

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

In re: COMMUNITY CHAPEL AND)
BIBLE TRAINING CENTER, a)
non-profit corporation organized) No. 88-2-05272-7
under the laws of the State of)
Washington.)

DEPOSITION UPON ORAL EXAMINATION

OF

JOHN H. DuBOIS

Taken at 315 Second Avenue South
Seattle, Washington

ORIGINAL

DATE TAKEN: APRIL 6, 1988

REPORTED BY: MERILYN SEYBERT, CSR

THIS DEPOSITION FILED
April 11, 1988
AND FORWARDED TO
3 DAY OF June, 1988

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A P P E A R A N C E S

FOR E.S. HARTLEY
& JOHN H. DuBOIS:

JAMES G. LEACH
Leach, Brown & Anderson
4040 First Interstate Center
Seattle, WA 98104

FOR THE RESPONDENT:

RODNEY G. PIERCE
Attorney at Law
315 Second Avenue South
Seattle, WA 98104

FOR THE RESPONDENT:

ROGER W. JOHNSON
Johnson & Riley
216 First Avenue South
Seattle, WA 98104

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SEATTLE, WASHINGTON; WEDNESDAY, APRIL 6, 1988

10:30 A.M.

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JOHN H. DuBOIS, witness herein, having been
first duly sworn on oath, was
examined and testified:

E X A M I N A T I O N

BY MR. PIERCE:

Q. State your full name.

A. John H. DuBois, D-u-B-O-I-S.

Q. Your residential address?

A. 2459 Southwest 150th, Seattle.

Q. You are employed?

A. I'm a retired marine officer.

Q. Do you work anywhere at the present time?

A. I volunteer at the Community Chapel and Bible
Training Center.

Q. What areas are you a volunteer in at the
Community Chapel?

A. I am a senior elder, member of the board of
directors, and dean of the Bible college.

Q. Your position as a senior elder is the same as
a member of the board of directors?

1 correct?

2 A. Yes, that's what it purports to be.

3 Q. Exhibit 2 is a motion and temporary restraining
4 order signed by Judge Johnson.

5 Have you seen that document before?

6 A. Yes, I have.

7 Q. When was the first time you saw that document?

8 A. Well, I don't remember the date. But it was
9 very soon after the action was taken by the judge.

10 Q. I think the order was signed on March 11th,
11 which would be a Friday afternoon.

12 Would you have seen it that weekend?

13 A. I don't think I would have seen it that
14 weekend. But I heard about it. I don't remember when I
15 saw it. But it was soon after that.

16 Q. Do you remember who delivered that to you?

17 A. No; I don't think it was delivered to me.

18 Q. You've never received a copy of this?

19 A. No. I don't have a copy.

20 Q. When is the first time you heard about the
21 terms of the restraining order?

22 A. On that day. On Friday.

23 Q. Exhibit 3 is a restraining order signed by
24 Judge Bates on the 15th day of March.

25 Are you familiar with that document?

1 A. I have seen it, yes.

2 Q. When was the first time you saw that document?

3 A. Once again, it would be shortly after the
4 action was taken. But I don't remember exactly.

5 Q. Was a copy of that document delivered to you?

6 A. No. I don't have a copy of this.

7 Q. And you don't recall ever receiving that
8 document in the past?

9 A. No.

10 Q. You learned about the terms of that document
11 shortly after it was --

12 A. Yes.

13 Q. I show you what is marked as Exhibit 6, which
14 purports to be handwritten notes of Mr. Hartley involving
15 Page 1, a telephone conversation with Don Barnett, and
16 Page 3, a meeting between you and Don Barnett and
17 Scott Hartley.

18 Have you seen those notes before?

19 A. No.

20 Q. I show you Exhibit 8. It appears to be a
21 March 13th memo.

22 Are you familiar with that?

23 A. Yes.

24 Q. Can you tell us what that is and --

25 A. It is a letter to Don Barnett to three senior

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elders.

Q. Dated when?

A. March 13, 1988.

Q. The purpose of the memo was what?

A. Let's see. Well, it was to let -- I don't know -- remind him of some of the provisions of the bylaws and restore the college classes, obviously, is what it says -- to then schedule and direct him otherwise in other things.

Q. Exhibit 9 is a memo of March 15th by you and Scott Hartley to Don Barnett?

A. Yes.

Q. And that one was to notify him there was a vacancy in the vice-presidency position?

A. Yes.

Q. The second paragraph advises him how you understand that vacancy is to be filled; is that correct?

A. Yes, quoting the bylaws.

Q. And the bylaws provide it is to be done by appointment by the president?

A. Yes.

Q. Has the position of vice-president been filled to the present time?

A. No.

Q. Do the bylaws provide any means for an acting

1 vice-president or general manager?

2 A. Not to my knowledge.

3 Q. Have you done anything contrary to the terms of
4 the bylaws in appointing an acting vice-president or
5 general manager?

6 A. Have I?

7 Q. Yes.

8 A. No.

9 Q. On April 1st, did you sign a memo to
10 Don Barnett indicating that Scott Hartley was acting
11 vice-president and general manager?

12 A. On April 1st?

13 Q. April 1st.

14 MR. LEACH: Friday.

15 A. No.

16 Q. (By Mr. Pierce) Did you write a memo to
17 Don Barnett with regards to his paycheck on April 1st?

18 A. No.

19 Q. Do you know who did?

20 A. It wasn't April 1st.

21 Q. What date was it?

22 A. It was April -- what is today, the 7th?

23 Q. Monday was the 4th. Today is Wednesday the
24 6th.

25 A. The 1st was Friday. It was this week. It

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wasn't Friday.

Q. Do you have a copy of that memo with you?

A. No, I don't have a copy of that memo.

Q. Who has a copy of that memo?

A. I don't know. I signed it and -- signed the original.

Q. What did it provide?

A. Let's see. There were several things in it.

Q. First, what did it provide with regards to an acting general manager?

A. It notified John he wasn't because his appointment had not been ratified.

Q. Did it say someone else was?

A. It said Scott was acting in that regard in the meantime.

Q. Is there some authority under the bylaws for Scott to act?

A. No.

Q. You, as a member of the board of directors, indicated to the president of the corporation that there was --

A. Well, the matter naturally fell on Scott's shoulders.

Q. I don't understand what you mean "naturally."

A. He is a member of the board of directors with

1 the broadest corporate experience and with the most
2 ability to fill in for Jack Hicks. With the idea of
3 business proceeding as usual, it seemed only natural and
4 normal, since Scott had the broadest knowledge of the
5 corporate structure, the most experience in it, that he
6 would be the one to take that position.

7 Q. It was your decision that he should act?

8 A. No. I agreed with him that was the natural
9 order of things.

10 Q. This was Scott's decision which you concurred
11 in?

12 A. Well, I can't say it was his decision. It was
13 just a natural thing. I wouldn't know who else to put in
14 there. I wouldn't know who else could do it. No one
15 else could do it.

16 Q. Can you do it?

17 A. In the first place, I wouldn't do it. Scott is
18 on the paid staff. I don't have the corporate experience
19 he does. He has a broad knowledge of that corporation.
20 He was the Christian school director. He was direct- --
21 he was assistant to Jack Hicks as vice-president and
22 general manager. He had charge of the budget. He was
23 Sunday school director for many years. In almost all of
24 the corporation, he had experience. Mine was limited to
25 the Bible college.

1 Q. Did Don Barnett ask to meet with you with
2 regards to the position of vice-president, individually?

3 A. No. You mean with me, personally,
4 individually?

5 Q. Yes.

6 A. No.

7 Q. Did he ask to meet with Scott Hartley
8 individually?

9 A. I don't know.

10 Q. Did Scott Hartley make indication or mention to
11 you his request to meet individually with him?

12 A. I don't remember anything.

13 Q. Am I understanding you to say, if you were
14 offered the position of vice-president of the
15 corporation, you would decline to perform that service?

16 A. Yes. I'm not interested in having the
17 position, nor do I qualify for it.

18 Q. But you do agree Don Barnett is the one who
19 appoints the --

20 A. Yes.

21 Q. -- the vice-president?

22 A. Yes, that's right.

23 Q. And if a vice-president is not appointed, is
24 there any provision in the bylaws which would allow the
25 president to make day-to-day decisions?

1 A. I don't know that it requires the absence of
2 the vice-president for that. I think it says that he can
3 make -- I don't remember the terms exactly. I think it
4 says "snap judgments" or something like that, in cases
5 where that is necessary.

6 Q. Referring to Page 7 looking at Exhibit 82,
7 it appears to say, under Section 5, Article Three: The
8 president of the corporation shall have the authority to
9 make any interpretations of these bylaws or any necessary
10 on-the-spot decisions, arbitrations, regulations, etc.,
11 regarding areas not covered by these bylaws.

12 A. Yes.

13 Q. Would that cover the appointment of an acting
14 vice-president if there is not one that is set out in the
15 bylaws?

16 MR. LEACH: That is a conclusion.

17 MR. PIERCE: I'm asking his opinion.

18 A. Yes, I guess so.

19 Q. (By. Mr. Pierce) Why then would you be making
20 that determination instead of Donald Barnett?

21 A. I didn't make the determination.

22 Q. Why would you be signing a document indicating
23 Scott Hartley is an acting vice-president if this is a
24 decision the president would make?

25 A. I think I have answered. Let me use the same

1 words I used before. The job naturally fell to Scott
2 Hartley because of his experience and ability to perform
3 the functions of the job.

4 Q. Do you know if Scott Hartley would follow the
5 directions of Donald Barnett as president of the
6 corporation?

7 A. Do I know if he would?

8 Q. Yes.

9 A. He would if it were for the benefit of the
10 corporation.

11 Q. Has he expressed to you that he would not
12 follow the directions of Donald Barnett?

13 A. I think he has under certain circumstances. I
14 don't know if he ever made that general statement to me,
15 Mr. Pierce.

16 MR. LEACH: I think, if you just referred
17 to the letter you are referring to --

18 MR. PIERCE: I am trying to remember where
19 it is. I think I remember where it is.

20 Q. (By Mr. Pierce) Take a look at Exhibit 7, an
21 affidavit of Scott Hartley. It has attached a letter,
22 dated March 13, 1988.

23 Are you familiar with that letter?

24 A. Yes.

25 Q. You signed that letter didn't you?

1 A. Yes, I did.

2 Q. Do you know if Scott Hartley signed that
3 letter?

4 A. I don't know if he did. I assume -- I don't
5 know.

6 Q. Would you review that document and see if you
7 can see Scott Hartley's signature on that letter. For
8 your information, Mr. Hartley has made the yellow
9 notations on this exhibit as part of the record as being
10 representations of being people who are elders of the
11 corporation or the church.

12 I represent to you, on the right column of
13 these documents, there is identification of individuals
14 who are elders, and in some occasions, senior elders.

15 A. Yes, he did sign it.

16 Q. In fact, his signature is right below your
17 signature on that document?

18 A. Yes.

19 Q. Were both of you together at the time these
20 signatures were placed onto this sheet attached to this
21 March 13th letter?

22 A. I don't remember.

23 Q. This letter indicates that, in the last
24 paragraph: We consider the senior elders to be the
25 senior leadership of this church, and, therefore, our

1 corporation employer.

2 That was your opinion --

3 A. Yes.

4 Q. -- on March 13th, I believe?

5 A. Yes.

6 Q. Is that your same position?

7 A. Yes.

8 Q. And does that mean you do not consider

9 Donald Barnett to be the president of the corporation?

10 A. Well, he is the president of the corporation.

11 It doesn't matter what I think. The court installed him.

12 Q. And do you intend to follow his directions as
13 the president of the corporation?

14 A. If I do, it will be because they coincide with
15 the best interests of the corporation, not because he is
16 the president of the corporation.

17 Q. That is, if he tells you he wants to have
18 something done, you will make your own determination as
19 to whether or not to do it; is that correct?

20 A. Yes.

21 Q. If he wants to have the phones restored to the
22 parsonage, for example, would that be something you would
23 approve? Or would you make your own determination? Or
24 do you think --

25 A. He did make that request.

1 Q. Were the phones restored?

2 A. I don't know. We offered him an office in the
3 corporate headquarters in lieu of installing that kind of
4 telephone service.

5 Q. He requested the phone service be restored?

6 A. Yes.

7 Q. Was that reasonable in your opinion?

8 A. I don't know.

9 Q. Would you object to that phone service being
10 restored?

11 A. Mr. Pierce, I have always objected to him
12 having his office outside the corporate headquarters, and
13 denying the rest of us on the staff his daily presence.
14 I have always objected to that. It has been a real
15 hinderance to me in the performance of my duties.

16 Q. Maybe you can tell me what your duties are.

17 A. As dean of the Bible college?

18 Q. Yes.

19 A. Primarily, now, it is counseling Bible
20 students. Before, it was a combination of registrar and
21 dean. Now, we have a competent registrar, so I no longer
22 have to concern myself with those duties. I can concern
23 myself almost exclusively with the students and their
24 needs.

25 Q. Where is the Bible college located, on the west

1 or east campus?

2 A. On the east campus.

3 Q. Is that separated from the other buildings?

4 A. The corporate offices are there.

5 Q. In the same building or in a different
6 building?

7 A. They are all there. They are connected in the
8 same building complex.

9 Q. They are not actually part of the same
10 building, but there are walkways in between the
11 buildings?

12 A. Yes.

13 Q. You are in a separate building from the
14 corporate offices?

15 A. No, same building.

16 Q. How many buildings are there in this complex?

17 A. Let's see. Four or five, maybe six, including
18 the shop.

19 Q. Can you describe what are in these various
20 buildings?

21 A. There is the recording studio.

22 Q. Is that Building 1?

23 A. Yes. I guess you could say that. The room
24 numbers are all one in there. The recording studio. And
25 the services division office. Security department is in

1 there. There is a covered court between that and the
2 chapel building.

