

NO. C2010343

The Episcopal Diocese of Fort Worth, The	**	IN THE DISTRICT COURT
Corporation of the Episcopal Diocese of	**	
Fort Worth, St. Andrew's Episcopal	**	
Church,	**	
<i>Plaintiffs,</i>	**	
	**	
vs.	**	HOOD COUNTY, TEXAS
	**	
Ronald D. Wenner, Trustee of the Cynthia	**	
Brants Charitable Remainder Unitrust, The	**	
Anglican Province of the Southern Cone's	**	
Diocese of Fort Worth, The Anglican	**	
Province of the Southern Cone's "St.	**	
Andrew's Episcopal Church," Amon	**	
Carter Museum of Western Art, and Old	**	
Jail Art Center,	**	
<i>Defendants.</i>	**	355th JUDICIAL DISTRICT

EPISCOPAL PARTIES' JOINT NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

THE EPISCOPAL DIOCESE OF FORT WORTH, THE CORPORATION OF THE EPISCOPAL DIOCESE OF FORT WORTH, and ST. ANDREW'S EPISCOPAL CHURCH,¹ all affiliated with The Episcopal Church of the United States, the "Episcopal Parties" or "these Appellants," in the above entitled and numbered cause, hereby give notice that they desire to appeal to the Court of Appeals for the Second Judicial District at Fort Worth, Texas, from the Order Granting Motions to Sever and Pleas in Abatement signed on July 14, 2010, in this case, which should be styled *The Episcopal Diocese of Fort Worth, The Corporation of the*

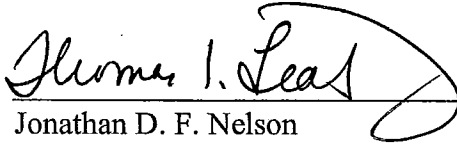
¹ These Appellants are using the style listing the parties named in their Original Cross-Petition and Counter-Petition. The style of the original cause (No. C2009233) from which this cause (No. C2010343) was severed lists as parties sued by Trustee Wenner "The Episcopal Diocese of Fort Worth Affiliated with The Episcopal Church of the United States" and "St. Andrew's Episcopal Church Affiliated with The Episcopal Church of the United States." St. Andrew's Episcopal Church has also been referred to in the style or in the Trustee's or the Appellees' pleadings as "An Unincorporated Association Holding Itself Out as St. Andrew's Episcopal Church Affiliated with The Episcopal Church of the United States" and "An Unincorporated Association Holding Itself out as St. Andrew's Episcopal Church, a Parish of the Episcopal Diocese of Fort Worth, Affiliated with The Episcopal Church of the United States." To the extent necessary, this Notice of Appeal is also filed by and on behalf of all of the parties in those names.

Episcopal Diocese of Fort Worth, and St. Andrew's Episcopal Church v. Ronald D. Wenner, Trustee of the Cynthia Brants Charitable Remainder Unitrust, The Anglican Province of the Southern Cone's Diocese of Fort Worth, The Anglican Province of the Southern Cone's "St. Andrew's Episcopal Church,"² Amon Carter Museum of Western Art, and Old Jail Art Center, Cause No. 2010343, in the 355th Judicial District Court, Hood County, Texas.³ These Appellants also desire to appeal from any and all orders, rulings, and decrees leading up to and/or forming the basis of the July 14, 2010 Order Granting Motions to Sever and Pleas in Abatement that are in any way adverse to these Appellants.

² Responsive pleadings and motions were filed by the Cross-Defendants in the names of The Episcopal Diocese of Fort Worth, The Corporation for The Episcopal Diocese of Fort Worth, and St. Andrew's Episcopal Church. All of these entities are affiliated with the Anglican Province of the Southern Cone. Sometimes these Cross-Defendants further identified themselves by naming the particular attorneys that represent them. In the style of the action from which this action was severed, they are sometimes referred to as The Episcopal Diocese of Fort Worth Affiliated with the Anglican Province of the Southern Cone and an Unincorporated Association Holding Itself Out as St. Andrew's Episcopal Church, Affiliated with the Anglican Province of the Southern Cone, or similar names. To the extent any and all of these other named entities are properly in this case, this Joint Notice of Appeal is filed against and as to them as well.

³ The Order appealed from was signed in the original cause, No. C2009233, and then, pursuant to the severance, the Order was also included in the file of this severed action, No. C2010343.

Respectfully submitted,



Jonathan D. F. Nelson
State Bar No: 14900700
JONATHAN D. F. NELSON, P.C.
1400 West Abram Street
Arlington, Texas 76013
Telephone: 817.261.2222
Facsimile : 817.274.9724

Kathleen Wells
Texas Bar No. 02317300
Episcopal Diocese of Fort Worth
3550 Southwest Loop 820
Fort Worth, Texas 76133
Telephone: 817.332.2580
Telecopier: 817.332.4740

Thomas S. Leatherbury
Texas Bar No. 12095275
VINSON & ELKINS L.L.P.
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
Telephone: 214.220.7792
Facsimile: 214.999.7792

***Attorneys for Defendants The Episcopal
Diocese of Fort Worth, The Corporation of
The Episcopal Diocese of Fort Worth, and St.
Andrew's Episcopal Church, all Affiliated
with The Episcopal Church***

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2010, a true and correct copy of the foregoing instrument was served on all attorneys of record in this cause, in accordance with the Texas Rules of Civil Procedure by certified mail, return receipt requested.

James C. Gordon
Gordon, Sykes & Cheatham, LLP
1320 S. University Drive, Suite 806
Fort Worth, Texas 76107
*Counsel for Ronald D. Wenner, Trustee of
the Cynthia Brants Charitable Remainder
Unitrust*

Shelby Sharpe
Sharpe Tillman & Melton
6100 Western Place, Suite 1000
Fort Worth, Texas 76017
*Counsel for The Episcopal Diocese of Fort
Worth Affiliated with the Anglican Province of
the Southern Cone*

Stephen C. Schoettmer
Thompson & Knight
One Arts Plaza, Suite 1500
1722 Routh Street
Dallas, Texas 75201
*Counsel for Amon Carter
Museum of Western Art*

Lisa H. Jamieson
R.H. Wallace
Shannon, Gracey, Ratliff & Miller, LLP
777 Main Street, Suite 3800
Fort Worth, Texas 76012
and
Edwin J. Seilheimer
Seilheimer Reid
105 W. Pearl Street
Granbury, Texas 76048
*Counsel for "St. Andrew's Episcopal
Church" Affiliated with the Anglican
Province of the Southern Cone*

William B. Wright, Jr.
William B. Wright, Jr., P.C.
P.O. Box 227
Cisco, Texas 76437
Counsel for Old Jail Art Center

