

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

In re:	)	Case Nos.:	CL 2007-248724,
Multi-Circuit Episcopal Church Litigation	)		CL 2006-15792,
	)		CL 2006-15793,
	)		CL 2007-556,
	)		CL 2007-1235,
	)		CL 2007-1236,
	)		CL 2007-1238,
	)		CL 2007-1625,
	)		CL 2007-5249,
	)		CL 2007-5250,
	)		CL 2007-5363,
	)		CL 2007-5364,
	)		CL 2007-5682,
	)		CL 2007-5683,
	)		CL 2007-5684,
	)		CL 2007-5685,
	)		CL 2007-5686,
	)		CL 2007-5902,
	)		CL 2007-5903, and
	)		CL 2007-11514

FINAL ORDER

THIS MATTER is before the Court for entry of a Final Order in the cases listed above, which were transferred and consolidated before this Court pursuant to an April 10, 2007, Order issued by a three-judge panel appointed by the Supreme Court of Virginia pursuant to Va. Code § 8.01-267.4. The consolidated proceedings were designated as *In re: Multi-Circuit Episcopal Church Litigation*, CL 2007-248724.

WHEREUPON, The Church at the Falls-The Falls Church (“The Falls Church”), Truro Church, Church of Our Saviour at Oatlands, Church of the Apostles, Church of the Epiphany, Church of the Word, St. Margaret’s Church, St. Stephen’s Church, and St. Paul’s Church (collectively, the “CANA Congregations”) filed verified Petitions and Reports pursuant to Va. Code § 57-9(A) (the “57-9 Petitions”).

WHEREUPON, the Episcopal Church and the Protestant Episcopal Church in the Diocese of Virginia (the “Diocese”) intervened and filed Answers to the 57-9 Petitions.

WHEREUPON, the Episcopal Church and the Diocese each filed actions against each of the CANA Congregations and certain clergy, vestry members, and trustees of the CANA Congregations (the “Declaratory Judgment Actions”), seeking, *inter alia*, a declaration that the Episcopal Church and the Diocese have trust, proprietary, and contractual rights in the property in the possession and control of the CANA Congregations.

WHEREUPON, the parties agreed on a Stipulated Order (entered August 28, 2007) that dismissed without prejudice the claims against the clergy, vestry members, and trustees, except for the trustees in their official capacity.

WHEREUPON, this Court held non-evidentiary hearings and a trial, and received stipulations from the parties, to determine the applicability of Va. Code § 57-9 and its constitutionality as applied.

WHEREUPON, this Court issued Letter Opinions and Orders, including but not limited to the following, which are incorporated herein by reference: April 3, 2008, Letter Opinion on the Applicability of Va. Code § 57-9(A); June 27, 2008, Letter Opinion on the Constitutionality of Va. Code § 57-9(A); June 27, 2008, Letter Opinion on the Court’s Five Questions; August 19, 2008, Letter Opinion Regarding ECUSA/Diocese’s Assertion that 57-9 is Unconstitutional Because it Violates the Contracts Clause; August 19, 2008, Letter Opinion Regarding ECUSA/Diocese’s Assertion that the CANA Congregations Have Waived the Right to Invoke § 57-9.

WHEREUPON, the Episcopal Church and the Diocese, by Order entered September 26, 2008, stipulated that the CANA Congregations' § 57-9 Petitions and supporting materials make out a prima facie case that satisfies the voting requirements of Va. Code § 57-9.

WHEREUPON, based upon the September 26, 2008, Order, and the § 57-9 Petitions and supporting materials, the Court found that the votes conducted by the CANA Congregations met each of the voting requirements of Va. Code § 57-9(A).

WHEREUPON, the CANA Congregations, the Episcopal Church, and the Diocese entered into various written stipulations related to the property that was subject to each of the CANA Congregations' separate § 57-9 Petitions, and the stipulations were filed with and accepted by this Court.

WHEREUPON, this Court: conducted a trial in October 2008 related to certain property that the Episcopal Church and the Diocese claimed was not subject to the § 57-9 Petitions of The Falls Church and Truro Church, respectively; accepted stipulations of fact related to property that the Episcopal Church and the Diocese claimed was not subject to the § 57-9 Petitions of Church of the Word and St. Stephen's Church; and considered briefing regarding those properties.

WHEREUPON, the Court issued an Order dated October 20, 2008, related to Truro Church, and a December 19, 2008, Letter Opinion on Remaining § 57-9 Issues, which are incorporated herein by reference.

WHEREUPON, the Court finds that, with the exception of The Falls Church's assertion that The Falls Church Endowment Fund is subject to its § 57-9 Petition, as described in the Court's December 19, 2008, Letter Opinion on Remaining 57-9 Issues,

the CANA Congregations have satisfied all of the requirements of Va. Code § 57-9, and that their § 57-9 Petitions and Reports accordingly should be approved.