3 Q. Is the chapel in a separate building?

4 A. Yes. It is connected by a covered court?

5 Q. What, a walkway?

6 A. A covered court, not a walkway.

7 Q. What is a covered court?

8 A. It is larger than a walkway. And those
9 buildings are the tape and sound ministries for the east
10 campus, the bookstore, the college bookstore, and the
11 tape checkout library, the chapel itself. And on the
12 west wing of that chapel building are offices, the
13 ministries office, the Bible college office, the general
14 manager's office, the accounting offices, the print shop.
15 That would be -- those would be 300 rooms -- no, 400
16 rooms.

17 Q. 400 being a separate building?

18 A. No. Same building. You do not have to go
19 outside to get from the chapel to the offices I just
20 described.

21 Q. This is Building No. 2. You said six
22 buildings?

23 A. We don't call it that.

24 Q. Are there six buildings here?

25 A. Let me see. Yes, there are six. But they are

1 not numbered like you are --

2 Q. Tell me what is in the first building, the
3 second building --

4 A. That's what I am doing.

5 Q. The first building, recording studios and
6 service ministries?

7 A. Yes.

8 Q. Second building is the chapel. And what is in
9 that chapel are the tape and sound ministries, tape
10 checkout and bookstore?

11 A. Uh-huh.

12 Q. Anything else in the second building?

13 A. Yes. The ones I just give you.

14 Q. Ministries, Bible college, and general manager?

15 A. Uh-huh.

16 Q. The third building?

17 A. Bible college, general classrooms, and
18 restrooms.

19 Q. Fourth building?

20 A. Publications department, and one or two
21 classrooms.

22 Q. And the fifth?

23 A. It's all classrooms; three large classrooms.

24 Q. And the last building?

25 A. That is the counseling center. You have to go

1 outside of the other buildings to get there, although
2 they are connected by structure.

3 Q. Approximately how many people work in the
4 counseling center?

5 A. I don't know.

6 Q. How many hours a day do you spend working at
7 Community Chapel?

8 A. Well --

9 Q. Let me ask this. I don't mean to cut you off.
10 I will ask it in just a second.

11 I want to ask this first: You have duties
12 as the member of the board of directors and as the dean
13 of the Bible college; is that correct?

14 A. Senior elder.

15 Q. Is there something different between a member
16 of the board of directors and a senior elder?

17 A. I don't know. We never meet as the board of
18 directors. Our meetings are always as senior elders. We
19 have never had a board of directors meeting.

20 Q. Is there a board of senior elders?

21 A. Yes.

22 Q. Is it easier to call it a board of senior
23 elders?

24 A. That's what the bylaws call it.

25 Q. That is the same as board of directors?

1 A. Yes.

2 Q. If I say board of directors, can we understand
3 that to mean the board of senior elders?

4 A. I'm not sure. It would depend on the
5 circumstances, the context of the question.

6 Q. You are a member of the board of senior elders,
7 and the dean of the Bible college?

8 A. Yes, sir.

9 Q. How many hours per week do you spend as dean of
10 the Bible college?

11 A. Until quite recently, it was about 30 hours a
12 week.

13 Q. What has happened recently; is that when the
14 registrar came in?

15 A. No, it didn't have anything to do with the
16 registrar. It had to do with all of these lawsuits. Now
17 I am there more than that.

18 Q. As the dean of the Bible college, you would be
19 spending 30 hours a week in counseling students and doing
20 bookkeeping work?

21 A. Yes.

22 Q. How much time did you spend in communicating
23 with the president of the corporation?

24 A. Very little.

25 Q. Was there a particular need for the president

1 to be there to respond to certain inquiries that you had?

2 A. I would have communicated with him much more
3 frequently had he been there.

4 Q. During what period of time are you talking
5 about?

6 A. Well, the whole time I was dean of the Bible
7 college.

8 Q. And you said you were a member of the board of
9 directors from prior to '83.

10 Have you been, for that length of time,
11 also the dean of the Bible college?

12 A. Longer.

13 Q. How long as dean of the Bible college?

14 A. Fifteen years.

15 Q. The parsonage came into existance approximately
16 10 to 11 years ago?

17 A. I don't remember.

18 Q. Donald Barnett has been at the parsonage since
19 it was bought by the chapel?

20 A. Built by the chapel, yes, sir.

21 Q. He has had, up until recently, a telephone line
22 between his house and the Community Chapel business
23 offices?

24 A. He still has telephone service. It is not that
25 he is cut off from the outside world.

1 Q. What telephone lines have been disconnected?

2 A. I don't know.

3 Q. You've no idea what --

4 A. No. I know he requested that some be
5 reinstated. I don't know what they are.

6 Q. You were not involved in any manner with the
7 decision to terminate any telephone lines for him?

8 A. No. That is outside the purview of my duties.

9 Q. That would be something that would be involved
10 in the normal operations of the business?

11 A. I don't know.

12 Q. Tell me what you do as a member of the board of
13 senior elders; is that basically to determine the policy
14 and direction of the corporation for the future?

15 A. Yes.

16 Q. Is it involved in the operations of the
17 business?

18 A. Sometimes.

19 Q. And there is one section in there of the bylaws
20 which provide that the president's salary shall be
21 reviewed by the board of directors?

22 A. Annually, yes.

23 Q. The board of senior elders is the one involved
24 in the operations of the business, taking a look at the
25 president's salary?

1 A. Yes.

2 Q. Otherwise the duties would evolve through its
3 officers and employees?

4 A. Yes. There is a bylaw provision that says the
5 board of senior elders have authority to make corporate
6 decisions.

7 Q. Maybe you can take a look at Exhibit 82 and
8 tell me what provision you are referring to.

9 MR. JOHNSON: Off the record.

10 (A discussion was had off
11 the record.)

12 MR. PIERCE: I will represent Mr. DuBois
13 is reviewing an extra set of the bylaws, which I believe
14 to be a correct copy of the same document that is
15 Exhibit 82?

16 A. Yes. Article I: The total corporation shall
17 be controlled by a board of directors, hereinafter in
18 this document called the board of senior elders.

19 Q. (By Mr. Pierce) That's what we talked about
20 with regard to the general policy and provisions of this
21 corporation.

22 MR. LEACH: Could we go off the record a
23 moment.

24 Q. (By Mr. Pierce) Is that correct?

25 A. That is not the one I was looking for. This

1 one in Section 3 is the one.

2 MR. LEACH: Excuse me.

3 MR. PIERCE: He has got to leave. Just a
4 second.

5 (A discussion was had off
6 the record.)

7 Q. (By Mr. Pierce) You were reviewing, as I
8 recall, Page 3 of the bylaws, Exhibit 82, Division 1,
9 Section II, Article One. It says: The total corporation
10 shall be controlled by the board of directors, hereinafter
11 in this document called the board of senior elders.

12 That provision is the one we were talking
13 about?

14 A. That's not the one I was looking for.

15 Q. That is the provision that provides the
16 corporation shall be run by the board of directors --

17 A. Section 3, on Page 4, under "Membership: This
18 corporation shall have no members. All decision-making
19 authority for this corporation shall be vested in the
20 board of senior elders (board of directors) and deacons
21 as defined in these bylaws.

22 Q. Do you have any further definitions or
23 information that would expand upon your duties as a
24 member of the board of senior elders?

25 A. No.

1 Q. Is there a provision in the bylaws with regards
2 to the dean of the Bible college?

3 A. Yes.

4 MR. LEACH: Division Three.

5 Q. (By Mr. Pierce) Page 36 of the bylaws provides
6 for a fourth division of the corporation into what is
7 referred to as the Community Chapel Bible College; is
8 that correct?

9 A. Yes.

10 Q. On the following page, at the top of the page,
11 it indicates: The college president shall have the power
12 to appoint a dean, who shall, under the direction of the
13 college president, hire, oversee, and dismiss registrars,
14 housing directors, college counselors, secretaries,
15 receptionists, etc., as deemed necessary. The college
16 president shall set the salaries of all college personnel
17 and shall also hire or dismiss if and as he deems
18 necessary.

19 Do you see that provision?

20 A. Yes.

21 Q. And the college president is Donald Barnett?

22 A. I don't remember if that was one of the offices
23 which the court restored to him or not.

24 Q. Prior to March 3, 1988, Donald Barnett was the
25 president of the Community Chapel and Bible Training

1 Center; is that correct?

2 A. Yes, he appointed me to the office of Dean.

3 Q. Exhibit 3, which is the injunction and
4 restraining order signed by Judge Bates, on Page 2
5 indicates that he functions as, subparagraph d:
6 President and chief administrator of Community Chapel and
7 Bible College.

8 A. Yes.

9 Q. Does that refresh your recollection that Judge
10 Bates indicated he was to be in that position?

11 MR. LEACH: I think it says they are not
12 supposed to interfere with his acting in that position.

13 Q. (By Mr. Pierce) Have you interfered with his
14 acting in that position as president of the Bible college
15 since Judge Johnson's order on March 11th and
16 Judge Bates' order on March 15th?

17 A. Not to my knowledge.

18 Q. Have you followed his directions with regards
19 to the activity of the Bible college during the year
20 1988?

21 A. As far as I can remember, I have, yes. I don't
22 remember receiving any.

23 Q. There is nothing that stands out as something
24 that you would contradict?

25 A. Business as usual, as far as the Bible college.

1 It's well into the semester, and it runs itself.

2 Q. Showing you what is marked Exhibit 10, is this
3 a memo to Don Barnett, dated March 16th, signed by you?

4 A. Yes.

5 Q. Showing you what is marked as Exhibit 11, is
6 that a copy of the petition signed by you for dissolution
7 of the corporation?

8 A. Yes.

9 Q. Can you tell me what your reasons are as to why
10 it is necessary to dissolve the Community Chapel and
11 Bible Training Center?

12 A. In my opinion, it is an intolerable situation
13 as far as management is concerned at the corporate level.
14 And at the spiritual level, it's shameful, in my opinion.
15 There is hardly any way we can do business to the
16 satisfaction of everybody, although in following the
17 judge's order to maintain the status quo, we do seem to
18 be leaving each other alone. But that is really no way
19 to run the Lord's business.

20 Q. First reason was that it was intolerable at the
21 corporate level?

22 A. Yes.

23 Q. What is intolerable?

24 A. The fact that there is this kind of thing going
25 on, that we have been sued by the man who the court has

1 installed as the president of the corporation, and much
2 corporate time is taken up in response to that. And
3 doing business is kind of a precarious thing now because
4 any kind of direction that is given is subject to review
5 and appearance before courts and lawyers, and it is just
6 a real difficult situation. It is having a bad effect on
7 my health.

8 Q. Okay. One is intolerable at corporate level?

9 A. Yes.

10 Q. Is there any other reasons why you believe it
11 is necessary for this corporation to be dissolved?

12 A. Yes. Because the church is hurting.

13 Q. Anything else?

14 A. I'm hurting.

15 Q. Is that physically you are talking about?

16 A. Yes. And otherwise.

17 Q. Anything else?

18 A. Nothing that occurs to me now. If something
19 does later, I will ask to add it.

20 Q. Three reasons now: Intolerable at corporate
21 level; the church is hurting; and it's physically and
22 otherwise hurting to yourself.

23 A. Yes.

24 Q. Going to the intolerable at the corporate
25 level, you said that -- not able to do business to the

1 satisfaction -- I guess I don't understand what is
2 intolerable at the corporate level. Is communication
3 intolerable? Decision-making intolerable? What is
4 intolerable at the present time?

5 A. I guess, from my standpoint, the situation is
6 bad because of the two campuses, two separate
7 organizations, if you please. And having to duplicate
8 things. And then when they are not duplicated, having
9 complaints made by one against the other for not doing
10 it. And monetary decisions being made that you can't be
11 sure it is not going to be contested somehow. It is very
12 difficult. Even though you are sure you are working in
13 the best interests of the church, that doesn't seem to
14 matter.

15 Q The reason it is intolerable at the corporate
16 level, there are two separate organizations, items have
17 to be duplicated, and monetary decisions may be
18 contested?

19 A. Yes.

20 Q. Is there any other reason it is intolerable at
21 the corporate level?

22 A. None occur now. They may later. I may ask to
23 add them in.

24 Q. You indicate the church was hurting. Could you
25 explain that?

1 A. The people are hurting. People, good friends,
2 even family members going to church in different places.

3 Q. Anything else on that?

4 A. Nothing I can think of at the moment.

5 Q. Do you have friends in other religious
6 organizations?

7 A. Oh, yes.

8 Q. Does that cause you a problem?

9 A. No.

10 Q. People are going to different church
11 organizations at Community Chapel at the present time?

12 A. Yes.

13 Q. Why does that require that the corporation be
14 dissolved?

15 A. We once shared our worship to the Lord.

16 Q. Why does that require that the corporation be
17 dissolved, in your opinion?

18 A. The corporation and the church can't be
19 separated. When the church hurts, the corporation hurts.

20 Q. You have philosophical differences with Barnett
21 as to religious beliefs; is that correct?

22 A. I won't use those words.

23 Q. Let me put it another way. If you can define
24 it better. I'm trying to think of the words that
25 represent it. Your religious --

1 A. We know longer agree on the interpretation of
2 Scripture.

3 Q. Why don't you just go and practice your
4 religion in another organization?

5 A. Well, hopefully that is what I am doing. I
6 don't worship with him anymore.

7 Q. When did you come to Community Chapel?

8 A. 1971.

9 Q. And had it been formed for two or three years
10 at that time?

11 A. Best I remember, yes.

12 Q. It was based on the text or interpretations of
13 the Bible by Donald Barnett?

14 A. Yes.

15 Q. And now you wish for those teachings to be the
16 ones the senior elders espouse?

17 A. No, I wish them to be the same ones he taught
18 in 1971.

19 Q. He has changed?

20 A. Yes.

21 Q. And you believe the senior elders are following
22 the old principles that he espoused at that time?

23 A. He taught them those principles.

24 Q. They are still following those principles, and
25 he has changed?

1 A. Yes.

2 Q. And you believe this Community Chapel should be
3 following the directions of the senior elders and the
4 ministers in that group; is that correct?

