

141-252083-11

CAUSE NO. 141-252083-11

THE EPISCOPAL CHURCH, et al.)	IN THE DISTRICT COURT OF
)	
VS.)	TARRANT COUNTY, TEXAS
)	
FRANKLIN SALAZAR, et al.)	141 ST DISTRICT COURT

AGREED SUPERSEDEAS ORDER

Came on for consideration the parties' Joint Motion for Agreed Supersedeas Order, filed August 3, 2015. The Court hereby approves the parties' agreement and orders as follows:

IT IS ORDERED that, on or before the later of 30 days after the Final Judgment in this action was signed or 10 days after this Agreed Supersedeas Order is signed, Plaintiffs shall post a supersedeas bond or make a cash deposit in the amount of \$100,000.00.

IT IS FURTHER ORDERED that, upon posting of such supersedeas bond or cash deposit, pursuant to Texas Rule of Appellate Procedure 24.1(a)(1), the Final Judgment in this matter is superseded, and Defendants (as defined in Defendants' Second Motion for Partial Summary Judgment filed December 1, 2014) shall suspend enforcement of or execution on the judgment until final resolution of all appeals and until further order of this Court lifting this Agreed Supersedeas Order.

IT IS FURTHER ORDERED that, during the appeal in this case and until further order of the Court, while Plaintiffs are in possession of certain property made the subject of this suit, all Plaintiffs (as defined in Plaintiffs' Motion for Partial Summary Judgment filed December 1, 2014):

- a. SHALL NOT use, transfer, dissipate, encumber, convey, destroy, conceal, or dispose of any property made the subject of this lawsuit

 **E-MAILED**
8/20/15
SP To all Attys
on pg. 49 5 of this order.

COURT'S MINUTES
TRANSACTION# 1065

that is in Plaintiffs' possession (the "Property")¹ other than in the normal course of business or in accordance with the terms of this Supersedeas Order to be entered by the Court in this action;

b. SHALL keep the Property fully insured and maintain in force and good standing property and casualty insurance at least at the coverage levels effective in 2014;

c. SHALL keep the Property in good repair, normal wear and tear excepted, and keep current all indebtedness secured by any of the Property;

d. SHALL provide to Defendants, through their counsel, a monthly summary of the sources, amounts and payees of any and all expenditures claimed to have been made in the ordinary course of business regarding the Property on or before the 25th of the following month, beginning on August 25, 2015;

¹ The property made subject of this lawsuit that is in Plaintiffs' possession (the "Property") is hereby defined to mean only the parcels identified at the following entries to the list of properties labeled "Exhibit 1" in the July 24, 2015 Final Judgment, the endowments and funds listed in "Exhibit 2" of the Final Judgment, any real or personal property obtained with proceeds from the properties/endowments/funds listed in "Exhibits 1 and 2" of the Final Judgment, and personal property necessary for the operation of the Episcopal Parish or Mission associated with that parcel (*i.e.* chalices, vestments, bibles, etc.):

- Entry 37 (St. Elisabeth Episcopal Church (River Oaks, TX));
- Entry 42 (St. Luke's in the Meadow Episcopal Church (Fort Worth));
- Entries 10 and 49 (St. Stephen's Episcopal Church (Wichita Falls));
- Entry 21 (St. Christopher's Episcopal Church (Fort Worth)); and
- Entries 13 and 14 (All Saints' Episcopal Church (Fort Worth)).

In no event shall the Property be defined to include the four properties to which Defendants' waived any claim in Defendants' Third Motion for Partial Summary Judgment Relating to All Saints Episcopal Church, filed May 6, 2015. Defendants waived all claim to the property of All Saints' Episcopal Church (Fort Worth) at 4939 Dexter Ave. (JA02535), 5001 Dexter Ave. (JA02540), 4936 Dexter Ave. (JA02537), and 5005 Dexter (JA02532). In no event shall the Property be defined to include any property over which Defendants have never asserted a claim in this action, including any and all property of All Saints' Episcopal School (Fort Worth), St. Luke's Episcopal Church (Stephenville), St. Martin-in-the-Fields Episcopal Church (Southlake), and Trinity Episcopal Church (Fort Worth).

