

2016 MAY 11 PM 1:46

LYNN W. HAN **IN THE SUPERIOR COURT OF MONROE COUNTY**
CLERK **STATE OF GEORGIA**

BY: _____

FORSYTH SECOND BAPTIST)
CHURCH, INC., NETTIE PARKER,)
ESSIE HERNDON, LINDA HARRIS,)
WAYNE HARRIS, and VIVIAN)
YOUGHN,)
Plaintiffs,)

v.)

JOHN HESTER and CHARLOTTE)
HESTER, individually and as former)
officers of Forsyth Second Baptist)
Church, Inc., ROCK SPRINGS)
CONGREGATIONAL METHODIST)
CHURCH, INC., ABC and XYZ)
CORPORATIONS and JOHN DOE,)
Defendants.)

CIVIL ACTION

NO. 2016-CV-57

PLAINTIFFS' MOTION FOR NEW TRIAL

Plaintiffs Forsyth Second Baptist Church, Inc., Nettie Parker, Essie Herndon, Linda Harris, Wayne Harris, and Vivian Youghn move the Court to set aside the Final Order entered herein on or about April 11, 2016, and to grant a new trial on the following grounds:

1. The Court erred in granting the motion to dismiss without considering evidence that would have shown that this suit was brought on behalf of a majority of the congregation of Forsyth Second Baptist Church.


2. The Court erred in granting the motion to dismiss without considering evidence that would have shown that a majority of the congregation of Forsyth Second Baptist Church opposed quitclaiming the Church's property to Rock Springs Congregational Methodist Church, Inc.

3. The Court erred in granting the motion to dismiss without considering evidence that would have shown that members of Forsyth Second Baptist Church who were not present at the January 20, 2016 meeting objected to the notice of the meeting.

A rule nisi is enclosed.

Respectfully submitted,

This 10th day of May, 2016.



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Attorney for Plaintiffs

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RULE NISI

A motion for new trial has been filed. Therefore, the parties are ordered to appear before the Honorable Judge Grant Brantley of the Monroe County Superior Court in the following location:

Courtroom _____
Monroe County Superior Court
1 Courthouse Square
Forsyth, GA 31029

on _____, 2016, at _____ to
show cause why the relief sought should not be granted.

Issued on _____, 2016.

JUDGE/CLERK
Superior Court of Monroe County


Presented by:
Andy Clark, GA Bar No. 571179
Andy Clark Law, LLC
1100 Peachtree St., Suite 200, Atlanta, GA 30309

CERTIFICATE OF SERVICE

I hereby certify that I served today the foregoing PLAINTIFFS'
MOTION FOR NEW TRIAL upon each party by FedEx and email to:

A.J. Welch
Smith, Welch, Webb & White, LLC
2200 Keys Ferry Court
McDonough, GA 30253
bwelch@smithwelchlaw.com

This 10th day of May, 2016.



Andy Clark