5 A. I think they should be following
6 Donald Barnett's original teachings.

7 Q. Are they following Donald Barnett?

8 A. Yes.

9 Q. You feel the Community Chapel should be
10 following the elders?

11 A. Yes.

12 Q. If they don't, if the teaching of
13 Donald Barnett and the senior elders are different, then
14 the corporation should be dissolved?

15 MR. LEACH: You know, I don't want to
16 object. That isn't what he said.

17 MR. PIERCE: I am asking.

18 MR. LEACH: He has given why he thinks the
19 corporation should be dissolved, and that isn't one.

20 MR. PIERCE: I am asking.

21 MR. LEACH: Okay.

22 A. By itself, of course, that wouldn't be -- well,
23 I don't know. It would depend, I guess, on the number of
24 people that are involved. I think I see what you are
25 getting at, Mr. Pierce: Why don't we just walk away and

1 go somewhere else? And I guess -- I feel like that would
2 have hurt worse than what we did, what we are doing. And
3 we had really hoped to influence Don to take some
4 corrective action in his life and be restored to us.

5 Q. (By Mr. Pierce) It doesn't appear that is
6 going to happen at the present time. Is that correct?

7 A. You are asking me?

8 Q. Yes.

9 A. I don't -- I haven't talked to him lately. But
10 the last time I heard from him, that seemed a remote
11 possibility.

12 Q. Now, do you think that the friends and the
13 people that are in the group that is following
14 Pastor Donald Barnett presently should be
15 disfellowshipped from the church?

16 A. That is not possible. The court won't allow
17 that.

18 Q. I'm not asking what the court would or wouldn't
19 do in the future.

20 A. No. I don't think going to another church is
21 reason for disfellowship.

22 Q. If they wish to follow Donald Barnett, do you
23 think that should be a permissible action at this time of
24 the other members of the congregation?

25 A. I wouldn't take steps to prohibit them.

1 Q. Don't you think, by dissolving the corporation,
2 you are taking steps to prohibit them?

3 A. No.

4 Q. What happens to those people worshipping at the
5 Community Chapel in the future if this corporation is
6 dissolved? Do you know what the effect of it would be?

7 A. No.

8 Q. Was one of the purposes of the dissolution of
9 this corporation the sale of the assets and the
10 distribution to another organization?

11 A. I understand that is one of the things that
12 will happen.

13 Q. Will that be one of the effects on the
14 congregation?

15 A. Yes.

16 Q. Is that a desired result that you want?

17 A. At the time, it seemed preferable to what was
18 -- from just going under, which is the direction it is
19 taking, in my opinion.

20 Q. At the time when you filed the petition, on
21 March 21st, it seemed desirable. Is it still desirable?

22 A. Yes.

23 Q. Have you told members of Donald Barnett's
24 membership that you want this corporation dissolved?

25 A. No. I have no communication with them. My

1 understanding is that the mutual restraining order would
2 prevent that. That would seem to be interferring with
3 their services or meetings or whatever.

4 Q. The third reason you said it should be
5 dissolved was that it was physically and otherwise
6 hurting to you individually?

7 A. Yes.

8 Q. Can you explain.

9 A. It is like a divorce. People you were once
10 close to, you are not anymore. You even feel some
11 animosity, some hostility, in some cases. I have used
12 the word "shameful" to describe it. I think that is
13 descriptive.

14 Q. I don't understand why that is a reason why the
15 corporation should be dissolved.

16 Are you saying because you hurt
17 physically, or you feel divorced from friends and other
18 people, that the corporation should be dissolved because
19 of some personal feeling of your own?

20 A. No. That is way too selfish a motive. So, no,
21 I wouldn't consider that to be any reason.

22 Q. We have two reasons you believe it is
23 necessary, intolerable at the corporate level, and the
24 church and the people of the church are hurting.

25 A. Yes.

1 Q. You haven't talked with the other members of
2 the congregation to see how they are hurting?

3 A. No.

4 Q. The congregation is following Donald Barnett?

5 A. No.

6 Q. You don't know whether or not they are hurting?

7 A. I have known all of them a long time. I know
8 they are hurting.

9 Q. Without any type of communication, you know?

10 A. Yes.

11 Q. How do you know?

12 A. I know. I know those people. We have been as
13 close as men can be. I know they are hurting. If I
14 hurt, they hurt. One of them is the scoutmaster for my
15 grandson, for instance.

16 Q. Who is that?

17 A. The scoutmaster?

18 Q. Yes.

19 A. Scott Miller.

20 I have talked with some of them on an
21 individual basis. Not as a group. I thought that is
22 what you meant, that I addressed them as a group. I have
23 spoken with them individually.

24 Q. Who have you spoken with?

25 A. Dan O'Brien, Norman Fishler, Jeff Becker,

1 Jim Loren. There have been others. Some I spoke to
2 without knowing they were in that group. I don't
3 remember who they are. Those I do remember.

4 Q. Okay. Looking at this petition, Exhibit 11,
5 you have a number of items that are in here as what you
6 believe were cause for the dissolution of the
7 corporation. You have given your reasons.

8 Would these items be the cause for it or
9 actually the reasons?

10 A. I don't remember the wording of this. Yes, I
11 guess that is true.

12 Q. One is that; because of decreased -- I'm
13 looking at Page 2 -- because of divested income in the
14 past month the corporation is running a deficit.

15 A. Yes.

16 Q. What information did you have about this
17 deficit at the time you signed this petition on
18 March 21st?

19 A. It was oral statements from -- I don't remember
20 whether it was Scott or Drake Pesce that told me that.
21 It came directly from accounting, or from them through
22 Scott to me.

23 Q. What information was provided to you?

24 A. It was figures on the income and outgo.

25 Q. Was that oral communication or documents

1 provided to you?

2 A. I don't remember having any documents.

3 Q. Did you ask to review any documents to see
4 about the financial condition of the corporation?

5 A. No.

6 Q. Do you recall talking with Drake with regards
7 to trying to obtain additional information?

8 A. No.

9 Q. What was told to you, the best you can recall
10 at the present time, realizing this is about three weeks
11 ago?

12 A. Well, it is difficult. I can't remember
13 precisely. If memory serves, it was said that, in a
14 certain space of time, a very short time, a low number of
15 months, we would be at rock bottom. It seemed like four
16 is the figure that sticks. But I could be -- I can't
17 swear to the accuracy of that.

18 Q. Anything else that was told to you about the
19 financial, that you can recall?

20 A. No.

21 Q. Anything else you based your decision upon,
22 that there were financial difficulties for the
23 corporation?

24 A. Nothing I can remember.

25 Q. So what you do recall was that, during a

1 certain space of time, the corporation would be at rock
2 bottom?

3 A. Yes.

4 Q. That talks about something that possibly would
5 happen in the future to the corporation?

6 A. Yes.

7 Q. Was there any information given to you about
8 what had been happening in the past?

9 A. You mean financially?

10 Q. Right.

11 A. Well, I have seen, on a fairly regular basis,
12 income figures from all of the divisions, including the
13 church, the college, the Christian school and others.

14 Q. Did you use that information in basing your
15 decision?

16 A. No.

17 Q. Did you get any information from Scott or Drake
18 about what had been happening? That's what you based
19 your decision on, what was told to you?

20 A. Yes.

21 Q. Did you get any information from either of
22 those individuals as to what was happening with the
23 corporation in the past? We know they told you there
24 would be problems in the future. Did you get any
25 information about what had happened in the past?

1 A. Yes. It was general. I don't remember any
2 specifics about it. It was general. Nowhere near as
3 bleak as that.

4 Q. I don't understand. You mean the information
5 was not bleak that you got?

6 A. No. We had been able to meet the budget
7 previously.

8 Q. That is what the general information was?

9 A. Yes.

10 Q. This was, I assume, sometime prior to this
11 discussion with either Drake or Scott, prior to
12 March 21st, because that is the date you signed this
13 petition?

14 A. Either on or before that date, yes.

15 Q. Do you know how far before? Or was it on March
16 21st?

17 A. I don't remember.

18 Q. Was it after Jack Hicks resigned?

19 A. I don't remember that either.

20 Q. Was this a big meeting? Was it by telephone or
21 in person?

22 A. I don't remember.

23 Q. Was it a long period of time or short
24 discussion?

25 A. Short.

1 Q. And do you know where you were when you
2 discussed these matters?

3 A. No.

4 Q. Can you recall anything about what was the
5 space of time? Did you say approximately four months
6 that you would be at rock bottom?

7 A. That is the figure. You can't rely on that.

8 Q. What do you mean by "rock bottom"?

9 A. Out of money.

10 Q. Were any figures provided to you about how much
11 income would be coming in at that point in time or what
12 the expenses for the corporation would be at that time?

13 A. Yes.

14 Q. What are the figures?

15 A. I don't remember.

16 Q. Can you tell me what the monthly expenses are
17 for the corporation?

18 A. No. I don't remember that, either.

19 Q. You said you review, on a periodic basis, the
20 income and expenses.

21 A. Yes.

22 Q. Can you tell me anything about the finances of
23 this corporation, its income or its expenses?

24 A. No, I can't. I don't remember any of that. I
25 made no effort to commit it to memory.

1 Q. What stands out in your memory about any of the
2 review of the financial records?

3 A. We met the budget. That's all I was interested
4 in. I was powerless to influence it. But I was
5 interested in it.

6 Q. You couldn't make any decisions that would
7 affect the budget?

8 A. I could participate, yes.

9 Q. Over a period of years, as a member of the
10 board of directors, were you involved in making decisions
11 with regards to the budget?

12 A. Indirectly. I was never in discussions that
13 specifically involved the budget. The Bible college was
14 always -- it always paid its way.

15 Q. It was basically in the black?

16 A. We designed it so it wouldn't be in the black,
17 but not in the red, either.

18 Q. Non-profit?

19 A. Non-profit organization.

20 Q. Provide the benefits for the students for the
21 most reasonable price?

22 A. At the beginning of enrollment, it looked like
23 we had a lot of money. By the end of the semester it
24 looked like none. That's how it was designed.

25 Q. Did you review the income figures of the total

1 corporation?

2 A. Yes -- "review" is too strong a word. I looked
3 at them.

4 Q. You said you were not involved in the budget
5 decision making?

6 A. No.

7 Q. Were you involved in corrections of actual
8 expenses that were being incurred as a member of the
9 board of directors?

10 MR. LEACH: Did you say correction or
11 selection?

12 MR. PIERCE: Correction.

13 A. Say again.

14 Q. (By Mr. Pierce) Were you involved in making
15 corrections to the actual expenses being incurred as a
16 member of the board of directors?

17 A. I don't remember any such instance, no.

18 Q. During the time period you were a member of the
19 board of directors, did you make decisions with regards
20 to how much income was going to be necessary to survive
21 in the future and what what expenses would have to be cut
22 down?

23 A. No.

24 Q. Have you been doing that recently?

25 A. Yes.

1 Q. In fact, you made decisions with Scott Hartley
2 with regards to cutting certain expenses in a meeting you
3 had on March 18th; isn't that correct?

4 A. Are you speaking of the one where
5 recommendations were made about trimming the staff?

6 Q. No. I am referring to cutting off phone
7 services and maintenance to the parsonage and the
8 corporation vehicle that the pastor had.

9 A. Oh, yes. Yes.

10 Q. Over a period of years, you hadn't been doing
11 anything with regards to expenses.

12 Why did you suddenly cut expenses, and cut
13 just in the area of the pastor?

14 A. Expenses got to be more of a problem lately
15 than they were in the past. So interest was higher. And
16 that's the reason.

17 Q. Why just with the pastor, the parsonage, his
18 car, reviewing his salary?

19 A. You keep referring to him as the pastor. I
20 don't. That is -- makes a difference.

21 Q. I will try to make reference to Donald Barnett.

22 A. The reason I have trouble, I don't know if you
23 are trying to get me to admit that or not.

24 Q. Put it on the record. I say it as a
25 convenience for me.

1 A. It makes a difference in the context we are
2 dealing with. That parsonage belongs to the church and
3 it is for the pastor of the church. The only reason he
4 is in there is because the State said so.

5 Q. Because you don't consider him to be the pastor
6 of Community Chapel?

7 A. He is not my pastor, no.

8 Q. Because you don't consider him to be the pastor
9 of Community Chapel, is that the reason you cut back on
10 these expenses?

11 A. Yes.

12 Q. Did you and Scott discuss that aspect?

13 A. I don't remember. As a matter of fact -- no, I
14 don't remember.

15 Q. Exhibit 6 is Scott's note from a meeting of
16 March 18th, and going over these items, first item
17 reviewed was Donald Barnett's salary and the use of
18 church property.

19 Do you recall discussing that with Scott?

20 A. No. I don't recall the specifics of that.

21 Q. Do you recall the use of the church property by
22 Donald Barnett and discussing that with Scott Hartley?

23 A. No.

24 Q. Do you recall discussing there wouldn't be any
25 change of the salary to Donald Barnett due to the court

1 order?