WHEREUPON, it appearing to this Court that the Court's rulings on the CANA Congregations' § 57-9 Petitions obviate the need to address the merits of the Declaratory Judgment Actions filed by the Episcopal Church and the Diocese and thus render them legally moot, except insofar as those Declaratory Judgment Actions may relate to The Falls Church Endowment Fund; and that in order to generate a final appealable order as to all other issues, the Court, pursuant to Va. Code §§ 8.01-267.1, 8.01-267.4, and 8.01-267.5, should sever the Declaratory Judgment Actions filed by the Episcopal Church and the Diocese against The Falls Church only insofar as they may relate to The Falls Church Endowment Fund; and that this Court shall retain jurisdiction over such actions.

IT IS HEREBY ORDERED that, insofar as the Declaratory Judgment Actions against The Falls Church (case nos. CL 2007-5250 and CL 2007-1625) may relate to The Falls Church Endowment Fund, those actions are hereby severed from this matter, and that this Court shall retain jurisdiction over those Declaratory Judgment Actions.

IT IS FURTHER ORDERED that the § 57-9 Petitions and Reports filed by the CANA Congregations are hereby APPROVED.

IT IS FURTHER ORDERED that as to each of the following CANA Congregations, pursuant to Va. Code § 57-9(A), the congregational determination is conclusive as to the title to and control of the property subject to the § 57-9 Petitions. Accordingly, the trustees hold title solely for the benefit of such congregations, respectively, and act solely at the direction of each of the CANA Congregations. The following real and personal property is subject to the § 57-9 Petitions:

I. The Falls Church

- A. Deed dated March 19, 1746, from John Trammole to the Vestry of Truro Parish, recorded among the land records of Fairfax County, Virginia in Liber B, No. 1 at page 248;
- B. Deed dated March 20, 1746, from John Trammole to the Vestry of Truro Parish, recorded among the land records of Fairfax County, Virginia in Liber B, No. 1 at page 249;
- C. Deed dated December 16, 1852, from Nathan Thompson to A.C. Brent, et al., "Trustees of the Episcopal Church, known and designated as the 'Falls Church' in Fairfax County, of the County of Fairfax in the State of Virginia" recorded among the land records of Fairfax County, Virginia in Liber S, No. 3 at page 379;
- D. Deed dated October 1, 1918, from Harry C. Birge and Jeanne E. Birge, his wife, to Charles A. Stewart, Jonas T. Unverzagt and Harry A. Fellows, and their successors in office, Trustees for the Falls Church Episcopal Church, recorded among the land records of Fairfax County, Virginia in Liber L, No. 8 at page 593;
- E. Deed dated October 29, 1953, from Grover H. Dodd and Nettie F. Dodd, his wife, to H.J. Spelman, Lawrence W. Harrison, and Albert H. Lester, Trustees of The Falls Church, recorded among the land records of Fairfax County, Virginia in Deed Book 1128 at page 38;
- F. Deed dated February 27, 1956, from Anna Lee Shotwell, widow, to H.J. Spelman, Albert H. Lester and Lawrence W. Harrison, Trustees of The Falls Church, recorded among the land records of Fairfax County, Virginia in Deed Book 1418 at page 28;
- G. Deed dated September 15, 1956, from Nellie Coleman Kadlec to H.J. Spelman, Albert H. Lester and Lawrence W. Harrison, Trustees of The Falls Church, recorded among the land records of Fairfax County, Virginia in Deed Book 1484 at page 385;
- H. Deed dated August 30, 1963, from Lester A. Gorham and Josephine E. Gorham, his wife, to H.J. Spelman, L.W. Harrison and Albert H. Lester, Jr., Trustees of The Falls Church (Episcopal), recorded among the land records of Fairfax County, Virginia in Deed Book 2340 at page 205;
- I. Deed dated December 15, 1986, from Independence Square Limited Partnership, a Virginia limited partnership, to The Trustees of The Falls Church (Episcopal), recorded among the land records of Fairfax County, Virginia in Deed Book 6576 at page 77;

