

N06 2/6

(Requestor's Name)

(Address)

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(City/State/Zip/Phone #)

☐ PICK-UP

☐ WAIT

☐ MAIL

(Business Entity Name)

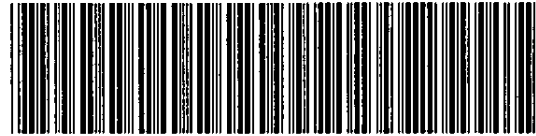
(Document Number)

Certified Copies _____

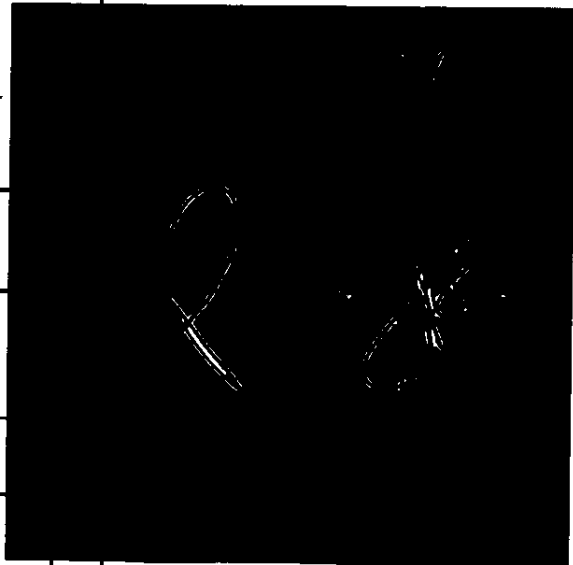
Certificates of Status _____

Special Instructions to Filing Officer:

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100060451721



SECRETARY OF STATE
TALLAHASSEE, FLORIDA

06 SEP 25 PM 4:53

FILED

Court Order
Reactivating Corp.
By Rescinding Voluntary
Dissolution that was
filed 1/22/04

4442 LAFAYETTE STREET
POST OFFICE BOX 1612
MARIANNA, FLORIDA 32447-5612

GEORGE J. LITTLE
ATTORNEY AT LAW

RECEIVED

06 SEP -7 AM 8:00

DIVISION OF CORPORATIONS

TELEPHONE
(850) 526-5316
FAX (850) 482-7640
E-MAIL lawoffice@georgelittle.com

September 5, 2006

Secretary of State
Division of Corporations
Reinstatements
The Capitol
Tallahassee FL 32304

RE: Gap Pond Free Will Baptist Church and Community Cemetery, Inc.
Charter No: N06216

Greetings:

I represent Gap Pond Free Will Baptist Church and Community Cemetery, Inc.


The above-named corporation was dissolved by your office on January 22, 2004.

I am enclosing herewith a certified copy of the Order Granting Declaratory Relief entered by Judge Allen L. Register on November 30, 2004, in Washington County Circuit Civil Case No. 67-03-CA-583, which states in paragraph 3: "Gap Pond Free Will Baptist Church and Community Cemetery, Inc., is an active corporation. The Articles of Dissolution filed with the Secretary of State on or about January 19, 2004, by Elena J. Dunn is void and of no force and effect. The Secretary of State, Division of Corporations of the State of Florida is hereby directed to restore Gap Pond Free Will Baptist Church and Community Cemetery, Inc. to active status and to remove any records of dissolution [sic] which may have been filed."

Accordingly, please restore the above-named corporation and advise the undersigned by returning a printout showing its status.

Your prompt reply acknowledging the restoration of this corporation to active status would be appreciated.