2 A. No, I don't recall that.

3 Q. Did you discuss selling the parsonage with
4 Scott Hartley?

5 A. I have had conversations about the sale of the
6 parsonage. I don't remember who was there, where it was,
7 and the date.

8 Q. Did you talk with Scott Hartley on March 18th
9 with regards to the maintenance of the parsonage?

10 A. I don't remember.

11 Q. Did you talk with Scott Hartley on March 18th
12 about the Cadillac and the Buick, which were vehicles
13 owned by the Community Chapel and which were provided to
14 Donald Barnett and Barbara Barnett?

15 A. I don't recall.

16 Q. Do you remember talking about gasoline expenses
17 for these two vehicles?

18 A. No.

19 Q. Do you remember talking about paying off the
20 indebtedness to the church of \$975?

21 A. I remember conversations about that. But I
22 can't say it was on that date.

23 Q. Do you remember having a meeting with Scott on
24 March 18th?

25 A. I don't deny. I just don't remember.

1 Q. Do you remember discussing with Scott Hartley
2 on March 18th that there be no telephone lines for the
3 parsonage to the offices of the corporation?

4 A. I remember discussing that. But, once again, I
5 can't say it was on March 18th and with whom.

6 Q. You did have a discussion with Scott Hartley
7 with regards to the telephone lines; is that correct?

8 A. I remember a discussion. I don't remember who
9 was there. There was more than one person at -- in that
10 meeting.

11 Q. Who else do you recall being present at that
12 meeting?

13 A. I don't remember.

14 Q. What did Scott Hartley say about the telephone
15 service to the parsonage?

16 A. I don't remember.

17 Q. Do you recall preparing a memorandum to
18 Donald Barnett?

19 A. There is one.

20 Q. You signed it?

21 A. Yes.

22 Q. Did you agree with the terms of that memorandum
23 with regards to the telephone lines?

24 A. Yes.

25 Q. Donald Barnett asked those be reinstalled?

1 A. Yes, I think so.

2 Q. And did you tell service ministries that they
3 should reinstate the telephone lines?

4 A. I don't ever give them directions.

5 Q. Who does give them directions?

6 A. I don't know.

7 Q. Whose directions are they following at the
8 present time?

9 A. They are probably following the administrator,
10 the manager of the services division.

11 Q. Who is that?

12 A. Loren Krenelka, K-R-E-N-E-L-K-A.

13 Q. Who is Loren following at the present time?

14 A. I don't know.

15 Q. Have you talked with Loren?

16 A. Yes..

17 Q. Have you discussed that with him?

18 A. No.

19 Q. Have you discussed his following the directions
20 of Donald Barnett?

21 A. No.

22 Q. As a director of the corporation, are you
23 concerned about who the director of the service
24 ministries is following?

25 A. I sure am.

1 Q. And what have you done as a director of this
2 corporation in making a determination of who
3 Loren Krenelka is following?

4 A. I have participated in filing a petition to
5 dissolve the corporation.

6 Q. Are you saying that you do not want to take on
7 your responsibilities as a director during the interim
8 period of time?

9 A. I would do that if I thought the court would
10 allow me me to.

11 Q. Are you taking any steps to protect the
12 corporation during the interim period of time?

13 A. We are doing business as usual.

14 Q. As a director of this corporation with business
15 as usual, are you concerned with whose direction
16 Loren Krenelka is following?

17 A. Yes.

18 Q. Whose direction is he following?

19 A. I don't know.

20 Q. Have you asked him?

21 A. No.

22 Q. How do you express your concerns with regard to
23 whose direction he is following?

24 A. I don't express my concern except as to you.
25 If anything bad was happening to the corporation, I would

1 ask Loren about it, as far as services. The bad things
2 happening to the corporation do not originate in the
3 services division. The services are being provided. He
4 is working his head off.

5 Q. Do you know if Scott Hartley is giving him
6 directions?

7 A. I don't know.

8 Q. Have you asked Scott Hartley about it?

9 A. No.

10 Q. Has that information come to your attention,
11 that Scott Hartley is directing service ministries?

12 A. No.

13 Q. Do you know if Scott Hartley is telling
14 individuals in this corporation to do or not do certain
15 things?

16 A. Let's see. I don't remember anything like
17 that, no.

18 Q. Do you remember records not being turned over
19 at the direction of Scott Hartley?

20 A. I do recall an occasion where he made a
21 statement that he didn't want records turned over.
22 Whether they were or not, I don't know.

23 Q. When was that, that the statements were made?

24 A. I don't remember the date.

25 Q. Was it following a staff meeting?

1 A. Yes.

2 Q. So that was the week of, I believe, March 21st.

3 But what occurred at that time following
4 the staff meeting?

5 MR. LEACH: That you are aware of.

6 Q. (By Mr. Pierce) Yes.

7 MR. LEACH: That you witnessed.

8 A. There was a meeting -- I guess I could call it
9 a meeting -- in what used to be the church office,
10 between Donald and Drake Pesce. Scott was there.
11 Steve Gurr was there. You were there. Others came in
12 and out. I was there for awhile. There was another
13 person there whose name I can't remember. And I don't
14 remember Scott's exact words, but I do remember him
15 making a statement that he didn't want certain records
16 turned over to -- I don't remember whether it was to you
17 or to Donald.

18 Q. Do you recall him saying, "Don't give them
19 anything"?

20 A. I don't remember the language he used.

21 Q. These are records that Drake had, and he was
22 concerned whether or not these records should be turned
23 over to Donald Barnett or Rodney Pierce, his attorney?

24 A. I don't know what records they were.

25 Q. They were documents that Drake had. We don't

1 know what particular documents.

2 A. As a matter of fact, I don't know who Scott was
3 talking to when he made that statement.

4 Q. The doors were locked at that time. You had
5 come in and closed the door behind you, didn't you?

6 A. I don't think so. Others came in.

7 Q. Who else came in?

8 A. I don't remember.

9 Q. How many members of security were there?

10 A. All I remember is Steve Gurr.

11 Q. Did you see Loren Krenelka there?

12 A. I don't remember.

13 Q. Wyman Smalley, was he there?

14 A. I think Wyman was in the next office.

15 Q. There is an adjoining office with a door in
16 between?

17 A. Yes. I think so.

18 Q. I show you Exhibit 12.

19 Have you seen that memo from
20 Donald Barnett to you prior to today's date?

21 A. Yes.

22 Q. And --

23 A. I believe I brought one of these with me today.

24 Q. You can have that back for your records. We
25 already have one.

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Now, Mr. DuBois, I am looking at the first sentence. Maybe you can look at the copy. It says: I need your assistance to see that employees of the corporation are following the direction of the president.

A. Yes.

Q. Do you have any problems with that sentence?

A. Yes, I do.

Q. Are the employees of the corporation to follow the directions of the president at the present time, pursuant to Judge Bates' order?

A. Yes.

Q. You are following that order; is that correct?

A. To the best of my knowledge.

Q. And --

MR. LEACH: Recognizing you are not an employee.

THE WITNESS: Yes.

MR. PIERCE: Excuse me.

MR. LEACH: He is not an employee.

MR. PIERCE: Why wouldn't he be an employee.

MR. LEACH: Don't employees get paid? He stated he is a volunteer.

MR. PIERCE: What is a non-paid employee, then?

1 MR. LEACH: I think he said he was a
2 volunteer. He never claimed to be an employee.

3 Q. (By Mr. Pierce) Let's exclude you from there
4 as an employee.

5 Do you have any problems with regards to
6 the employees following the directions of Donald Barnett?

7 A. Yeah, I guess I do.

8 Q. Will you follow Judge Bates' order not to
9 interfere with his position as the president?

10 A. Well, I would obey that as long as it doesn't
11 conflict with my Christian conscience and cause me to do
12 something that would hurt the cause of Christ.

13 Q. If Donald Barnett, as an example, requests that
14 phone services would be connected to the parsonage --

15 MR. LEACH: Let's make it clear, he does
16 have phone service. The only thing that he doesn't have,
17 he now has to dial seven numbers instead of three
18 numbers. All of this business about phone service is a
19 phony issue. He has got phone service.

20 MR. PIERCE: You have your objection on
21 the record.

22 MR. LEACH: I also want to object, as a
23 matter of principle, that we have spent hours talking
24 about phone service that supposedly has been terminated.
25 The church, I think, is still even paying for his

1 telephone.

2 Q. (By Mr. Pierce) Mr. DuBois, maybe you can
3 explain what phone service has been disconnected to the
4 parsonage?

5 A. I don't know.

6 Q. You sent a memo out, didn't you, with regard to
7 discontinuing some type of telephone service or telephone
8 lines?

9 A. Did it say "discontinue" or "not reconnect"? I
10 don't remember.

11 Q. The issue I am talking about --

12 MR. LEACH: That is correct. That is what
13 the memo says. He says they won't incur the cost to
14 reinstitute the direct line.

15 Q. (By Mr. Pierce) If I understand your
16 testimony, as long as it doesn't conflict with your
17 Christian conscience, you would follow the directions of
18 Donald Barnett?

19 A. Yes.

20 Q. If he asked for that telephone service, as
21 minimal as counsel would like it to be, to be
22 reconnected, would you follow that direction?

23 A. You mean, would I go over and plug in his
24 telephone?

25 Q. Would you approve of it?

1 A. He hasn't requested that of me.

2 Q. I am asking, if he asked it of any employee,
3 would you approve of it?

4 A. He should make that request to a member of the
5 corporation that has capability of doing that. If he
6 asked me to do it, would I go and do it? No, I wouldn't.

7 Q. I am asking if you would approve of that
8 expenditure of funds to have it reconnected?

9 A. Since you bring money into the picture, I would
10 have to look at the whole money picture before I approved
11 of that.

12 Q. Has he made a request to have it reinstalled,
13 reconnected?

14 A. Yes.

15 Q. And have you looked at the money situation?

16 A. No.

17 Q. You haven't looked at it because you don't
18 intend to approve that at all; isn't that correct?

19 A. Others have looked at the money situation.

20 Q. Have they provided a report to you?

21 A. No.

22 Q. Have you asked them?

23 A. No.

24 Q. Is that because you do not intend to reinstate
25 it at all?

1 A. No.

2 Q. Why haven't you looked at the money situation,
3 which you indicated you would do?

4 A. That was done before the memo was written.
5 That wasn't just vindictive.

6 Q. What was done before the memo was written?

7 A. The money situation was reviewed.

8 Q. You reviewed it?

9 A. No.

10 Q. What review have you made of this request?

11 A. I have made none.

12 Q. Do you intend to make any review?

13 A. No.

14 Q. In fact --

15 A. I accept the information given by those who
16 have a duty to do that. I trust them.

17 Q. What information has been given to you?

18 A. That the money picture is poor and we need to
19 cut everywhere.

20 Q. Have we cut down on Scott Hartley's salary or
21 expenditures, staff?

22 A. I don't think he has any staff. I don't know.
23 I don't think anybody's salary has been affected.

24 Q. Let me go on to the next sentence on Exhibit
25 12: If any employee of the corporation should ask you

1 whether or not they should follow my directions, it would
2 be beneficial to the corporation and I believe required
3 under Judge Bates' restraining order that you tell them
4 to follow my directions.

5 Would you do that?

6 A. If it didn't interfere with my Christian
7 conscience or theirs.

8 Q. (Reading:) If you learn of any information
9 where any employees of the corporation are pursuing any
10 course of action contrary to my directions, or take any
11 steps that would be detrimental to the survival or
12 financial well being of CCBTC, you are to provide me with
13 a written memo of the circumstances surrounding the
14 event.

15 Would you do that?

16 A. If it didn't interfere with my Christian
17 conscience or theirs.

18 Q. How would it interfere?

19 A. I would have to know the instance.

20 Q. Has it occurred?

21 A. No.

22 Q. Do you know any employees not following the
23 direction of Donald Barnett?

24 A. No.

25 Q. You do not know of one instance where the

1 employees are not following directions of Donald Barnett?

2 A. None has been represented to me.

3 Q. Didn't Drake Pesce, in your presence, refuse to
4 turn over records to Donald Barnett?

5 A. No. I didn't see that.

6 Q. Showing you what has been marked as Exhibit 14,
7 it appears to be a 1985 memo by Jack Hicks.

8 Are you familiar with that?

9 A. I have seen it.

10 Q. When was the first time you saw it?

11 A. I don't remember. But it wasn't too long ago.

12 Q. Was it prior to 1988?

13 A. No.

14 Q. When did it first come to your attention?

15 A. It wasn't too long ago.

16 Q. You don't recall when it came to your
17 attention?

18 A. No. It wasn't very long ago. A matter of a
19 month, maybe.

20 Q. After March 1, 1988?

21 A. Yes.

22 Q. Who brought it to your attention?

23 A. Well, let's see. I don't remember. It was
24 distributed to the staff. It had been distributed to the
25 ordained members of the staff before. Not to me, since I

1 am not on the payroll. That's the reason I didn't get it
2 until recently. But I don't remember who gave it to me.

3 Q. You said it was distributed to a number of
4 individuals recently?

5 A. Yes. The ones to whom it applied, the ordained
6 and licensed ministers on the staff.

7 Q. Who are those individuals?

8 A. Let's see. At the time this was made, this
9 document, Donald Barnett, Jack Hicks, Scott Hartley,
10 Lanny Peterson, Dan O'Brien. I'm going to make some
11 mistakes. There have been some changes in this list
12 since then. I don't have it before me. The theology
13 teachers, John Harold, Gregg Thiel, Mark Yokers, David
14 Motherwell, George Alberts, Mike Saibren.

