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HON. WALTER DEIERLEIN, JR.

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BY _____

DEC 10 1990

260 Grand Central on-the-Park
216 First Ave. So.
Seattle, Washington 98104

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF KING

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.)

NO. 88-2-04148-2
DECLARATION OF DAVID
MOTHERWELL IN OPPOSITION TO
BARNETT'S MOTION FOR SUMMARY
JUDGMENT



I, David Motherwell, declare:

1. I am a member of the Board of Senior Elders of Community Chapel, am qualified to be a witness in this action, and make this declaration based on my personal knowledge.

2. Attached hereto as Attachment A is a true and correct copy of the minutes of the Board of Senior Elders meeting on February 10, 1988.

3. The individual Senior Elders of Community Chapel prior to March 4, 1988 had the power to place individuals on special status and to disfellowship them. This power had been exercised by individual Senior Elders as well as counsellors in Community

1 Chapel, who also had that power. The power, and practice at the
2 church, of both the Senior Elders and counsellors in regard to
3 disfellowshipping not limited to individuals who were their
4 counselees, and prior approval by Barnett was not required in
5 all cases. No prior approval by Barnett was required for placing
6 an individual on special status. Disfellowshipping was usually
7 automatic for violation of special status or refusal to accept a
8 special status.

9 4. Attached hereto as Attachment B is a true and correct
10 copy of the February 24, 1988 letter from the elders to Barnett
11 regarding Barnett's special status.

12 5. Barnett met with the group of 16 elders for the last
13 time on February 25, 1988. Barnett had requested the meeting and
14 spoke at it for two to three hours. He placed the blame for his
15 admitted misconduct on others. He was asked if he wanted more
16 time to state his case, and said he did not.

17 6. Attached hereto as Attachment C is a true and correct
18 copy of the Minutes of the Senior Elders meeting on February 26,
19 1988.

20 7. Barnett admitted at pages 15 - 16 of his November 26,
21 1990 deposition (Attachment D) that he was aware of his right to
22 appeal from his disfellowshipping. He never requested an appeal.

23 8. At the February 28, 1988 service, there was no show of
24 hands in support of Barnett remaining as pastor. My review of
25 the transcript supports my independent recollection of this.

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9. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 10th day of December, 1990, at Seattle, Washington.

David Motherwell
DAVID MOTHERWELL

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