Very truly yours,



George J. Little

GJL:pl

enclosure - as stated above



FLORIDA DEPARTMENT OF STATE
Division of Corporations

September 8, 2006

GEORGE J. LITTLE, ATTY.
PO BOX 1612
MARIANA, FL 32447-5612

SUBJECT: GAP POND FREE WILL BAPTIST CHURCH AND COMMUNITY
CEMETERY, INC.
Ref. Number: N06216

This will acknowledge receipt of your correspondence which is being returned for the following reason(s):

THE CANCELLING OF THE VOLUNTARY DISSOLUTION BY COURT ORDER WILL BE FILED IN THIS OFFICE. HOWEVER, IT IS REQUIRED THAT THE ABOVE NAMED CORPORATION FILE THE MISSED ANNUAL REPORTS FOR THE YEARS 2005 AND 2006. THE FILING FEE IS \$61.25 PER REPORT, TOTALING \$122.50. ONE REPORT WITH THE CURRENT INFORMATION MAY BE FILED, OR IF YOU PREFER, ONE REPORT FOR EACH YEAR. IN EITHER CASE, \$122.50 IS DUE. ONCE THE REPORTS ARE RECEIVED AND FILED, THE CORPORATION WILL BE REACTIVATED.

If you have any questions concerning the filing of your document, please call (850) 245-6880.

Karen Gibson
Document Specialist Supervisor

Letter Number: 106A00054505

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR WASHINGTON COUNTY

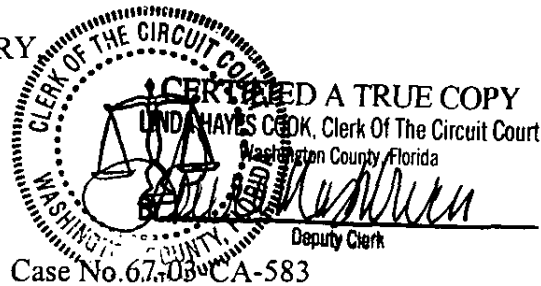
GAP POND FREE WILL BAPTIST
CHURCH AND COMMUNITY CEMETERY
INC., A Florida Not-for-Profit Corporation,
and DORIS BURNSED,

Plaintiffs,

vs.

ELENA DUNN, GERALDINE BOYETTE,
KENNEL P. FINCH and REX R. FINCH, JR.,

Defendants.



CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY
FILED
2009 NOV 30 PM 2:53
06 SEP 25 PM 4:53
LINDA HAYES COOK
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ORDER GRANTING DECLARATORY RELIEF

THIS CAUSE having come on to be heard by this Court pursuant to the Complaint filed in this matter by the Plaintiffs seeking Declaratory Relief, Injunctive Relief and alleging a count of conversion against the Defendants, this Court having heard sworn testimony from the parties hereto, all who were represented by counsel, and this Court having reviewed the exhibits admitted into evidence during this trial, the Court makes the following findings of fact.

The Court is presented with a legal question that arises from a fairly convoluted history dealing with disputes over property used for the worship of God. The beginning point of the historical journey that concludes with the present legal action began in 1963. As the result of a law suit over the same piece of property involving A.A. Finch, Jack Finch and C.L. Newsome as plaintiffs against Arthur Finch and Brown Finch as defendants, a Washington County jury determined that the legal title to Gap Pond Free Will Baptist Church was vested in A.A. Finch and Jack Finch "as deacons of said church in trust for the use and benefit of the adherents of the principles, tenets, and doctrine of the Free Will Baptist Church...." Apparently, these adherents carried on church business at Gap Pond Free Will Baptist Church until October of 1984, although Kennel Finch testified that the church doors were closed from 1975 until 1985.

On October 17, 1984, the property of Gap Pond Free Will Baptist Church was deeded by warranty deed to West Florida Liberty Association of Free Will Baptists by Ed Sweigert as grantor. Apparently at this time the membership and attendance at the church had decreased to the point that Mr. Sweigert, as deacon, felt the only way to keep the church doors open to the public was to deed the church to the Association.

On October 30, 1984, Leonard Finch, Sr., Leonard Russell, and Lacey (Finch) Dean drafted and subsequently filed with the Secretary of State Articles of Incorporation of Gap Pond Free Will

Baptist Church And Community Cemetery, Inc.. The articles of incorporation and their by-laws have been used to govern church matters at Gap Pond church from their filing until October of 2003. As a result of what seemed to be two differing sets of governing bodies at Gap Pond Church (one created by the deed to the Association and one created by the articles of incorporation) the Association quit claimed the property to Gap Pond Free Will Baptist Church And Community Cemetery, Inc., a Florida Corporation on March 3, 2002, the corporation established by Finch, Russell and Dean on October 30, 1984. The Association, however, provided a reservation within the deed that if the "property herein granted ceases to be used and maintained as a Freewill Baptist Church, then all the right, title, and interest in land and to the property shall revert to and revest in the grantor. If the property herein granted shall be conveyed by the above grantee, the property shall revert to the grantee." At the time of the quit claim deed, all parties to this law suit, along with the Association, were satisfied that the governing body set up by the articles of incorporation was the legal and responsible entity for Gap Pond Church.