15 Q. Those are all people that would have received
16 it in 1985?

17 A. Yes.

18 Q. Do you know of any individuals who would have
19 received it in 1988?

20 A. Just me, is all I know about.

21 Q. Did you discuss this memo with any individuals
22 after March 1, 1988?

23 A. Yes.

24 Q. Who?

25 A. Well, let's see. There were some of the

1 licensed ministers. And Scott was one that I remember.

2 Q. That is Scott Hartley?

3 A. Yes.

4 Q. Who else did you discuss it with after
5 March 1, 1988?

6 A. Let's see. David Motherwell was there.
7 Lanny Peterson. And that's all I remember; although
8 there were others there.

9 Q. Was this a meeting of the elders of the
10 Community Chapel?

11 A. It may have been. But I don't remember whether
12 it was or not.

13 Q. When was this meeting held?

14 A. I don't remember the date.

15 Q. Do you know the day it was held?

16 A. No -- day of the week?

17 Q. Was it on a weekend?

18 A. I don't think so. It may have been, though. I
19 don't know.

20 Q. How long was this meeting?

21 A. I don't remember.

22 Q. Was it more than an hour?

23 A. Well, we have never had a meeting that was less
24 than an hour. We do not have short meetings.

25 Q. Who is "we"?

1 A. Meaning anybody at Community Chapel. We do not
2 have short meetings. The only short meetings are my
3 staff in the Bible college.

4 Q. And you can't remember the date.

5 Can you remember the time of day?

6 A. No.

7 Q. Do you remember anything discussed at this
8 hour-plus meeting?

9 A. No.

10 Q. For an entire hour, you don't recall what else
11 was discussed, besides this memo?

12 A. I think I answered that.

13 Q. Excuse me. Maybe I missed it.

14 A. I think you asked me that. I said I don't
15 remember.

16 Q. Did you discuss Donald Barnett's salary?

17 A. Yes.

18 Q. Did you discuss gifts to Donald Barnett?

19 A. Yes.

20 Q. Did we discuss a legal defense fund?

21 A. I don't remember that, those words being used.

22 Q. What were the gifts that were being made to
23 Donald Barnett?

24 A. Money.

25 Q. What were those gifts?

1 A. Money I know about. I don't know about any
2 others.

3 Q. Did you tell somebody on staff not to pay
4 Donald Barnett?

5 A. No.

6 Q. Did somebody tell the staff not to pay
7 Donald Barnett?

8 A. I don't know.

9 Q. Do you know of that being discussed?

10 A. Yes.

11 Q. With any individual?

12 A. Yes.

13 Q. Who discussed that?

14 A. I did. Scott and I did. And I believe there
15 were others. I can't remember.

16 Q. Is this in the meeting with these other elders?

17 A. I don't remember.

18 Q. Would there be another meeting that you had
19 with Scott Hartley where you discussed not paying
20 Donald Barnett?

21 A. Yes. Probably.

22 Q. When would that have occurred?

23 A. I don't remember.

24 Q. I'm trying to figure out what items become
25 important to you and what items are not.

1 Do you remember the important things
2 and --

3 A. Ask me. Ask me what items are important to me.

4 Q. What items are important?

5 A. Ask me individual items and if they are
6 important.

7 Q. Was the payment of money to Donald Barnett in
8 the form of salary when he was getting gifts important to
9 you?

10 A. It was important to him.

11 Q. Was it important to you?

12 A. Yes.

13 Q. Would you remember the events that occur around
14 these important --

15 A. Obviously not. You have asked questions about
16 -- and I can't answer. I don't remember dates and times
17 on everything that occurs. I make no effort to do that.

18 Q. Do you keep notes?

19 A. No.

20 Q. How do you remember what did or did not occur
21 back at certain periods of time?

22 A. If you are asking me to look into my brain and
23 find out how I retrieve things, I can't answer that. I
24 know what I know. I remember what I remember. I will
25 tell you what I remember.

1 Q. Did you decide that Donald Barnett should not
2 get paid?

3 A. He did.

4 Q. Did you decide the staff should not pay
5 Donald Barnett?

6 A. Yes.

7 Q. That was based on this 1985 memo?

8 A. Based on Donald Barnett's policy, as stated in
9 this 1985 memo.

10 Q. This appears to be from Jack Hicks?

11 A. Don Barnett's policy concerning receipt of
12 personal gifts and gratuities; that is the title of the
13 memorandum.

14 Q. The memorandum is from Jack Hicks?

15 A. Yes.

16 Q. Is there some policy that is down in written
17 format from Donald Barnett with regards to these
18 ministers?

19 A. I don't know.

20 Q. What we have is directions of Jack Hicks saying
21 this is what he says Donald Barnett's policy is?

22 A. Yes.

23 Q. Did you check with Jack Hicks with regards to
24 whether or not he had heard from Donald Barnett with
25 regard to this?

1 A. No.

2 Q. How do you know that is Donald Barnett's
3 policy?

4 A. I trust Jack Hicks.

5 Q. Did you talk with Donald Barnett with regards
6 to this policy?

7 A. No.

8 Q. Why not?

9 A. It wasn't important to me. It didn't apply to
10 me.

11 Q. It was your decision as a member of this board
12 of directors to deny the president's salary; isn't that
13 important?

14 A. Are you asking, did I come up and say, "Did you
15 mean this?"

16 Q. Did you have any discussions with
17 Donald Barnett?

18 A. None.

19 Q. Why not?

20 A. I wouldn't know what to ask or say.

21 Q. Why didn't you call him and ask him, "Is there
22 a policy for not paying if gifts are" --

23 A. I had it in my hand.

24 Q. You didn't have Donald Barnett's policy.

25 A. Yes.

1 Q. You had Jack Hicks' interpretation.

2 A. No, I had a memo stating Donald Barnett's
3 policy.

4 Q. It says, "Memo by Donald Barnett"?

5 A. It is his policy.

6 Q. How do you know that?

7 A. Jack Hicks says so.

8 Q. We have somebody else no longer the
9 vice-president. And you are looking at that memo.

10 Does that cover the president of the
11 corporation?

12 A. Yes.

13 Q. Is there a different classification of
14 ministers in Community Chapel?

15 A. Yes.

16 Q. What are those?

17 A. Ordained and licensed.

18 Q. What is "ordained" and what is "licensed"?

19 A. Ordination is permanent. We believe it to be
20 permanent, and we treat it as such in our church.
21 Licensed is a temporary -- you could call it a temporary
22 ordination, although that is not a word that is used. A
23 license is for a period of time. It is renewed at the
24 expiration of that period of time if it is still
25 necessary or advisable to do so.

1 Q. How long a period is this license?

2 A. It varies. It can vary. Usually a year.

3 Q. This says this is to ordained and licensed
4 staff ministers. Is there a difference between ordained
5 and licensed ministers and ordained and licensed staff
6 ministers?

7 A. Yes.

8 Q. What are the differences?

9 A. Those who are paid and those who are not.
10 Staff are paid; non-staff are not.

11 Q. Give me an example of a non-paid staff minister
12 who has ever worked at Community Chapel?

13 A. I am.

14 Q. Are you a minister?

15 A. I am ordained.

16 Q. You would not be a non-paid staff member.
17 Wouldn't you be on the staff?

18 A. Yes, I'm on the staff.

19 Q. Pay doesn't make a difference as to whether or
20 not you are on the staff?

21 A. Oh, no.

22 Q. There must be some other distinction between
23 what is a staff minister and what is an ordained and
24 licensed minister.

25 Why do we use the word staff minister in

1 here?

2 A. I guess I don't know.

3 Q. Did you ask Donald Barnett?

4 A. No.

5 Q. Were you acting as a member of the board of
6 directors in February of 1985?

7 A. Yes.

8 Q. And do you recall at that point in time
9 ministers that were going out from Community Chapel to
10 minister outside of the church grounds?

11 A. No. I would have to speculate, Mr. Pierce. I
12 don't remember. In February of '85, I don't remember.
13 At that time, I don't remember. There were, from time to
14 time.

15 Q. What is the difference between witnessing and
16 ministering?

17 A. I don't know that there has been any
18 definition, you know, corporate definition made.
19 Minister is what we all do. All Christians do that all
20 the time.

21 Q. When you talk about your faith?

22 A. Yes, when you attempt to convert people to
23 Christ. And "minister" infers that you have a group to
24 whom you are ministering. It may be very small or quite
25 large. At least, that is my interpretation.

1 Q. It could be one person, it could be a large
2 group?

3 A. I wouldn't think it would be one person. It
4 would depend on the context. We do minister one-on-one.

5 Q. Witnessing is what?

6 A. Proselytizing.

7 Q. I don't know what that means.

8 A. Converting people to Christ.

9 Q. That is different than ministering?

10 A. Yes, you would to minister to people already
11 converted.

12 Q. Witnessing would be --

13 MR. LEACH: How is that? I like this.

14 Q. (By Mr. Pierce) What are evangelists?

15 A. They are those who speak to larger groups of
16 people in order to convert them to Christ. Witnessing is
17 more one-on-one or small groups. An evangelist is one
18 who has a calling to do that. All Christians are
19 witnesses for Christ, but evangelists are those who have
20 a calling, and in some cases, even an ordination to go
21 out and convert large audiences to Christ.

22 Q. Now, were there evangelists going out from the
23 church in 1985?

24 A. I don't remember.

25 Q. Was this a direction the corporation/church was

1 following, to send evangelists out from the church?

2 A. We did that from time to time, yes.

3 Q. And was this memo designed to cover those
4 evangelists who would be going out and receiving funds?

5 A. If they were on the staff, yes.

6 Q. Was it designed to cover other people besides
7 evangelists, or do you know?

8 A. Whoever it is addressed to; whoever it speaks
9 to. It is pretty plain.

10 Q. Was it meant to cover the pastor of the church?

11 A. Yes.

12 Q. How do you know that?

13 A. Well, he is ordained and he is on the staff.

14 Q. Did you ask Donald Barnett if it was intended
15 to cover him?

16 A. Never entered my mind.

17 Q. Did you ever ask him if this policy had been
18 revoked?

19 A. No.

20 Q. Wouldn't that be a concern of yours if you are
21 going to deny him compensation as president?

22 A. I guess I assumed it wasn't revoked or I would
23 have known about it.

24 Q. Would it be a concern of yours?

25 A. No. That is not a sort of thing I would do in

1 routine business.

2 Q. Was there an expression of joy among the elders
3 when you reviewed this memo that you might be able to cut
4 off his salary?

5 A. Oh, no. I can't speak for others. There is
6 none in my heart.

7 Q. Was there any expressed by anybody else?

8 A. Not to me.

9 Q. Was there any expression of joy on any of their
10 faces? Was there anything which would indicate some
11 expression of joy or happiness with regards to the
12 pastor's salary being lowered?

13 A. I can't say that.

14 Q. Nothing that you noticed at that point in time?

15 A. No.

16 Q. If I told you that this policy had been
17 rescinded, would that make a difference with regards to
18 your decision to terminate his pay?

19 A. Yes.

20 Q. In fact, if that information comes to your
21 attention, would you tell the accounting department they
22 should issue a check to him for his full pay?

23 A. I really don't have that kind of authority. I
24 have never issued orders to the accounting department.
25 If this --

1 Q. You told them not to pay him, didn't you?

2 A. No, I don't -- I don't recollect that.

3 Q. If it wasn't done through you, it was done
4 through Scott, then?

5 A. I don't know.

6 Q. I assume somebody told them.

7 A. As a matter of fact, when the payroll checks
8 came through for signature, I signed his paycheck.

9 Q. As the person that signs a paycheck, you knew
10 it was reduced at that point in time?

11 A. It wasn't reduced at that point in time.

12 Q. We are talking about the last paycheck?

13 A. Yes.

14 Q. There has been no reduction in his pay?

15 A. Oh, yeah. I saw the memorandum you just showed
16 me that went to him.

17 Q. I am confused.

18 Was his paycheck less than normal?

19 A. Yeah. It was zero.

20 Q. You signed the paycheck?

21 A. Well, I signed one before the letter was drawn
22 up.

23 Q. Are we talking about the pay period that would
24 end March 31st?

25 A. Yes. The latest one. The checks came through,

1 computer runoff. I signed them all.

2 Q. You signed the one that would have been for his
3 full pay?

4 A. Yes.

5 Q. Who did you give it to?

6 A. It went back to accounting.

7 Q. Who did you physically deliver the checks to?

8 A. My receptionist.

9 Q. That is who?

10 A. Irene Povolish.

11 Q. She took those back to the accounting?
12 department?

13 A. I am sure she did. I didn't see that happen.

14 Q. How do you spell her last name?

15 A. P-O-V-O-L-I-S-H.

16 Q. And she is still employed at Community Chapel?

17 A. Yes.

18 Q. She lives in the Burien area?

19 A. I don't know.

20 Q. Do you know where she lives?

21 A. No.

22 Q. Approximately when did you sign this check?

23 A. I don't remember.

24 Q. Was it on the regular payroll day?

25 A. You mean the day the checks would be delivered?

1 I don't know. I doubt that. Usually we sign them before
2 payday.

3 Q. When they were delivered to you?

4 A. They never stay in any office very long.

5 Q. How many days was it afterwards did you see
6 this check for zero dollars to Donald Barnett?

7 A. I don't remember.

8 Q. Did you tell somebody not to give the check you
9 signed to him?

10 A. No.

11 Q. Do you know who did?

12 A. Who did what?

13 Q. Do you know who told the accounting department
14 not to --

15 A. No.

16 Q. -- give that check?

17 A. No.

18 Q. Did any information come to you after you
19 signed those checks about any activity of any individual
20 to stop the check you had signed from going to
21 Donald Barnett?

