 A meeting of the Board of Directors of Community Chapel
24 was held on August 25, 1981 at which time all directors of
25 Community Chapel were present and further amendments to the
Articles of Incorporation of Community Chapel received a unanimous
affirmative vote including the concurrence of the original Pastor,

1 Donald Lee of all the defendants herein, Barnett, the plaintiff
2 herein.

3 3.2 The Articles of Amendment of the Articles of
4 Incorporation of Community Chapel were executed in duplicate and a
5 copy of said articles, along with the Certificate of the Secretary
6 of State of the State of Washington certifying to the Articles of
7 Amendment dated November 17, 1981 is attached hereto as Exhibit
8 "A."

9 3.3 On the 27th day of August, 1981 in front of a notary
10 public in and for the State of Washington, each of the Senior
11 Elders of Community Chapel, namely, Jack A. Hicks, Jack H. DuBois
12 and E. Scott Hartley, the defendants herein, along with the origi-
13 nal Pastor, Donald Lee Barnett, the plaintiff herein, executed the
14 Articles of Amendment as attached hereto.

15 3.4 Article VI of the Articles of Incorporation of Community
16 Chapel were amended with the consent and written approval of each
17 of the defendants herein to read as follows from August 25, 1981
18 up to and including the present:

19 Article VI: Amendments and Bylaws.

20 "Section 1: Amendments to these Articles of
21 Incorporation may be made by a three-fourths (3/4)
22 affirmative vote of the Board of Senior Elders and
the original Pastor's concurrence, if he is still
presiding.

23 "Section 2: The Bylaws shall be the governing law
24 for the internal affairs of this corporation to the
25 extent that they are not inconsistent with these
Articles of Incorporation.

1 "Section 3: The Bylaws of the Corporation may be
2 amended by a three-fourths (3/4) affirmative vote of
3 the Board of Senior Elders and the original Pastor's
4 concurrence, if he is still presiding.

5
6 IV

7 4.1 The Articles of Incorporation of Community Chapel were
8 filed pursuant to RCW 24.08. The provisions of RCW 24.08 were
9 repealed by the laws of 1967, Chapter 235 and made effective July
10 1, 1969 at which time the current Chapter 24.03 of the Revised
11 Code of Washington, being the Washington Non-Profit Corporation
12 Act became effective.

13 4.2 The authority to amend and to set the procedures for the
14 corporation were initially set out as a portion of RCW 24.08.020
15 which provided as follows:

16 When such articles shall have been filed, as afore-
17 said, the persons who shall have signed and verified
18 the same, and their successors, shall be a body poli-
19 tic and corporate, with perpetual succession, they
20 shall be capable, in law, of suing and being sued,
21 pleading and being impleaded, answering and being
22 answered in all the courts of the state; they may
23 have a common seal, alter and change the same at
24 pleasure; acquire, mortgage and sell property, per-
25 sonal and real, for the purpose of carrying out the
objects of the incorporation, and make bylaws, rules
and regulations, as they may deem proper and best for
the welfare and the good order of the corporation;
and may amend the articles of incorporation by
supplemental articles, executed and filed the same as
the original articles: Provided, that such bylaws,
rules and regulations be not contrary to the
Constitution and laws of the United States, and the
existing laws of the state.

5
6 V

7 5.1 RCW24.03.165 enacted by the laws of 1967, Chapter 235

1 Section 34 and as amended by the laws of 1986, Chapter 240,
2 Section 27, provides as follows:

3
4 Amendments to the articles of incorporation shall
5 be made in the following manner:

6 "1. Where there are members having voting rights,
7 with regard to the question, the Board of Directors
8 shall adopt a resolution setting forth a proposed
9 amendment and directing that it be submitted to a
10 vote at a meeting of members having voting rights,
11 which may be either an annual or a special meeting.
12 Written or printed notice setting forth the proposed
13 amendment or a summary of the changes to be effected
14 thereby shall be given to each member entitled to
15 vote at such meeting within the time and in the
16 manner provided in this chapter for the giving of
17 notice of meetings of members. The proposed amend-
18 ment shall be adopted upon receiving at least two-
19 thirds of the votes which members present at such
20 meeting or represented by proxy are entitled to
21 cast.

22 "2. Where there are no members, or no members
23 having voting rights, with regards to the question,
24 an amendment shall be adopted at a meeting of the
25 board of directors upon receiving the vote of a
majority of the directors in office.

"3. Any member of amendment may be submitted and
voted upon at any one meeting.

5.2 The plaintiff has been informed that the defendants
herein contend that the defendants as the directors of the cor-
poration have the authority to amend the articles of incorporation
and the bylaws of the incorporation without the plaintiff's con-
currence as required by the Articles of Incorporation of the
Community Chapel, as amended.

VI

1
2 6.1 The defendants, as the Board of Directors of the
3 Community Chapel with the plaintiff's concurrence executed Amended
4 Bylaws of the Corporation which provided among other items, that
5 the plaintiff is to act as the Chairman of the Board of Senior
6 Elders (the President of the Corporation), the Pastor of the
7 Corporation Church, the President of Community Chapel Bible
8 College, the Chief Executive Officer of Community Chapel Christian
9 School and the Chief Executive Officer of the Community Chapel
10 Communications.

11 6.2 The Bylaws of the Community Chapel as executed by each of
12 the defendants herein and concurred in by the plaintiff provide
13 that the "Board of Senior Elders shall have no power to infringe
14 upon the Pastoral rights and authorities listed in the Bylaws."
15 The pastoral rights and authorities set forth in the Bylaws
16 include the Pastor as being officially in charge of all services
17 of the church, whether or not they are held on the church grounds
18 and whether or not the plaintiff is present at meetings. The
19 Bylaws further provide that the Original Pastor, having
20 established the original Church by the direction of God and with
21 support of the congregation, shall have oversight of the same
22 until the Pastor agrees to change.

23 6.3 Notwithstanding the provisions of the Articles of
24 Incorporation and the Bylaws of the Community Chapel, the defen-

1 dants herein intend and have interfered with the performance of
2 the duties of the plaintiff and interfered with the operation of
3 the church, contrary to the provisions set up by the defendants
4 themselves.

5 WHEREFORE, the plaintiff prays for relief as follows:

6 1. A judgment of this court declaring that the defendants
7 herein have no authority to amend the Articles of Incorporation
8 except as provided in the Articles of Incorporation of the
9 Community Chapel and Bible Training Center.

10 2. For a permanent injunction which would enjoin the defen-
11 dants and each of them from interferring with the performance of
12 the duties of the plaintiff for and on behalf of the Community
13 Chapel unless and until the written procedures as set forth in the
14 Articles of Incoporation and Bylaws of the Community Chapel and
15 Bible Training Center are complied with in full.

16 3. That the plaintiff be awarded a judgment for the plain-
17 tiff's costs and disbursements herein against the defendants.

18 4. For such further relief as the court may deem just and
19 equitable.

20 Dated this 4th day of March, 1988.

21 LAW OFFICES OF RODNEY G. PIERCE

22
23 By 
24 Rodney G. Pierce,
25 Attorney for Plaintiff