In accordance with the Articles of Incorporation and by-laws, Doris Burnsed, one of the plaintiffs in this case, was elected to serve on the Board of Directors of the church in 1985. Since then she has served in various capacities, mostly as President or Vice-President. Elena Dunn, one of the defendants in this case, acknowledged that she voted for Ms. Burnsed as President. She further admitted that she has signed various documents alongside Ms. Burnsed acknowledging her position as President of the corporation. Now, however, Ms. Dunn contends that she is unsure as to whether Ms. Burnsed was ever admitted into membership by the church. The Court is unconvinced by Ms. Dunn's testimony to this effect. Additionally, no witness called to testify had sufficient knowledge as to the membership history to overcome Ms. Burnsed's assertion of membership. The Court further finds convincing in supporting this conclusion that the parties worked with and even elected Ms. Burnsed to positions of leadership within the church. Having determined that Ms. Burnsed was a valid member of Gap Pond Church and that she had been duly elected to serve as President of the Gap Pond Freewill Baptist Church, the Court now turns its attention to the October 2003 meeting that led to the present litigation.

Elena Dunn testified that in October 2003, she informed Geraldine Boyette at church, while standing in the aisle, that they would meet the next Sunday to vote to remove Ms. Burnsed, her daughter and the preacher from the church. When the next Sunday arrived, the meeting occurred and the planned action took place. Additionally this group voted to dissolve their relationship with the Association and to become a Baptist church as opposed to a Freewill Baptist church. Subsequently, this group filed quit claim deeds with the Clerk of Court in Washington County purporting to deed the church property from the Association to the successor group composed of these defendants. The grantor on these documents was Rex R. Finch, Jr., who signed as Grantor President/heir. The testimony is unrefuted that Rex R. Finch, Jr., has no position of authority with the Association, grantor.

Under Article XV of the church's Articles of Incorporation, under which the parties were governed, notice of all business meetings is required to "be published in a local newspaper thirty (30) days before scheduled meeting and announced twice at a regular meeting of the church membership or as set forth in the bylaws." Additionally, Article eight of the by-laws of the Gap Pond Free Will Baptist Church provides that the church may be "called into conference to attend business when it

has been sounded twice from the pulpit at public meetings." Clearly, from Ms. Dunn's testimony two major violations of the by-laws occurred at the October 2003 meeting. First, the proposed business was only sounded once and second it was never sounded from the pulpit. Additionally, Ms. Dunn acknowledged that the requirement of publication in a local newspaper was not met. The Court, in considering the testimony of Kennel Finch that the October 2003 meeting was advertised in a local newspaper, notes that defendants' exhibit 2 still does not provide proof of the requisite thirty (30) days notice. It therefore appears that any business carried on by Ms. Dunn and the other defendants at this meeting was directly in violation of the church's articles of incorporation and by laws which this same group had adhered to for years preceding this action. It is therefore

ORDERED AND ADJUDGED that

1. The title to the property described in Exhibit A, attached hereto and incorporated herein by reference, is held by the Gap Pond Free Will Baptist Church and Community Cemetery, Inc., pursuant to the Quit Claim Deed dated March 2, 2002, and recorded at Book 437, Page 531 of the Official Records of Washington County, Florida. No conveyance of this property recorded since the above referenced deed shall have any force or effect.

2. Doris Burnsed is the President of the Gap Pond Free Will Baptist Church and Community Cemetery, Inc.. Kimberly Harrison is the Secretary and Treasurer. The Directors of the corporation are Doris Burnsed, Kimberly Harrison, Beatrice Milton, Elena Dunn and Geraldine Boyette.