22 A. Scott told me that he had written a letter for
23 our signature that said that.

24 Q. Was this a mistake on your part to actually
25 sign the first paycheck?

1 A. I don't know whether it was a mistake. They
2 come through. They are alphabetized. They are stuck
3 together. I sign them. I don't conduct any
4 investigation. I could be signing the President of the
5 United States. I know my name is not there. I sign them
6 all.

7 Q. My name is not there either.

8 It was before you signed those documents
9 you had met with the elders and made the determination
10 not to pay Donald Barnett?

11 A. I don't know about the determination. I had
12 seen that Jack Hicks memo before the payroll came
13 through.

14 Q. You had made a decision not to pay
15 Donald Barnett before that?

16 A. I believe that decision had been made.

17 Q. You had made your own decision not to pay him?

18 A. Well, see, I don't pay him.

19 Q. The corporation?

20 A. I had agreed that he fell within the purview of
21 that memo, therefore should not -- wouldn't be paid.

22 Q. Was there a vote taken at that point in time?

23 A. No.

24 Q. Was it sort of a common assent?

25 A. Well, I don't know that any decision was made.

1 We had the printed page before us. The man's own policy.

2 Q. We know you didn't talk with him with regards
3 to whether that policy had been changed.

4 A. In our minds, that was his policy.

5 Q. Was there anybody that said he should be paid
6 anyway?

7 A. I think -- it may have come up that we might be
8 required by the restraining order to pay him anyway.

9 Q. Who would have brought that up?

10 A. I don't recall.

11 Q. I assume that is a dissenting view, that we
12 might have to do something different than we would like
13 to do?

14 A. I don't remember how many people were there.
15 There were some that didn't express themselves. It
16 wasn't a whoopee, jump on the table and leave the chairs.
17 We harbor no such attitude toward Donald Barnett.

18 Q. Would this corporation survive financially if
19 Donald Barnett was not involved in the future?

20 A. Not involved? You mean --

21 Q. If he removed himself as the president of the
22 corporation and pastor of the corporation?

23 A. I don't know.

24 Q. Would it surprise you that Scott Hartley would
25 say it would survive?

1 A. No. That wouldn't surprise me.

2 Q. Why would you have some doubt with regards to
3 that?

4 A. I didn't say I had doubt. I said I don't know.

5 Q. What questions would you need to know at that
6 point in time?

7 A. I would need to know what Scott knows, sir,
8 about the budget. And I would need to have
9 Scott Hartley's confidence.

10 Q. In other words, the financial survival of the
11 corporation is dependent on information that is provided
12 by Hartley and his confidence level?

13 A. No, I said I would probably know how to answer
14 that question if I had what he knows and his confidence.

15 Q. I am trying to understand the decision-making
16 that you go through in determining what the financial
17 stability of this company is.

18 A. I said I don't know.

19 Q. Do you know the financial stability of the
20 company on today's date?

21 A. No.

22 Q. Did you know it on March 21st?

23 A. I don't remember. I may have have been
24 informed of it. I don't remember what it was.

25 Q. I am trying to picture you, Jack, as somebody

1 who doesn't just rubber-stamp some other decision made by
2 somebody else.

3 Can you tell me that you would take some
4 steps where you would make independent decisions on your
5 own?

6 A. Yes, sure. I do that.

7 Q. What have you done, with regards to this
8 petition to dissolve the corporation, to make the
9 independent decisions and review independent information?

10 A. Well, it is hard to go back and dredge up all
11 of the information I used at that time. I didn't write
12 it down.

13 Q. Tell me to the best of your memory.

14 A. If I am not mistaken, you asked me that when we
15 first started.

16 MR. LEACH: I think that is correct.

17 Q. (By Mr. Pierce) I asked your reasons. I am
18 asking you what information you obtained to make an
19 independent decision.

20 A. That information was shared. Everybody had it.
21 I mean -- when I say "everybody," I mean everybody that
22 was involved, whoever that might be.

23 Q. Who was involved, to your memory?

24 A. Scott and I and some of the other elders. At
25 least some of the others. I don't remember exactly who.

1 Q. Do you remember any of them?

2 A. Not at this specific moment, no.

3 Q. Do you remember now who was present making
4 these decisions?

5 A. No.

6 Q. Approximately how many were there?

7 A. See, they were not involved in making the
8 decision. They were involved in hearing the information,
9 massaging it. The decision was Scott's and mine. We
10 signed our name to the thing. But that is the
11 information that we had. As to what it was, I can't tell
12 you now. I don't remember. But I had it at the time. I
13 arrived at an independent decision.

14 Q. Can you tell me at the present time what you
15 recall, information that you reviewed to make a
16 determination that this corporation should be dissolved.
17 If you say none, I understand. If you say you remember
18 some, I would like to know.

19 A. I think I told you what -- the information
20 about the short period of time in which we could operate.

21 Q. You got information from either Drake or Scott?

22 A. Because of income and expenditures and the fact
23 that it was very difficult to do business under the
24 circumstances.. We talked about that. You questioned me
25 about that. I talked with others on the staff who are

1 having difficulty doing business.

2 Q. Who did you talk to?

3 A. Loren Krenelka.

4 Q. Who else?

5 A. Steve Gurr.

6 Q. Yes.

7 A. Somebody from tape and sound ministries. I

8 don't remember who that was.

9 Q. Okay. Anybody else?

10 A. Not that I remember.

11 Q. You talked with Loren, Steve, and somebody from
12 tape and sound ministries?

13 A. Yes.

14 Q. Anywhere else you got independent information
15 with regard to making a decision about dissolving this
16 corporation?

17 A. No. I heard a lot of comments from people.

18 Q. Okay.

19 A. I couldn't possibly identify them. But
20 comments to the effect that the thing was going down the
21 tube, the wheels were coming off, that kind of thing.

22 Q. What did you talk about with Loren?

23 A. Some of his services that needed to be provided
24 on both campuses as a result of split meetings.

25 Q. Tell me what was discussed.

1 A. Things like maintenance, clean-up, security,
2 some problems that came up as a result. I went to him --
3 wait a minute. Maybe I shouldn't say I went to Loren. I
4 talked to his security man about being taken out of
5 meetings on the east campus in order to be handed
6 documents that Don wanted me to have by people from his
7 group. They would come over and insist I be called out
8 of our meeting to give me this thing.

9 I finally told them I wouldn't allow
10 myself to be pulled out anymore, they would have to take
11 care of this during the business day, and wouldn't -- be
12 sure and tell Don that and not get them in hot water, but
13 it was my decision not to leave anymore.

14 Q. That's a conversation with Steve Gurr?

15 A. No; one of the security people on duty at the
16 time.

17 Q. Did you talk with Loren about anything other
18 than maintenance, clean-up and security?

19 A. Let's see. We discussed some of the
20 difficulties his staff was having in getting -- having
21 requirements laid on them from many sources. As a matter
22 of fact, he recently gave us all three, Don, Scott and I,
23 a memorandum to the effect that, please, if we had
24 directives for people in his division, to send them to
25 him, so there wouldn't be all of these invoices going to

1 individual members of his division.

2 Q. Who is this?

3 A. Loren did that.

4 Q. Is this something you talked about prior to
5 March 21st?

6 A. Yes, he brought it up.

7 Q. Prior to March 21st.

8 That is the date you signed the petition?

9 A. Yeah. That was apparent at that time.

10 Q. Anything else you talked about with Loren?

11 A. Nothing I can remember.

12 Q. You talked with Steve Gurr with regard to what?

13 A. Security.

14 Q. What aspect?

15 A. Their having to provide security for two
16 campuses. They -- things have all leveled out. Things
17 are not that hectic anymore.

18 Q. Security is not a problem for two campuses?

19 A. I would not say it is not a problem. There are
20 two locations instead of one that they have to secure.

21 Q. And is this a financial drain, this security
22 problem?

23 A. I don't think they have added any more people.
24 They may have increased hours. I don't think so. I
25 don't think we can do that. I don't think we are allowed

1 to do that according to the restraining order.

2 Q. Why not?

3 A. It talks about hiring.

4 Q. Why can't you do it in conjunction with
5 Donald Barnett?

6 A. Well, I don't know that any of us can do it.

7 Q. Have you tried to talk with Donald Barnett?

8 A. No.

9 Q. In fact, you won't try to cooperate and get
10 this corporation to survive?

11 A. That is pretty strong. I don't think I would
12 say that.

13 Q. Tell me the steps you would take with
14 Donald Barnett to see the corporation survives, if any?

15 A. I can't think of any.

16 Q. You find it difficult to work with
17 Donald Barnett?

18 A. Yes.

19 Q. Why is that?

20 A. Well, I don't see him for one thing.

21 Q. If you saw him?

22 A. It is hard to work with a -- because -- who
23 isn't there.

24 Q. If you saw him, would it be possible to work
25 with him?

1 A. Oh, yes.

2 Q. The fact you don't see him is not a determining
3 factor?

4 A. No.

5 Q. The reason you don't want to work with him is
6 that you have philosophical or religious differences?

7 A. Yes, we don't go to the same church.

8 Q. Is that the reason for the dissolution of this
9 corporation?

10 A. No -- well, it is a contributing factor, yes.

11 Q. It is a primary factor, isn't it?

12 A. I don't know.

13 Q. In your mind, isn't it the primary factor?

14 A. Let me see.

15 MR. LEACH: What is the question; what is
16 the primary factor? Let's go back and --

17 Q. I'll give you a full question: Is the primary
18 factor you want to see the corporation dissolved the
19 religious differences between you and Donald Barnett?

20 A. No, I don't think that would necessarily
21 follow. As a matter of fact, if what we had wanted to
22 have happen had happened, it wouldn't be necessary to do
23 that.

24 Q. That is because Donald Barnett would be
25 following your directions with regards to religious

1 activity in the future, wouldn't it?

2 A. That is putting it pretty strongly, saying
3 following our directions.

4 Q. Didn't the elders make directions they wanted
5 to have Donald Barnett follow?

6 A. Yes.

7 Q. If he had followed those directions --

8 A. If he had accepted the special status we put
9 him on.

10 Q. -- then the corporation would survive?

11 A. Yes.

12 Q. The reason the corporation is not surviving is
13 because he is not going to follow that special status
14 request; isn't that correct?

15 A. That certainly contributed.

16 Q. If he was still in the faith, this corporation
17 would survive, wouldn't it?

18 MR. LEACH: If he were what?

19 Q. (By Mr. Pierce) Still following the same
20 principles he followed before, following the tenets of
21 the --

22 A. Other conditions being equal, I guess that is
23 true.

24 Q. Let me finish the question.

25 -- if Donald Barnett was following the

1 religious beliefs you have at the present time, this
2 corporation would survive financially?

3 A. I don't like the way that is worded.

4 Q. Wouldn't the answer be yes with some other
5 qualifications?

6 A. I wouldn't answer that question with a yes. I
7 am not asking him to follow my direction or philosophy.
8 What I am asking him to do is follow the Scripture.

9 Q. If Donald Barnett was following his beliefs, as
10 he had expressed those prior to 1987, this corporation
11 would survive, is that correct? There would be no
12 deadlock in management; is that right?

13 Q. I don't know.

14 A. If there was no deadlock in management, it
15 would survive, providing income came up and expenses
16 stayed in line, or were brought in line.

17 Q. You asked your own question and answered it.
18 My question was, if Donald Barnett was following the same
19 religious beliefs as he had expressed them prior to 1987,
20 this corporation would survive; is that correct?

21 A. Make it '85.

22 Q. Prior to '85?

23 A. Yes, in my opinion it would.

24 Q. Get right down to the nuts and bolts: Is it a
25 religious basis as the reason this corporation will not

1 survive?

2 A. That is probably the origin of it.

3 Q. If that religious problem was corrected, this
4 corporation would have a chance of surviving in the
5 future?

6 A. I don't know. It has been dealt a blow that it
7 may not recover from.

8 MR. PIERCE: Off the record.

9 (A discussion was had off
10 the record.)

11 (A short break was taken.)

12 Q. (By Mr. Pierce) Did you get any information
13 with regards to the additional costs or expenses related
14 to the areas Loren brought up, maintenance and clean-up
15 and security?

16 A. No.

17 Q. Did you get any information from Steve with
18 regard to security costs?

19 A. No.

20 Q. Were those considerations you considered at the
21 time you made the decision to dissolve the corporation?

22 A. Not the dollar amount. It was obvious that
23 there would be additional costs involved because of the
24 duplication of effort.

25 Q. Do you know what that amount was?

1 A. No.

2 Q. Was it provided to you at that time?

3 A. No.

4 Q. Do you know of a formation of a new corporation
5 for church services in 1988?

6 A. All I have heard about is something called the
7 Tabernacle Fellowship. But I don't know anything about
8 it.

9 Q. Where did you hear about that?

10 A. It was purely in the rumor stage. I don't
11 remember seeing anything in writing. I don't remember
12 where that came from.

13 Q. Was it discussed in an elders meeting?

14 A. No, it wasn't discussed. It may have come up.
15 I don't know how anybody could discuss it. Nobody knew
16 anything about it.

17 Q. What is your understanding of what will happen
18 once the Community Chapel is dissolved?

19 A. I don't know.

20 Q. Did you ever talk with anybody about that?

21 A. Yes, we have talked about that.

22 Q. Who did you talk with?

23 A. Lots of people. My family. Friends. Lots of
24 them.

25 Q. And did you talk about what is going to happen

1 to the assets of the corporation?

