

NO. 141-237105-09

THE EPISCOPAL CHURCH, et al.	§	IN THE DISTRICT COURT
	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
FRANKLIN SALAZAR, et al.	§	141 ST JUDICIAL DISTRICT

AFFIDAVIT OF CHARLES A. HOUGH, III

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

On this day personally appeared before me Charles A. Hough, III, who, after being placed under oath, stated the following:

- (1) My name is Charles A. Hough, III. My business address is 2900 Alameda Street, Fort Worth, Texas 76108.
- (2) I am Canon of The Episcopal Diocese of Fort Worth, a Texas unincorporated nonprofit association, and have served in this capacity since January 1, 1994.
- (3) As Canon of the Diocese, I am a custodian of its records, including its Constitution and Canons, which I have reviewed as a basis for this affidavit.
- (4) Attached hereto are true and correct copies of the Diocese's 1982 Constitution (Exhibit 1) and Canons (Exhibit 2). Attached hereto as Exhibit 3 are the minutes of the 1982 Primary Convention of the Diocese.
- (5) Attached hereto are also true and correct copies of the Diocese's Constitution as amended in 2006 (Exhibit 4) and Canons as amended in 2006 (Exhibit 5).

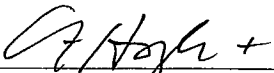
- (6) Attached as Exhibit 6 is a true and correct copy of excerpts from the minutes of the Diocese's 1989 Annual Convention.
- (7) Amendments to the Diocese's Constitution must be approved by majority vote of delegates at two consecutive Annual Conventions. According to the records of the Diocese, the delegates to the 2007 and 2008 Annual Conventions voted overwhelmingly to remove references to The Episcopal Church from the Diocese's Constitution. For example, at the 2007 Annual Convention the proposal to amend Article 1 to remove any accession to the Constitution and Canons of The Episcopal Church passed by a vote of 69 to 14 among resident clergy (83%) and by a vote of 95 to 28 among law delegates (77%). After "laying over" for a year as required by the Constitution, the same amendment was adopted at the 2008 Annual Convention by a vote of 72 to 19 among resident clergy (79%) and by a vote of 102 to 25 among law delegates (80%).
- (8) According to the records of the Diocese, the Rt. Rev. Jack Leo Iker was elected Bishop of the Diocese at the Annual Convention of the Diocese in 1992. No other person has been elected Bishop of the Diocese since that convention.
- (9) No special convention was called in 2009 by Bishop Iker or the Diocese's Standing Committee, whose membership according to the records of the Diocese are Judy Mayo, Franklin Salazar, Walter Virden, the Rev. Christopher Cantrell, the Rev. Timothy Perkins, and the Rev. Thomas Hightower. All are clergy or members in good standing of a parish in union with the Diocese.

- (10) The members of the board of trustees of The Corporation of The Episcopal Diocese of Fort Worth since the Annual Convention of the Diocese in 2008 are Dr. Franklin Salazar, Jo Ann Patton, Walter Virden, III, Rod Barber, and Chad Bates. All are members in good standing of a parish in union with the Diocese. No other individuals have been elected as trustee to the Diocesan Corporation since the Annual Convention in November of 2008, and none have been removed by majority vote of the board.
- (11) According to the records of the Diocese, the Reverend Christopher Jambor, the Reverend Susan Slaughter, the Reverend James Hazel, the Reverend John Stanley, the Reverend David Madison, and the Reverend J. Frederick Barber are not clergy canonically resident within this Diocese, having withdrawn from the Diocese following the 2008 Annual Convention.
- (12) According to the records of the Diocese, Stephanie Burk, Cynthia Eichenberger, Harold Parkey, Bill McKay, Ian Moore, Ann Coleman, Constant Roberts Marks IV, William Davis, Vernon Gotcher, Ken Hood, Sandra Shockley, Sarah Walker, Linda Johnson, Larry Hathaway, David Skelton, Robert Hicks, Floyd McKneely, Shannon Shipp, David Skelton, Whit Smith, Robert M. Bass, Cherie Shipp, Dr. Trace Worrell, Margaret Mieuli, Walt Cabe, Anne T. Bass, and Kathleen Wells are members of parishes that are no longer in union with the Diocese, having withdrawn from the Diocese following the 2008 Annual Convention.
- (13) According to the records of the Diocese, the Rt. Rev. C. Wallis Ohl, the Rt. Rev. Edwin F. Gulick, and the Reverend ClayOla Gitane have never been canonically resident within the Diocese.

- (14) My examination of the current Constitution of the Diocese discloses only two articles addressing the title to church property and funds: Article 14 "Title to Church Property" and Article 16 "Fund for the Endowment of the Episcopate." There is no provision in the Constitution of the Diocese creating any irrevocable trust for The Episcopal Church.
- (15) The only Canons of the Diocese pertaining to the title and management of property of the Diocese and the Diocesan institutions are Canon 17 "Corporation of the Episcopal Diocese of Forth Worth" and Canon 18 "Title to Property." There is no provision in the Canons of the Diocese creating any irrevocable trust for The Episcopal Church.
- (16) According to the records of the Diocese, all of the property it received at its inception in 1982 was transferred from The Episcopal Diocese of Dallas. None came to the Diocese at its inception or since from The Episcopal Church.
- (17) My review of the Constitution and Canons of The Episcopal Church, which are also a part of the records of the Diocese because of the previous association of the Diocese with The Episcopal Church from 1982 until November of 2008, disclose no provision stating the creation of any irrevocable trust.
- (18) According to the records of the Diocese, the Diocese was admitted into association with The Episcopal Church on December 31, 1982. This is reflected in the certificate of union which is attached to this affidavit as Exhibit 7.
- (19) The Episcopal Church Executive Council Minutes of November 17, 1982, and February 9, 1983, are a part of the records of the Diocese having been received from The Episcopal Church to confirm the association of the Diocese with The Episcopal Church. A true copy of excerpts from those minutes is attached as Exhibit 8.

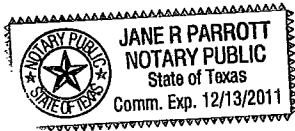
- (20) The amendment to Article V.1 to the Constitution of The Episcopal Church to require “unqualified accession” became effective January 1, 1983.
- (21) Lastly, according to the records of the Diocese all funds that have been received since the inception of the Diocese to buy and build properties within the Diocese have come from local parish members within the Diocese. None came from The Episcopal Church.

I swear under penalty of perjury that all of the foregoing statements are based upon my own personal knowledge and are true and correct.



CHARLES A. HOUGH, III, Canon
The Episcopal Diocese of Fort Worth

SUBSCRIBED AND SWORN TO BEFORE ME by the said Charles A. Hough, III on this 21st day of December, 2010.





Notary Public In and For the State of Texas