- J. Deed dated October 31, 1996, from Ray Sims Company, a Virginia corporation, to The Trustees of The Falls Church (Episcopal), recorded among the land records of Arlington County, Virginia in Deed Book 2810 at page 2092;
- K. Deed dated January 3, 2000, from Christian Joseph Kerge and Sonia Diez Kerge, his wife, to Harrison D. Hutson, William W. Goodrich, Jr. and Steven L. Skancke, Trustees of The Falls Church (Episcopal), recorded among the land records of Arlington County, Virginia in Deed Book 3034 at page 1081;
- L. Deed dated December 1, 2005, from Newcomb Broadcasting Corporation to Harrison D. Hutson, William W. Goodrich, Jr., and Steven L. Skancke, "Trustees of The Falls Church (Episcopal), a Parish Church of the Protestant Episcopal Church in the Diocese of Virginia," recorded among the land records of Arlington County, Virginia, in Deed Book 3929 at page 2128;
- M. The following vehicles:
 - 1. 2001 Ford 15 Passenger Van – VIN: 1FBSS31L81HA68891;
 - 2. 2000 Chevy Van – VIN: 1GNEL19W2YB150046;
 - 3. 2003 Ford 15 Passenger Van – VIN: 1FBSS31L63HB57734; and
 - 4. 1995 Saturn – VIN: 1G8ZE1286SZ107340;
- N. All cash and securities and all money and securities held in the following bank accounts, security brokerage accounts or other type of account or fund, at the institutions indicated and with account numbers ending in the last four digits shown below:
 - 1. The Church At The Falls – The Falls Church (BB&T: XXXXXXXXXXX6225);
 - 2. The Church At The Falls – The Falls Church Designated Funds (BB&T: XXXXXXXXXXX3317);
 - 3. The Church At The Falls – The Falls Church Russell Fund (Burke & Herbert: XX7689);
 - 4. The Church At The Falls – The Falls Church Southgate Capital Fund (BB&T: XXXXXXXXXXX9191);

5. The Church At The Falls – The Falls Church Southgate (Schwab: XXXX-4007);
6. The Church At The Falls – The Falls Church Short Term (Schwab: XXXX-3570);
7. The Church At The Falls – The Falls Church Long Term (Schwab: XXXX-3101);
8. 2nd Deed of Trust (Lot 24, BROOKFARM);
9. Note Receivable (Lot 4, Block 4, Section 5, Monticello Park);
10. Diocesan Management Funds:
 - a. The Ball-Dulany Fund of Falls Church – 0801-1;
 - b. The Falls Church-General Designated Fund – 0801-3;
 - c. Lindsay Peete Memorial Fund of The Falls Church – 0801-4;
 - d. Russell Fund of The Falls Church – 0801-5;
 - e. The Spiritual Leadership Fund of Falls Church – 0801-7; and
 - f. The Hannah Knudsen Memorial Fund of The Falls Church – 0801-8; and
- O. All other property identified in the stipulation between the parties dated September 9, 2008, except The Falls Church Endowment Fund (§§ VI(O)(21) & (22)(b) in that stipulation).

II. Truro Church

- A. Deed dated December 3, 1874, from William S. Ramsey to Trustees of the Zion Protestant Episcopal Church, among the land records of Fairfax County, Virginia in Liber R, No. 4 at page 341;
- B. Deed dated December 1, 1882, from Samuel Simpson to the Trustees of the Zion Protestant Episcopal Church, among the land records of Fairfax County, Virginia in Liber B, No. 5 at page 560;
- C. Deed dated May 19, 1952, from Lyman B. Kirkpatrick Jr., and Jeanne G. Kirkpatrick to the Trustees of Truro Episcopal Church,

among the land records of Fairfax County, Virginia in Liber 978 at page 125;

- D. Deed dated July 3, 1956, from E. A. Prichard to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 1473 at page 294;
- E. Deed dated January 4, 1982, from LeRoy Eakin Jr. and Ruth P. Eakin to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 5632 at page 163;
- F. Deed dated March 2, 1992, from Ann H. Van Dyck to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 8041 at page 1697;
- G. Deed dated May 31, 2001, from the Trustees of the Edgar Allen Prichard Trust to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 11954 at page 1598;
- H. Deed dated March 15, 1987, from James L. Patton, Ella N. Patton, Paula N. Harris, Thomas D. Rust, Pasty I. Rust, William H. Hansbarger and Charlotte C. Hansbarger to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 7732 at page 862;
- I. Deed of Gift dated April 26, 1991, from Mary Virginia Curran to Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 7829 at page 1360, and Deed of Gift of Life Estate dated July 30, 1992, from Mary Virginia Curran to the Trustees of Truro Episcopal Church, among the land records of Fairfax County, Virginia in Liber 8232 at page 732;
- J. Quitclaim Deed of Gift dated December 13, 2006, from the Trustees of Christ the Redeemer Episcopal Church to Truro Church, among the land records of Fairfax County, Virginia in Liber 18985 at page 263, and Deed of Correction dated December 21, 2006, from the Trustees of Christ the Redeemer Episcopal Church to Truro Church by its trustees, among the land records of Fairfax County, Virginia in Liber 19008 at page 1349;
- K. 1999 White Ford Pick-up: Title Number 50578120; Vehicle Identification Number 1FTZF1726XNA35867;
- L. 1995 Plymouth Sport Van: Title 50951904; Vehicle Identification Number 2P4GH2532SR406761;
- M. BB&T Checking Account #XXXXXX-1033;