3. Gap Pond Free Will Baptist Church and Community Cemetery, Inc., is an active corporation. The Articles of Dissolution filed with the Secretary of State on or about January 19, 2004, by Elena J. Dunn is void and of no force and effect. The Secretary of State, Division of Corporations of the State of Florida is hereby directed to restore Gap Pond Free Will Baptist Church and Community Cemetery, Inc. to active status and to remove any records of dissolution which may have been filed.

4. Control of the bank account for the Gap Pond Church shall be restored to Kimberly Harrison, Secretary/Treasurer of the corporation. Defendants shall give a written account to the Secretary/Treasurer for all activity on the account for the time it has been under their control. A copy of said accounting shall be filed with the Secretary/Treasurer within thirty (30) days from the date of this order.

5. Any and all actions taken by the Defendants since October 2003 as officers of the Gap Pond Church concerning personnel matters, including but not limited to the calling of a Preacher/Pastor, are hereby declared to be null and void as having been taken without authority.

6. Doris Burnsed, as President of Gap Pond Free Will Baptist Church And Cemetery, Inc. shall call a business meeting of the membership of said church, publishing said meeting as directed by Article XV of the Articles of Incorporation, for the second Sunday in January 2005, specifically January 9, 2005, for the purpose of electing Officers and Directors of said Corporation.

7. The relief requested by the Defendants in their counterclaim is denied.

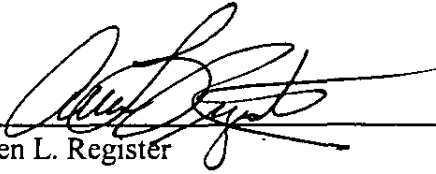
8. The Court retains jurisdiction to determine the Plaintiff's count III for conversion until such time as the accounting as required by paragraph 4 of this Order is made.

DONE AND ORDERED this 30 day of November 2004.

Inst:2004011265 Date:12/03/2004 Time:09:12

had DC, LINDA H. COOK, WASHINGTON County P:558 P:262

010558 P262


Allen L. Register
Circuit Judge

copy to:

George J. Little, attorney for Plaintiffs
Roy Lake, attorney for Defendants

EXHIBIT A

Parcel A

Tract "H", SUNNY HILLS UNIT FOUR, according to the Plat thereof as recorded in Plat Book 2, at Pages 42 through 54, both inclusive, of the Public Records of Washington County, Florida.

Parcel B

A tract of land lying in the SW ¼ of Section 29, Township 2 North, Range 13 West, Washington County, Florida, and being more particularly described as follows:

Begin at the SW corner of Tract "H" of SUNNY HILLS UNIT FOUR, according to the map or plat thereof as recorded in Plat Book 2, Pages 42 through 54 inclusive of the Public Records of Washington County, Florida, for the Point of Beginning; Run thence N-86°54'08" E along the South boundary of said Tract "H" a distance of 532.65 feet; thence S-07°13'34" W a distance of 214.33 feet to a point on the arc of a circular curve concave to the Southerly having a radius of 2440.00 feet, said point bearing N-07°13'34" E from the center of said curve; thence Westerly along the North right-of-way line of Gap Boulevard and the arc of said curve through a central angle of 11°09'14" a distance of 475.00 feet to a point of reverse curvature of a circular curve concave to the Northeasterly having a radius of 25.00 feet; thence Northwesterly along the arc of said curve through a central angle of 92°17'48" a distance of 40.27 feet to a point of tangency; thence N-01°37'52" W along the Easterly right-of-way line of Harbor Place a distance of 146.02 feet to the Point of Beginning, and containing 2.18 acres, more or less.

Deed Restrictions: Both Parcel A and B above are subject to the Declaration of Restrictions recorded in the Official Records Book 49, Pages 360-365 of the Public Records of Washington County, Florida.

Reservations: If the property herein granted ceases to be used and maintained as a Freewill Baptist Church, then all the right, title, and interest in and to the property shall revert to and revest in the grantor. If the property herein granted shall be conveyed by the above grantee, the property shall revert to the grantee.

Inst:2004011205 Date:12/03/2004 Time:09:12

Linda H. Cook PC, LINDA H. COOK, WASHINGTON County B:558 9:263

OK 558 P263