2 A. No.

3 Q. Did you talk with Scott Hartley with regards to
4 what happens to the assets?

5 A. I talked with him about what might possibly
6 happen. Those range from here to there.

7 Q. What possibilities did you discuss with
8 Scott Hartley?

9 A. Well, we discussed what might happen, and
10 decided that we couldn't possibly tell what might happen
11 because it would all be up to a receiver. We hoped we
12 might be able to influence him somehow. But that was --
13 that is all it was, was hope.

14 Q. Hoped to influence him to do what?

15 A. To allow the majority of the people to have a
16 majority of the residue of the assets, if any.

17 Q. And did you talk about a vehicle for accepting
18 those assets?

19 A. No.

20 Q. Did you talk about a new church?

21 A. No.

22 Q. Talk about a new pastor?

23 A. No.

24 Q. Talk about ministries?

25 A. No.

1 Q. Christian school?

2 A. No.

3 Q. Talk about a Bible college?

4 A. I talked with him about the possibility of
5 making some -- getting copies of teachers notes, lecture
6 notes, so if at any time in the future it was possible to
7 duplicate our Bible college, that perhaps it could be
8 done.

9 Q. And you talked with Scott Hartley about that?

10 A. Yes, and the theology teachers.

11 Q. Who are the theology teachers you discussed it
12 with?

13 A. John Harold was one. Lanny Peterson was
14 another. Russell MacKenzie was another. I think that is
15 probably all.

16 Q. Were copies of the Bible college material made?

17 A. No.

18 Q. Has any of it been removed from the Bible
19 college offices?

20 A. Their lecture notes have always been in their
21 possession.

22 Q. Has anything been done out of the norm with
23 regards to the property of the Community Chapel relating
24 to the Bible college?

25 A. No.

1 Q. Nothing that would have not occurred in the
2 previous years?

3 A. No.

4 Q. Copies haven't been made of documents in the
5 Bible college?

6 A. No.

7 Q. What about in the Christian school?

8 A. I'm sorry, excuse me. Copies of transcripts
9 have been made.

10 Q. Who made those?

11 A. Well, no they haven't been made. All I
12 ascertained was that they were in the computer.

13 Q. Were they previously in the computer?

14 A. Yes, they are always in there. I was thinking
15 of people wanting to transfer credits. That needed to be
16 available.

17 Q. Has any of the computer information been
18 duplicated or removed from the Community Chapel?

19 A. I don't know.

20 Q. Not to your knowledge?

21 A. No.

22 Q. Has there be any changes with the Christian
23 school?

24 A. I don't know.

25 Q. Has any of the material been taken out of

1 there?

2 A. I don't know.

3 Q. Has anything out of the norm been done in the
4 bookstore?

5 A. Big sale going on.

6 Q. Is this out of the norm?

7 A. The price reduction is.

8 Q. Is that because of needed cash, or just to
9 reduce the overhead, or what?

10 A. I don't know.

11 Q. You were not involved in the decision making on
12 doing that?

13 A. There was a request made by the manager of the
14 bookstore to reduce the inventory, and he sent a copy to
15 me. As I recall, there were copies to Don and Scott,
16 also. And I said yes, it was okay with me. I don't know
17 what others did. I assume it was approved by everybody
18 because it is going on.

19 Q. Who is that individual?

20 A. Price Northcutt, N-O-R-T-H-C-U-T-T.

21 Q. And he is what position?

22 A. He manages the bookstore.

23 Q. Okay. And is he leaving the Community Chapel?

24 A. I don't know.

25 Q. Let me tell you, he is leaving the Community

1 Chapel.

2 Is the Community Chapel bookstore to be
3 closed down?

4 A. I don't know.

5 Q. Nobody has discussed that with you?

6 A. No.

7 Q. Do you remember the last time you ordered a
8 normal reduction of the stock?

9 A. No.

10 Q. Why did it even come to your attention?

11 A. Price asked how I felt about it, or he made the
12 suggestion that we reduce the inventory, and asked for my
13 approval in this document that he sent to Don and Scott
14 and I.

15 Q. That is not an area that you get involved in,
16 making those operational decisions?

17 A. Sometimes.

18 Q. When is the last time you have made an
19 operational decision?

20 A. That is an operational decision.

21 Q. Is that something you normally do as a member
22 of the board of directors?

23 A. I have not been requested to approve such a
24 thing in the past.

25 Q. It is out of the ordinary, isn't it?

1 A. Yes, as far as I am concerned. I can't say
2 that is out of the ordinary for Community Chapel. They
3 have had sales in there before.

4 Q. I want you to take a look at Exhibits 58
5 through 78 and tell me if you have seen any of those
6 documents prior to today.

7 A. The only one I may have seen before, I can't be
8 sure, is this Exhibit 67. The others I have not seen
9 before.

10 Q. Exhibit 67, when did you see this?

11 A. I don't know. It has a familiar appearance.

12 Q. You may have seen something similar to this?

13 A. Perhaps, yes.

14 Q. Do you know where you would have possibly seen
15 this document?

16 A. No.

17 Q. Or when?

18 A. No. It would be --

19 Q. I'll ask you all of the "W" questions: Who?
20 What? When? Where? And why? Can you answer any of
21 them?

22 A. No.

23 MR. PIERCE: Off the record.

24 (A discussion was had off
25 the record.)

1 (A short break was taken.)

2 (Exhibit Nos. 91-104 marked
3 for identification.)

4 Q. (By Mr. Pierce) Showing you what is marked as
5 Exhibit Nos. 91 through 104, are those all of the
6 documents that you have in your possession or under your
7 control that are in response to the subpoena duces tecum
8 that was served upon you for records relating to these
9 proceedings?

10 A. Yes, sir.

11 Q. Did you review this subpoena duces tecum when
12 it was given to you?

13 A. Yes, sir.

14 Q. Do you recall when you received it?

15 A. No, I don't.

16 MR. LEACH: A minimum time allowed by law.

17 A. I got two of them on the same day, and one the
18 next. I don't remember, Mr. Pierce.

19 Q. (By Mr. Pierce) How many other court
20 proceedings are you involved in at the present time?

21 A. Three.

22 Q. What are those other court proceedings?

23 A. You mean who is doing what to who; is that what
24 you want?

25 Q. Yes.

1 A. Don and the church are being included in a suit
2 in Tacoma against the Tacoma church.

3 Q. Is that the Gabrielson lawsuit?

4 A. Yes. There is a kind of a "we, the people"
5 lawsuit against Don and the church. That is the Hall,
6 Butler, Brown, Kitchell, Lemkey, Shabo, Ehrlick. And I
7 hope I haven't left anybody out.

8 MR. LEACH: Et al.

9 A. Yes. No, the other one is on Friday in court.

10 Q. (By Mr. Pierce) That is the one Barnett vs.
11 Hicks and others?

12 A. The one on Friday, whatever that is.

13 MR. PIERCE: Could I have that marked,
14 please.

15 (Exhibit No. 105 marked
16 for identification.)

17 MR. LEACH: And the declaratory judgment
18 action brought by the insurance company. Two of them.

19 Q. (By Mr. Pierce) Showing you what has been
20 marked 105, is that the copy of the subpoena duces tecum
21 served on you, in the minimum amount of time, for records
22 and your attendance at this deposition?

23 A. Yes, sir.

24 Q. Do you know of any documents relating to any
25 type of private investigators being retained by you or

1 any other individuals or the corporation during the year
2 1988?

3 A. No, sir.

4 Q. As part of your petition, you allege there were
5 a certain number of individuals following the pastor,
6 Donald Barnett, and certain number who were following the
7 senior elders; do you recall that?

8 A. Yes.

9 Q. Do you have any documents that you know of
10 that --

11 A. I don't have any, no.

12 Q. Who would have those records?

13 A. I believe they would be in the services
14 division. Loren Krenelka, probably.

15 Q. Did you talk to Loren Krenelka about those
16 records prior to your coming today?

17 A. Yes. And he agreed that he would bring them
18 when he comes.

19 Q. Tell me about the number of deacons being below
20 the number required to act. Can you?

21 A. What would you like to know about that?

22 Q. How many deacons are required to act?

23 A. I think five.

24 May I refer to the bylaws to make sure?

25 Q. Sure.

1 A. There is a limitation on the number. It says
2 the deacon board shall consist of not less than five
3 members.

4 Q. The number required to act is what?

5 A. Five, I guess.

6 Q. There a quorum limitation for acting?

7 A. I don't find it here.

8 It says "major building programs." No
9 that is talking about the senior elders.

10 Q. How many deacons are there at the present time?

11 A. Let's see. There is Scott, Ralph -- I think
12 there are three.

13 Q. And how are additional deacons appointed?

14 A. There are nominations accepted from the
15 congregation. Those nominations are acted upon by the
16 senior elders. And then the names that survive that
17 review are committed to the congregation for a vote.
18 That's the way it has been in the past.

19 Q. Wouldn't I be correct to say that the pastor of
20 the church, whoever that pastor is, is in charge of all
21 services of the church?

22 A. Yes.

23 Q. If the pastor indicates, at a certain service,
24 these nominations are going to be held, would that be the
25 appropriate procedure to follow to nominate individuals?

1 A. Yes.

2 Q. And if the pastor indicates he wants to do it
3 on the east campus on next Sunday, would that be
4 appropriate?

5 A. No.

6 Q. If he gives everyone a chance to be present on
7 the east campus to voice their nominations?

8 A. That has already been done.

9 Q. It has?

10 A. Yes.

11 Q. When was that done?

12 A. I don't remember. It was a couple of months
13 ago.

14 Q. You say the pastor was there and called for
15 nominations?

16 A. No, no, no. This was several -- well, it was
17 before we split. The two names were -- survived. All
18 that remains is to vote.

19 Q. Vote by who?

20 A. The congregation.

21 Q. And who are the two people?

22 A. Wayne Schrunk, S-C-H-R-U-N-K, and Drake Pesce.

23 Q. When were the nominations?

24 A. Some time ago. I don't remember.

25 Q. Are there any documents that relate to this?

1 A. I don't have any.

2 Q. Do you know of anybody who does?

3 A. No.

4 Q. How are the nominations made? In writing?

5 Orally?

6 A. Orally.

7 Q. They are on tapes?

8 A. If that meeting was taped, they would be.

9 Q. These would be the normal worship services?

10 A. Yes. Sometimes those business meetings aren't.

11 I don't know. If a full service tape was made of that
12 meeting, they would be on there.

13 Q. So the only thing left is to have the
14 congregation vote on these individuals?

15 A. Yes.

16 Q. How does that occur?

17 A. We just ask for a show of hands.

18 Q. If the pastor says, "We are going to vote on
19 the east campus on these two individuals next Sunday
20 morning," would that be appropriate to do?

21 A. No. You couldn't get all of the people in
22 there.

23 Q. What if he said, "We are going to vote on the
24 west campus on Sunday morning, " and giving everybody
25 notice?

1 A. Nobody from the east campus would go.

2 Q. Would that be an appropriate procedure?

3 A. No.

4 Q. Why?

5 A. Because only the people that worship on the
6 west campus would go.

7 Q. These doors are open?

8 A. That's right.

9 Q. People do not have to go if they don't want to.

10 What would be inappropriate for giving
11 people the opportunity?

12 A. Giving the opportunity is fine. We have that
13 opportunity every weekend, to go over there.

14 Q. Is there a procedure you would want to have
15 followed to have the vote on these two individuals?

16 A. I could make a recommendation, yes.

17 Q. What is that?

18 A. A vote would be taken on both campuses and
19 tallied.

20 Q. Remember, you told me earlier all of the
21 services are under control of the pastor?

22 A. Sure.

23 Q. If the pastor says, "This is the service we are
24 going to do it," isn't that the appropriate procedure
25 under the bylaws?

1 A. Well, yeah. I don't know it would have to done
2 in the time he said to do it. Something else might be in
3 the offing. If he did this far enough in advance, I
4 don't know of any problem.

5 Q. Would you oppose it?

6 A. No.

7 Q. Do you know of any reason that Wayne Schrunk or
8 Drake Pesce have not acted on the deacons board?

9 A. No.

10 Q. Would you approve both of these individuals?

11 A. Yes.

12 Q. You indicated these nominations were out in
13 front of the congregation for the minimum time necessary
14 for their approval by the congregation?

15 A. The congregation made the nominations. As far
16 as their approval, that occurs in the vote.

17 Q. Do the members the board of senior elders
18 approve these nominations made by the congregation?

19 A. Yes.

20 Q. Have they done that?

21 A. Yes.

22 Q. When was that done?

23 A. I don't remember. Sometime subsequent to the
24 vote.

25 Q. As I recall, we had gone through the minutes of

1 the board of directors meetings for the year 1988.
2 Exhibits 79, 80 and 81 appear to be the Articles of
3 Incorporation, the 1979 Articles of Amendment, and the
4 1981 Articles of Amendment of Community Chapel; is that
5 correct?

6 A. Yes, that's what they purport to be.

7 Q. Then we have senior elder meetings that were
8 held, as shown on Exhibit 83, meeting on January 22nd, on
9 Exhibit 84, a meeting on February 10th, and on
10 Exhibit 85, we have a meeting on February 26th, on
11 Exhibit 86, we have a senior elder --

12 A. I can hurry this along. This was done before
13 1988.

14 Q. Okay. First let me finish.

15 -- Exhibit 86 is a March 4th of '88,
16 senior elders meeting; is that correct?

17 A. That's what it purports to be.

18 Q. Exhibit 87 is a March 4, 1988, senior elders
19 meeting; is that correct?

20 A. Yes.

21 Q. I believe that Scott Hartley testified that
22 there was intended to be a March 16th senior elders
23 meeting, but it was continued to March 18th. Is that
24 correct?