- N. BB&T Checking Account #XXXXXX-4960 (Truro Operating Acct);
- O. BB&T Checking Account #XXXXXX-4979 (Truro Transfer Acct);
- P. Bank of America Checking Account #XXXXXXXX-0973 (The Baker Fund);
- Q. United Bank Checking Account #XXXX-9059 (Truro Bookstore);
- R. Fidelity Investments Account # XXX-XX1684;
- S. John Hancock/Fidelity Investments Ann. Trust Account # XXXXXX9836;
- T. The Vanguard Group account # XXXXXXXXXXXXXXX9651;
- U. The Franklin Templeton Investment Account # XXX-XXXXX1099;
- V. Wachovia Securities Investment Account # XXXX-6083; and
- W. All other property identified in the Stipulation Between Truro Church and Related Trustees and the Protestant Episcopal Church in the Diocese of Virginia and the Episcopal Church Regarding Property Subject to Truro Church's Va. Code § 57-9 Petition, dated September 9, 2008.

III. Church of Our Saviour at Oatlands

- A. The real estate located at 39918 Oatlands Mill Road, in Loudoun County, Virginia, together with all improvements thereon and appurtenances thereto, as reflected by Deed dated March 27, 1875, recorded in Deed Book 6-G, at Page 334, among the land records of Loudoun County, Virginia. The configuration of said lot was adjusted by a Deed of Boundary Line Adjustment, dated August 31, 1981, and recorded at Deed Book 796, at Page 326, among the same land records. The property was enhanced by a Lease dated October 10, 1997, and recorded at Deed Book 1531, at Page 1849, among the same land records;
- B. Bank accounts of the Congregation, and contents thereof, consisting of the following:
 - 1. Church of Our Saviour, Middleburg Bank #*2901;

2. Church of Our Saviour Future Fund, Middleburg Bank #*8310;
 3. Church of Our Saviour Cemetery Fund, Middleburg Bank #*0310;
 4. Church of Our Saviour Scholarship Fund, Middleburg Bank #*7510; and
 5. Church of Our Saviour Discretionary Account, BB&T #*3125;
- C. Security brokerage money market accounts, consisting of the following:
1. Church of Our Saviour Oatlands Contingency Account, Smith Barney #*3284; and
 2. Church of Our Saviour Oatlands "The Future Fund," Smith Barney #*8284; and
- D. All other property identified in the stipulation between the Church of Our Saviour at Oatlands and ECUSA/Diocese dated September 9, 2008.

IV. Church of the Apostles

- A. Deed, dated May 8, 2001, from John F. Swart, Jr. and John F. Swart, III, to Pierpont B. Buck, George W. Keitt, Jr., and Hugo A. Blankingship, Jr., Trustees of the Church of the Apostles (Episcopal), Fairfax County Tax Map 067-1-01, Parcel 33, recorded in the land records of Fairfax County at Deed Book 11896, Page 0057;
- B. Deed, dated November 17, 1999, from Stanley Roger Spencer to Pierpont Buck, Herbert Pearce and A. Hugo Blankingship, Jr., Trustees for Church of the Apostles (Episcopal), Fairfax County Tax Map 067-1-01, Parcels 34A and 34 B, recorded in the land records of Fairfax County at Deed Book 11150, Page 1655;
- C. Deed, dated April 20, 1971, from the Diocesan Missionary Society of Virginia to Malcolm S. Jones, George R. Younts, and William M. Peterson, as Trustees for the Church of the Apostles, Fairfax County Tax Map 58 1 02 021, recorded in the land records of Fairfax County at Deed Book 3570, Page 335;
- D. All cash and securities and all money and securities held by Church of the Apostles as of the date of its §57-9 vote in the

following bank accounts, security brokerage accounts or other type of account or fund:

1. Mercantile Potomac Bank (#5400002633), (#5400002633), (#5400005918), (#5400002617);
 2. Wachovia Bank (#2000040270270);
 3. BB&T (#5139126973);
 4. Charles Schwab & Co. (#2333-4379)
 5. Vanguard Fund (#9940125237)
 6. PEPCO Holdings, Inc. (#3800319577); and
- E. All other property identified in the Stipulation between Church of the Apostles and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the Church of the Apostles Va. Code §57-9 Petition, served September 10, 2008, and the Supplemental Stipulation between Church of the Apostles and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the Church of the Apostles Va. Code §57-9 Petition, served October 6, 2008.