- e. SHALL notify the parties and, after hearing, obtain leave of Court or written agreement of the Defendants before using, transferring, dissipating, encumbering, or conveying any of the Property for attorney's fees or other litigation expenses; and
- f. SHALL notify the parties and, after hearing, obtain leave of Court or written agreement of the Defendants before increasing the balance of indebtedness on any other debt secured by the Property.

IT IS SO ORDERED.

Signed this 18 day of August, 2015.


Judge Presiding

AGREED AS TO FORM AND SUBSTANCE:

By: /s/ David Booth Beers w/ permission

Sandra Liser
State Bar No. 17072250
Naman Howell Smith & Lee, PLLC
Fort Worth Club Building
306 West 7th Street, Suite 405
Fort Worth, Texas 76102-4911
Telephone: 817-509-2025
Facsimile: 817-509-2060
sliser@namanhowell.com

Mary E. Kostel
The Episcopal Church
c/o Goodwin|Procter LLP
901 New York Ave., N.W.
Washington, D.C. 20001
Telephone: 202-346-4184
Facsimile: 202-346-4444
mkostel@goodwinprocter.com

David Booth Beers
Goodwin|Procter LLP
901 New York Ave., N.W.
Washington, D.C. 20001
Telephone: 202-346-4224
Facsimile: 202-346-4444
dbeers@goodwinprocter.com

Attorneys for The Episcopal Church

By: /s/ Frank Hill w/ permission

Frank Hill
State Bar No. 09632000
Hill Gilstrap, P.C.
1400 W. Abram Street
Arlington, Texas 76013-1705
Telephone: 817-261-2222
Facsimile: 817-861-4685
fhill@hillgilstrap.com

***Attorney for the Local Episcopal
Congregations***

By: /s/ Daniel L. Tobey

William D. Sims, Jr.
State Bar No. 18429500
Thomas S. Leatherbury
State Bar No. 12095275
Daniel L. Tobey
State Bar No. 24048842
Vinson & Elkins LLP
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
Telephone: 214-220-7792
Facsimile: 214-999-7792
bsims@velaw.com
tleatherbury@velaw.com
dtobey@velaw.com

Jonathan D.F. Nelson
State Bar No. 14900700
Jonathan D.F. Nelson, P.C.
1400 W. Abrams Street
Arlington, Texas 76013-1705
Telephone: 817-261-2222
Facsimile: 817-861-4685
jnelson@hillgilstrap.com

Kathleen Wells
State Bar No. 02317300
P.O. Box 101714
Fort Worth, Texas 76185-0174
Telephone: 817-332-2580
Facsimile: 817-332-4740
chancellor@episcopaldiocesefortworth.org

***Attorneys for Plaintiffs the Local
Episcopal Parties***

By: /s/ R. David Weaver w/ permission

R. David Weaver

State Bar No. 21010875

The Weaver Law Firm

1521 N. Cooper Street, Suite 710

Arlington, Texas 76011

817.460.5900

817.460.5908 (facsimile)

rdweaver@weaverlawfirm.net

*Attorney for Intervening
Congregations*

By: /s/ J. Shelby Sharpe w/ permission

Scott A. Brister

State Bar No. 00000024

Andrews Kurth L.L.P.

111 Congress Avenue

Suite 1700

Austin, Texas 78701

512.320.9220

512.542.5220 (facsimile)

ScottBrister@andrewskurth.com

J. Shelby Sharpe

State Bar No. 18123000

Sharpe Tillman & Melton

6100 Western Place, Suite 1000

Fort Worth, Texas 76107

817.338.4900

817.332-6818 (facsimile)

utlawman@aol.com

Attorneys for Defendants

US 3608340