

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

**, BY AND THROUGH ,
 , AND , A MAJORITY OF
THE BOARD OF DEACONS**

VS.

**MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

COMES NOW the Plaintiff, , by and through a majority of its Board of Deacons and represents the following:

1.

On , 20 a Complaint for Injunction was filed in this action. Plaintiff adopts by reference all allegations contained in said Complaint for Injunction.

2.

The conduct of the Defendant, both prior to and subsequent to the filing of said Complaint for Injunction is causing immediate and irreparable injury, loss and/or damage to the Church and its membership in the form of disruption of the business activities of the Church, disharmony among its congregation, loss of congregation members and disruption of the spiritual purpose of the Church.

3.

For more than twenty (20) years, the Church has historically had deacons. One such deacon departed this life in or about , 20 , and the Church has continued to function with deacons. The function of the Board of Deacons is to govern the business and proprietary functions of the Church. The function of the Church pastor is to guide the spiritual activities of the Church.

4.

Rev. has never been a member of the Board of Deacons but has repeatedly involved him/herself in the business functions of the Church, to a large degree for his/her personal profit and benefit. Rev. was employed as Pastor "as long as he/she and the Church were able to agree and cooperate in the spirit of love, Christianity, and spiritual fellowship.

5.

On _____, 20____, pursuant to proper notice, a special meeting of the Board of Deacons of _____ were convened. At said meeting a majority of the Board of Deacons voted to recommend to the membership of _____ that Rev. _____ be immediately terminated as Pastor of said Church.

6.

On _____, 20____, pursuant to proper notice, a special meeting of the members of _____ were convened. At said meeting, a majority of the members in attendance voted for the immediate termination of Rev. _____ as Pastor of said Church.

7.

On _____, 20____ a letter were transmitted to Rev. _____ advising him/her of his/her termination as Pastor.

8.

Rev. _____ and the Church are out of fellowship, as evidenced by the following:

(a) Rev. _____ and the majority of the Deacons are unable to reason together for business purposes, and Rev. _____ has undertaken to assume the authority vested in the Board of Deacons for the running of the business affairs of the Church.

(b) Rev. _____ has improperly discussed from the pulpit, in the presence of visitors, business functions of the Church.

(c) Rev. _____ has attempted to use his/her influence to the detriment of the Church by opposing fencing of the Church cemetery, purchasing a Church camcorder, a copying machine and a piano.

(d) On the _____ in _____, 20____, for no logical reason, Rev. _____ poured out Communion.

(e) Rev. _____ has telephoned deacons with false accusations based on gossip and hearsay.

(f) Rev. _____ has improperly called meetings of the Board of Deacons and meetings of the membership to subvert the organizational structure of the Church.

(g) For more than twenty (20) years, business checks of the Church have been countersigned by Deacon _____ and Deacon _____. Following the vote of the membership on _____, 20____, whereat Rev. _____ was terminated as Pastor, Rev. _____ appeared at the _____ and conducted services. Deacon _____ declined to countersign a check made payable to Rev. _____. Notwithstanding the foregoing, one or more checks have been issued to Rev. _____ without the counter signature of a second authorized signatory.

(h) On _____, 20____ a meeting of the membership was improperly convened at the instance of Rev. _____. Said meeting was called without the authority or consent of the Board of Deacons. At said meeting Rev. _____ improperly presided and made improper business

recommendations to the membership, which include, among other things, the election of new Deacons and the removal of Deacon as a signatory on the Church bank account.

(i) Notwithstanding his/her termination as Pastor, Rev. continues to pursue his Pastoral duties.

WHEREFORE, Plaintiff moves that this Court issue a Temporary Restraining Order, or in the alternative, a Preliminary Injunction:

1. Terminating Rev. as Pastor of .
2. Enjoining Rev. from entering on the premises of .
3. Prohibiting Rev. from participating in any business affairs of .

Plaintiff moves for general relief.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