V. Church of the Epiphany

- A. Deed, dated August 25, 1987, from Glebe Properties, Incorporated, to Henry A. Long, Marjorie Bell, and David Schreiner, Trustees of the Church of the Epiphany (Episcopal), Fairfax County Tax Map 035-1-/04/20/0001 as Lot 1, recorded in the land records of Fairfax County at Deed Book 6830, Page 387;
- B. All cash and securities and all money and securities held by Church of the Epiphany as of the date of its §57-9 vote in the following bank accounts, security brokerage accounts or other type of account or fund:
 1. Mercantile Potomac Bank (#5300003646), (#5300004200), (#5300004189);
 2. United Bank (#000060-6936);
 3. Charles Schwab Investments (#8766-4521);
 4. MFS Investment Management (#0012-08189780091); and

- C. All other property identified in the Stipulation between Church of the Epiphany and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the Church of the Epiphany Va. Code §57-9 Petition, served September 10, 2008, and Supplemental Stipulation between Church of the Epiphany and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the Church of the Epiphany Va. Code §57-9 Petition, served October 6, 2008.

VI. Church of the Word

- A. Deed dated December 3, 1993, from Resolution Trust Corporation, as Conservator Of Liberty Federal Savings Bank, whose address is 155 Broadview Avenue, Warrenton, VA 22186 to BRADFUTE W. DAVENPORT, JR., A.C. EPPS and H. MERRILL PASCOE, as TRUSTEES for the Episcopal Church in the Diocese of Virginia, whose address is 8317 Centreville Road, Manassas, Virginia 22111, as GRANTEE recorded among the land records of Prince William County, Virginia in Book 2084 at page 1131; and
- B. All cash and securities and all money and securities held as of the date of the §57-9 vote in the following bank accounts, security brokerage accounts or other type of account or fund:
 - 1. Church of the Word Checking Account, at BB&T with an account number ending in 2872;
 - 2. Church of the Word Certificates of Deposit numbers 0005839360705, 0005839360721, and 0005839360713, at BB&T.
- C. All other property identified in the stipulation between the parties dated September 9, 2008.

VII. St. Margaret's Church

- A. Deed, dated June 19, 1972, from The Right Rev. Robert F. Gibson, Jr., Bishop of the Diocese of Virginia, to J. Dean Mosher, B. Earl Flippo, and James M. Yingling, Trustees of St. Margaret's Church, Dettingen Parish, Prince William County, Woodbridge, Virginia, recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 640 at Page 184;
- B. Deed, dated February 13, 2004, from Donald R. Maxfield, et al. to St. Margaret's Episcopal Church by its Trustees, Gary Motsek, Charles Martin and Nancy Heermans, recorded in the Clerk's

Office of the Circuit Court for Prince William County as Instrument No. 200402170026915;

- C. All cash and securities and all money and securities held by St. Margaret's Church as of the date of its §57-9 vote in the following bank accounts, security brokerage accounts or other type of account or fund:
 - 1. Cardinal Bank (#606-001-5267);
 - 2. Bank of America (#000571758945);
 - 3. Bank of America (#000571030352);
 - 4. Wachovia (#2065170072066);
 - 5. Wachovia (#2000028458726); and
- D. All other property identified in the Stipulation between St. Margaret's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the St. Margaret's Church Va. Code §57-9 Petition, served September 10, 2008, and Supplemental Stipulation between St. Margaret's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the St. Margaret's Church Va. Code §57-9 Petition, served October 6, 2008.

VIII. St. Stephen's Church

- A. Deed, dated November 20, 1874, from Peter C. Cox and Sophia Thibodeaus D. Cox, his wife, to James F. Ball, et al., Trustees, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book E at Page 496;
- B. Deed, dated August 27, 1957, from L. Barnes Rowe, et al., to Howard R. Straughan, Robert A. Brent and Rudolph P. Waller, Jr., Trustees of Saint Stephens Parish of the Protestant Episcopal Church, Northumberland County, Virginia, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 107 at Page 148;
- C. Deed, dated January 12, 1967, from Mamie Stoneham Rice, the widow and devisee of Loman J. Rice, deceased, to Howard R. Straughan, and Rudolph P. Waller, Jr., Trustees of Saint Stephens Parish of the Protestant Episcopal Church of Northumberland County, Virginia, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 134 at Page 505;

- D. Deed, dated April 14, 1967, from Virginia D. DeDier, widow, F. Wallace DeDier and Mary E. DeDier, his wife, to Howard R. Straughan and Rudolph P. Waller, Jr., Trustees of St. Stephens Parish of the Protestant Episcopal Church, Northumberland County, Virginia, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 135 at Page 413;
- E. Deed dated December 21, 1967, from Nancy Walker Griffith and Wat T. Griffith, her husband, and Brent B. Walker, widow, to Howard R. Straughan and Rudolph P. Waller, Jr., Trustees of Saint Stephen's Parish of the Protestant Episcopal Churches of Northumberland County, Virginia, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 138 at Page 72;
- F. Deed, dated October 18, 1972, from Mamie Stoneham Rice, the widow and devisee of Loman J. Rice, deceased, to Howard R. Straughan, E. Palmer Pusey, and W. Leslie Kilduff, Trustees of St. Stephen's Protestant Episcopal Church, Heathsville, Virginia, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 160 at Page 178;
- G. Deed, dated April 1, 1996, from Robert Eugene Hall to James R. Hundley, Leslie W. Kilduff, and Donald W. Stoner, Trustees of St. Stephens Parish of the Protestant Episcopal Church, P.O. Box 609, Heathsville, Virginia 22473, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 398 at Page 441;
- H. Deed, dated November 20, 1998, from Mary L. Butler to James R. Hundley, Donald W. Stoner, and W. Leslie Kilduff, Trustees of St. Stephen's Episcopal Church, recorded in the Clerk's Office of the Circuit Court of Northumberland County in Deed Book 441 at Page 243;
- I. All cash, money and securities held by St. Stephen's Church as of the date of its §57-9 vote, in the following bank accounts, security brokerage accounts or other type of account or fund:
 - 1. EVB Accounts (account numbers in left column as of the date of 57-9 vote and, in right column, at present):

400037787	11044231
139392411	11044237
111981411	11044246
142603207	11044240
400060818	11044219

400039578	11044222
10040202	11044228

2. EVB Certificates of Deposit (certificate numbers in left column as of the date of the 57-9 vote and, in right column, at present):

600008330	30279486
120939237	40379489
600009214	40379492
600008874	
600008880	
600008881	
600008882	
600009244	

3. EVBI (#A6Z-015956; #A6Z-01 0379);
4. Wachovia (#7461-1150);
5. Vanguard (#0033/09900878074, #0033/09900878087); and
- J. All other property identified in the Stipulation between St. Stephen's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the St. Stephen's Church Va. Code §57-9 Petition, served September 10, 2008, and Supplemental Stipulation between St. Stephen's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to the St. Stephen's Church Va. Code §57-9 Petition, served October 6, 2008.

IX. St. Paul's Church

- A. Deed, dated April 21, 1904, from Sarah A. Gray, et al. to C.E. Jordan, F.J. Chew, and A.H. Johnson, Trustees of St. Paul's Episcopal Church at Haymarket, Va., recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 52 at Page 451;
- B. Deed, dated July 28, 1993, from William W. May to Macon Piercy, William C. Latham and Bernard McDaniel, Trustees of St. Paul's Episcopal Church of Haymarket, Virginia, recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 2029 at Page 67;

- C. Deed, dated February 19, 1998, from Betty Jo Longoria to William C. Latham, Macon C. Piercy, and Bernard F. McDaniel, Trustees of St. Paul's Episcopal Church of Haymarket, Virginia, recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 2536 at Page 402;
- D. Deed, dated September 22, 1999, from Betty Jo Longoria to William C. Latham, Macon C. Piercy, and Bernard F. McDaniel, Trustees of St. Paul's Episcopal Church of Haymarket, Virginia, recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 2800 at Page 571;
- E. Deed, dated January 18, 1900, from Fannie Beal and Richard Beal to Tho. J. Chew, A.H. Johnson, and Chas. E. Jordan, Trustees, recorded in the Clerk's Office of the Circuit Court for Prince William County in Deed Book 49 at Page 128;
- F. All cash and securities and all money and securities held by St. Paul's Church as of the date of its §57-9 vote in the following bank accounts, security brokerage accounts or other type of account or fund:
 - 1. BB&T (#0005139050608), (#0005139099496), (#0000000008826);
 - 2. Mercantile Potomac Bank (CD #1285), (CD #1286);
 - 3. American Funds (#1013778163);
 - 4. BB&T (#0005134122120), (#0005134122465), (#0005139150033);
 - 5. The Fauquier Bank (#0105363501); and
- G. All other property identified in the Stipulation between St. Paul's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to St. Paul's Church Va. Code §57-9 Petition, served September 10, 2008, and Supplemental Stipulation between St. Paul's Church and The Protestant Episcopal Church in the Diocese of Virginia and The Episcopal Church Regarding Property Subject to St. Paul's Church Va. Code §57-9 Petition, served October 6, 2008.

IT IS FURTHER ORDERED that except insofar as the Declaratory Judgment Actions filed by the Episcopal Church and the Diocese may relate to The Falls Church Endowment Fund, the Court's rulings on the CANA Congregations' § 57-9 Petitions

obviate the need to address the merits of those Actions and thus render them legally moot. The following cases are therefore DISMISSED WITH PREJUDICE AS LEGALLY MOOT:

1. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Epiphany, Herndon* (Circuit Court of Fairfax County; CL 2007-1235);
2. *The Protestant Episcopal Church in the Diocese of Virginia v. Truro Church* (Circuit Court of Fairfax County; CL 2007-1236);
3. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Apostles* (Circuit Court of Fairfax County; CL 2007-1238);
4. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of Our Saviour at Oatlands* (Circuit Court of Loudoun County Case No. 44148) (Circuit Court of Fairfax County; CL 2007-5364);
5. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Margaret's Church* (Circuit Court of Prince William Case No. CL 73465) (Circuit Court of Fairfax County; CL 2007-5682);
6. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Paul's Church, Haymarket* (Circuit Court of Prince William County Case No. CL 73466) (Circuit Court of Fairfax County; CL 2007-5683);
7. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Word* (Circuit Court of Prince William County Case No. CL 73464) (Circuit Court of Fairfax County; CL 2007-5684);
8. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Stephen's Church* (Circuit Court of Northumberland County Case No. CL 07-16) (Circuit Court of Fairfax County; CL 2007-5902); and

The Diocese's Declaratory Judgment Action against The Falls Church, and the Episcopal Church's Declaratory Judgment Action, which are styled as follows:

9. *The Protestant Episcopal Church in the Diocese of Virginia v. The Church at The Falls – The Falls Church* (Circuit Court of Arlington County Case No. 07-125) (Circuit Court of Fairfax County; CL 2007-5250);
10. *The Episcopal Church v. Truro Church et al.* (Circuit Court of Fairfax County; CL 2007-1625);

are DISMISSED WITH PREJUDICE AS LEGALLY MOOT except insofar as they may relate to The Falls Church Endowment Fund.

IT IS FURTHER ORDERED that the Clerks of Circuit Courts of Fairfax County, Arlington County, Prince William County, Loudoun County and Northumberland County shall enter this Order in the Civil Order books of said counties in regard to the each of the following dockets or cases:

- *In re: The Church at the Falls – The Falls Church* (Circuit Court of Arlington County, case no. CL 06-1751) (Circuit Court of Fairfax County, case no. CL 2007-5249);
- *In re: Truro Church* (Circuit Court of Fairfax County, case no. CL 2006-15792);
- *In re: Church of the Epiphany, Herndon* (Circuit Court of Fairfax County, case no. CL 2007-556);
- *In re: Church of the Apostles* (Circuit Court of Fairfax County, case no. CL 2006-15793);
- *In re: Church of Our Saviour at Oatlands* (Circuit Court of Loudoun County, case no. 43909) (Circuit Court of Fairfax County, case no. CL 2007-5363);
- *In re: St. Margaret's Church* (Circuit Court of Prince William County, case no. CL 73429) (Circuit Court of Fairfax County, case no. CL 2007-5685);
- *In re: St. Paul's Church, Haymarket* (Circuit Court of Prince William County, case no. CL 73428) (Circuit Court of Fairfax County, case no. CL 2007-5686);
- *In re: Church of the Word* (Circuit Court of Prince William County, case no. CL 76197) (Circuit Court of Fairfax County; CL 2007-11514);
- *In re: St. Stephen's Church* (Circuit Court of Northumberland County, case no. CL 06-123) (Circuit Court of Fairfax County, case no. CL 2007-5903);

IT IS FURTHER ORDERED that the Memoranda of Lis Pendens filed by the Diocese related to the foregoing real property and recorded among the various land records of Circuit Courts of Fairfax County, Arlington County, Prince William County,

Loudoun County and Northumberland County shall be, and are hereby, released and dismissed; and the Court directs the Clerks of said Courts to take such action under the time frame and in the manner specified by Va. Code § 8.01-269 to index the release and dismissal of the following Memoranda of Lis Pendens:

Circuit Court of Fairfax County:

Memorandum filed February 9, 2007, and recorded at Book 19115, Page 0881. Indexed under "Church of the Apostles and Pierpont B. Buck, George W. Keitt, Jr., and A. Hugo Blankenship, Jr., Trustees of Church of the Apostles (Episcopal)."

Memorandum filed February 9, 2007, and recorded at Book 19115, Page 0869. Indexed under "Church of the Epiphany, Herndon and Marjorie Bell, Murray Black and Frederick W. Woodward, Trustees of the Church of the Epiphany (Episcopal)."

Memorandum filed February 9, 2007, and recorded at Book 19115, Page 0875. Indexed under "Truro Church and Mary S. [sic] Peterson and John A.C. Keith, Trustees for Truro Episcopal Church."

Circuit Court of Arlington County:

Memorandum filed February 6, 2007, and recorded at Book 4067, Page 12. Indexed under "The Church at the Falls -- The Falls Church and The Trustees of the Church at the Falls -- The Falls Church."

Circuit Court of Prince William County:

Memorandum filed February 9, 2007, and recorded as Instr. 200702090018237. Indexed under "St. Margaret's Church and Gary Motsek, Charles Martin, and Michelle Wheeler, Trustees of St. Margaret's Episcopal Church."

Memorandum filed February 9, 2007, and recorded as Instr. 200702090018238. Indexed under "St. Paul's Church, Haymarket and Macon Piercy, William C. Latham and Bernard Franklin McDaniels, Trustees of St. Paul's Episcopal Church."

Circuit Court of Loudoun County:

Memorandum filed February 8, 2007, and recorded as Instr. 200702080011137. Indexed under "Church of Our Saviour at Oatlands and Kay Rugen Franke, Adele Hawthorne Miller, Elijah Brockenbrough White and Daniel Robert Clemons, Trustees of Church of Our Saviour at Oatlands."

Circuit Court of Northumberland County:

Memorandum filed February 28, 2007, and recorded at Book 656, Page 923. Indexed under "St. Stephen's Episcopal Church and Howard L. York, George S. Kranda, Jane B. Wrightson, W. Leslie Kilduff, and James R. Hundley, Trustees of St. Stephen's Episcopal Church."

IT IS FURTHER ORDERED that, pursuant to this Court's Letter Opinions on the Court's Five Questions (June 27, 2008) and on Remaining 57-9 Issues (December 19, 2008), Church of the Word is the beneficial owner of the real property that is the subject of the December 3, 1993, Deed described in paragraph VI(A), supra (the "COTW Property"). Accordingly, the Court holds that Elizabeth G. Hester (who replaced A.C. Epps by Order of the Prince William Circuit Court, entered August 7, 2003), Bradfute W. Davenport, Jr., and H. Merrill Pasco were replaced as Trustees for Church of the Word and the COTW Property by William G. Stalcup, Daniel R. Thomas, and Mariann Lynch pursuant to the Order Appointing Trustees for Church entered by the Prince William Circuit Court on September 12, 2005.

THIS IS A FINAL ORDER.

The Clerk will send copies of this Order to all counsel of record.

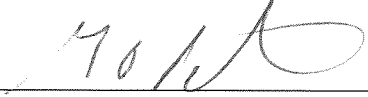
Entered this 8 day of January, 2009.



Circuit Court Judge Randy I. Bellows

SEEN AND AGREED:

TRURO CHURCH AND RELATED TRUSTEES

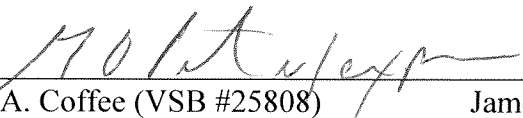
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SEEN AND AGREED, except with regard to the Endowment Fund for the reasons noted in previous filings

THE CHURCH AT THE FALLS – THE FALLS CHURCH

By: 

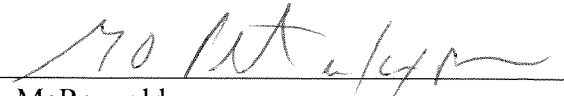
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SEEN AND AGREED:

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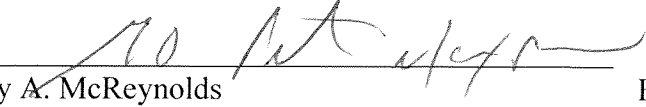
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SEEN AND AGREED:

ST. MARGARET'S CHURCH and ST. PAUL'S CHURCH, HAYMARKET and RELATED TRUSTEES

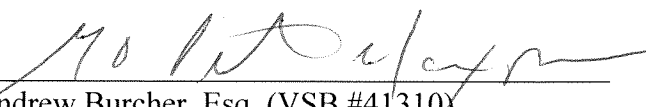
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SEEN AND AGREED:

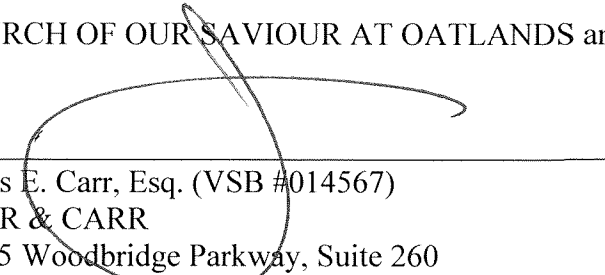
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SEEN AND AGREED:

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By: 

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SEEN:

TRUSTEES OF THE CHURCH AT THE FALLS – THE FALLS CHURCH, *including*
William W. Goodrich, Harrison Hutson, and Steven Skancke

By: _____

Edward H. Grove, III, Esquire

Brault Palmer Grove White & Steinhilber LLP

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P.O. Box 1010

Fairfax, VA, 22038-1010

SEEN:

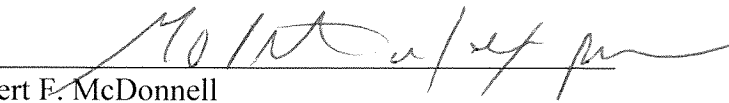
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SEEN:

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SEEN AND OBJECTED TO and all exceptions noted, for the reasons previously stated in motions and briefing and at oral argument and trial:

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