25 A. I don't remember.

1 Q. On March 18th, did you have a senior elders
2 meeting with Donald Barnett?

3 A. I don't remember.

4 Q. Do you recall any other senior elders meetings
5 during the year 1988, other than the ones shown on
6 Exhibit Nos. 83 through 87?

7 A. Yes.

8 Q. What additional senior elders meetings do you
9 recall?

10 A. There was one in my office. I don't remember
11 the date. It was after this date.

12 Q. And are there minutes of that meeting?

13 A. I don't know. I don't have copies.

14 Q. No one has provided you with minutes of --

15 A. No.

16 Q. Do you know the approximate date of that
17 meeting?

18 A. No.

19 Q. Was it before Jack Hicks resigned?

20 A. No.

21 Q. It was after he resigned?

22 A. Jack Hicks wasn't there. That's all I can say.
23 I don't know whether it was before or after.

24 Q. Was there concern about Jack Hicks not being
25 present?

1 A. No, that wasn't mentioned.

2 Q. Was he supposed to be there because he was
3 still a member of the board?

4 A. I don't remember.

5 Q. You don't have any memory of the date this
6 occurred?

7 A. No.

8 Q. Do you know what occurred at this senior elders
9 meeting?

10 A. Don asked me if I would -- if he appointed me,
11 would I serve as general manager and vice-president, and
12 I told him no. And he asked -- I don't remember if he
13 asked Scott or not. He asked me -- I think he asked me,
14 I don't remember, all I remember is he asked me if I
15 would serve, and I told him no.

16 Q. No, you would not. Okay.

17 A note on Exhibit 6 -- and maybe this will
18 help refresh your memory -- on Page 2, Mr. Hartley
19 indicated these were notes at a 3-18 meeting. I believe
20 he says Jack DuBois' office.

21 A. Yes.

22 Q. It would have been approximately March 18th
23 that he had this meeting?

24 A. Yes.

25 Q. Do you recall any other meetings other than

1 this one on March 18th?

2 A. No.

3 Q. You said this approval of these individuals was
4 in 1987?

5 A. Yes. I am sure it was.

6 Q. And so --

7 A. It was simply a long time ago that we started
8 these things. It has been on the back burner for a long
9 time.

10 Q. How much notice do you think would be
11 appropriate to give to members of the congregations to
12 allow them to vote at one location on these two
13 individuals that you suggested?

14 A. Well, I don't think anything would be served by
15 requiring them to vote at some location.

16 Q. You have to have some system to guarantee the
17 vote-taking, don't you?

18 A. Yes.

19 Q. And you don't want people voting at one service
20 and going to the other service and voting over there, so
21 you have to have them at least at the same time?

22 A. Exactly.

23 Q. You can't be at both places, to watch the
24 voting here while you are there, can you. Even if you
25 went to some alternative place wouldn't that --

1 A. I don't think so. I think the simultaneous
2 election would be the answer.

3 Q. Do you have one large facility on the Community
4 Chapel property that would hold everybody?

5 A. Yes.

6 Q. Where is that?

7 A. West campus.

8 Q. Sanctuary on the west campus?

9 A. Yes.

10 Q. How much notice would be appropriate to have a
11 simultaneous vote in one large area.

12 MR. LEACH: Simultaneous, I think, means
13 two things at the same time.

14 A. Yes. That's what I mean by that.

15 Q. (By Mr. Pierce) You would want to have a vote,
16 one at the chapel and one at the sanctuary?

17 A. That's the only way you would get everybody to
18 vote.

19 Q. I am talking about an opportunity for everyone
20 to vote. We can't guarantee people are going to vote.
21 We can provide the opportunity for them to vote; isn't
22 that correct?

23 A. That's right.

24 Q. If we provide the opportunity for them to vote
25 at a certain location, would that be acceptable to you?

1 A. I wouldn't accept the results of an election
2 like that.

3 Q. Why not?

4 A. Because it wouldn't be fair.

5 Q. Why?

6 A. Because most of the people wouldn't be there to
7 vote.

8 Q. Why not?

9 A. They don't worship together, they don't
10 fellowship together.

11 Q. They would not follow the appointment of these
12 two individuals whom they nominated?

13 A. Wouldn't follow the appointment of them?

14 Q. They are appointed to the deacon board by the
15 vote of the congregation?

16 A. They are elected by the congregation.

17 Q. You are saying the congregation would not
18 follow the election of these two individuals?

19 A. They wouldn't recognize it if it was only done
20 at one place.

21 Q. Do you know what a tithe is under the Community
22 Chapel procedures and bylaws?

23 A. I know what a tithe is.

24 Q. What is a tithe?

25 A. Ten percent of the increase of your salary or

1 income. Income, I guess, is a better way of putting it.

2 Q. Has it been the policy that the people are to
3 tithe to Community Chapel?

4 A. It is not required. It is highly recommended.
5 And it is required by Scripture, incidentally. We feel
6 it is. However, it is an Old Testament requirement. But
7 our policy has been that we in the New Testament age
8 ought to do at least as much as they did back there. And
9 so we --

10 Q. You have adopted the Old Testament language and
11 interpretation of the obligation to support the church in
12 the future?

13 A. So we have recommended a tithe plus an
14 offering. We say the tithe should be 10 percent of the
15 income, and the offering should be how much you can
16 afford, how much the Lord has blessed you, and how much
17 you love him and how much faith you have.

18 Q. Have you addressed people about giving 10
19 percent of at this time?

20 A. I haven't addressed the subject.

21 Q. Do you know if anybody else has?

22 A. Yes. Scott, at the first meeting, said we
23 wouldn't take an offering at that time.

24 Q. Is an offering different than a tithe?

25 A. Taking an offering is an opportunity to put

1 your tithe in.

2 Q. It could be your usual tithe or a general term
3 for including both?

4 A. Yes.

5 Q. Have you spoken at a meeting or service?

6 A. Yes, I have preached.

7 Q. Have you ever preached with the regard to the
8 area of the obligation to give a tithe?

9 A. No. I have included that in counseling many
10 times.

11 Q. The principles, as you spoke earlier?

12 A. Yes. There is a great benefit to a believer in
13 tithing

14 Q. Have you spoken to the members of the
15 congregation at the east campus's services with regard to
16 their tithe obligations or offering?

17 A. No.

18 Q. Do you think it is important to see the
19 offerings are kept up to what there was before, before
20 there was two campus's services?

21 A. I have a little trouble with telling people
22 what to do with their money. I think we should highly
23 recommend. But to order them to give the same amount you
24 did before, or give more than before or less than before,
25 I am uncomfortable with that.

1 Q. Before there was a split in Community Chapel,
2 did you tell the people the amount they should give?

3 A. No.

4 Q. Did anybody tell people the amount they should
5 give?

6 A. Don taught on it; reluctantly at the time. He
7 went for year, never mentioning it. As a result, many
8 people were coming to the church without giving a tithe,
9 without giving anything.

10 Q. That was something you discussed with the board
11 of senior elders?

12 A. I think he taught that with the --

13 Q. Did you as a senior elder discuss the
14 obligation for tithing?

15 A. Not with him. Years ago -- this is before I
16 was an elder -- I taught a class in --

17 Q. I want to know, as a senior elder, did you
18 discuss it?

19 A. No.

20 Q. Do you think it is important as a member of the
21 board of directors to obtain as much income as possible
22 to pay expenses?

23 A. Yes. Do whatever is reasonable and be sure the
24 budget is met.

25 Q. In order to have the budget met, you have to

1 have income?

2 A. Yes.

3 Q. That comes from various sources, so --

4 A. You have to have income or cut down expenses.

5 Q. What have you done to cut the expenses?

6 A. I've done?

7 Q. As a member of the board or directors or making
8 decisions, what have you done to cut expenses?

9 A. I participated in a meeting to limit the staff.

10 Q. Was that a meeting with Loren Krenelka or
11 Scott Hartley or both?

12 A. I think both were there.

13 Q. And those recommendations were given to
14 Donald Barnett; is that correct?

15 A. I really don't know. I think so. Yes, as a
16 matter of fact, I am sure they were.

17 Q. Did Don provide you with information that he
18 needed additional information to be able to make
19 decisions?

20 A. Yes.

21 Q. Did you see he got that information so the
22 expenses could be determined right away?

23 A. No.

24 Q. Didn't you think it was reasonable to provide
25 that information?

1 A. I didn't have the ability to get it to him.

2 Q. Do you know if people were holding back that
3 information?

4 A. No, I don't know.

5 Q. Did that information come from any source, that
6 the information that was not being provided to
7 Don Barnett?

8 A. No. In fact, my opinion was, he had all of the
9 information he needed.

10 Q. What information did he have that he would need
11 with regard to budget analysis of the future?

12 A. The recommendation of the department heads.

13 Q. As to who to cut back?

14 A. Yes.

15 Q. That says a dollar amount, but what does that
16 have to do with the budget other than just to take off
17 employee expense?

18 A. It means you've a better chance of meeting the
19 budget.

20 Q. What does it do with the entire area? How does
21 it fit --

22 A. You asked what I did. I participated in that
23 meeting.

24 Q. I asked if you had taken any steps to see the
25 information got to Donald Barnett?

1 A. No, I did not.

2 Q. The other area, besides cutting expenses, you
3 attempted to increase the income, correct?

4 MR. LEACH: That's where we started.

5 MR. PIERCE: Right.

6 MR. LEACH: We are back to where we
7 started. We are back to raising income.

8 MR. PIERCE: At the income level. That's
9 where we were before.

10 MR. LEACH: We all know we are back to
11 asking the questions you asked before.

12 MR. PIERCE: I don't agree I am asking
13 the questions I asked and were answered before.

14 MR. LEACH: That sounded very familiar.

15 Q. (By Mr. Pierce) Did you have a meeting with
16 any of the elders or senior elders to discuss the amount
17 of offering to be taken at the east campus services?

18 A. No.

19 Q. Did you discuss the offerings with any of the
20 individual elders that would be taken at the east campus
21 service?

22 A. No. I heard -- I have heard the -- what the
23 dollar amounts were. No, I haven't discussed it.

24 Q. What did you hear about the dollar amounts at
25 the east campus services?

1 A. They are very low.

2 Q. How low?

3 A. I don't remember the dollar amount.

4 Q. Did you use those figures in making a
5 determination of the necessity to dissolve the
6 corporation?

7 A. Yes.

8 Q. Did you have any information provided to you
9 that the east campus services were providing amounts
10 substantially below the amounts they had previously
11 provided?

12 A. Well, it was pretty hard to know. Because,
13 see, it was hard to know what the people, themselves,
14 have given before. All we know is that that number of
15 people previously would have given more than they are
16 giving now. But as far as being precise about it, there
17 is no way we can do that. I don't know. Maybe the
18 accounting department could go through the computer and
19 find out how much individuals gave before. I don't know
20 if there is an accurate list of the names of the people
21 that go to the service on the east campus.

22 Q. Did you request that information from the
23 accounting department?

24 A. No.

25 Q. Have you taken any steps to increase the income

1 at the east campus services?

2 A. No.

3 Q. On one weekend, there was no collection at the
4 east campus services; is that correct?

5 A. I think some gave. Wait a minute. No. You
6 are right. There was no offering taken.

7 Q. On one occasion, there was \$2,000 or less
8 collected for the entire weekend at the east campus
9 services.

10 A. I don't really know.

11 MR. LEACH: Is that a question?

12 MR. PIERCE: Yes.

13 Q. (By Mr. Pierce) Do you know that?

14 A. No.

15 Q. Did you take into consideration the lowered
16 offerings by the people in east campus in making your
17 determination that the corporation needed to be
18 dissolved?

19 A. Yes, sir.

20 Q. Are you a member of the deacon board?

21 A. No.

22 Q. Do you communicate with members of the deacon
23 board?

24 A. Yes.

25 Q. When was the last time that you talked with the

1 deacon board?

2 MR. LEACH: That is not the same question.

3 MR. PIERCE: I know.

4 A. I have never talked to the deacon board.

5 Q. (By Mr. Pierce) Did you ever talk to members
6 of the deacon board with regard to their activities in
7 the deacon board?

8 A. Yes, I am sure I have. But I can't remember
9 the specific instances.

10 Q. When was the last time you took a look at a
11 financial statement of the Community Chapel and Bible
12 Training Center? I mean prior to today.

13 A. I used to get those things on a monthly basis.
14 So it was probably last month -- no, February, I would
15 say. I don't remember seeing one in March. Probably in
16 February.

17 Q. Do you know what the offering amount is at the
18 west campus per weekend?

19 A. No.

20 MR. LEACH: Which offering? Do you know
21 what either offering is?

22 MR. PIERCE: I said west campus.

23 MR. LEACH: I know. There are two.

24 MR. PIERCE: Three.

25 MR. LEACH: Three.

1 MR. PIERCE: I was talking about the
2 weekend, so --

3 Q. (By Mr. Pierce) For the financial statement
4 which is Exhibit 65-A, which is for the month ending
5 February 29, '88, on the first sheet, accounts
6 receivable, \$316,000.

7 Do you know how collectible those accounts
8 receivables are?

9 A. How collectible?

10 Q. Yes.

11 A. If this is what you mean by the financial
12 statement, this is not what I see. I get a computer
13 printout from all of the divisions in the corporation
14 with a summary at the end. This form I have only seen
15 here. Will you ask your question again?

16 Q. There is accounts receivable of over \$300,000
17 on Page 1 of that exhibit.

18 A. Yes.

19 Q. Do you know if those are all collectible?

20 A. No.

21 Q. Did you make any inquiry whether or not they
22 are collectible?

23 A. No.

24 Q. Do you have any reason to believe they are not
25 collectible?

1 A. Yes.

2 Q. Why?

3 A. I see there is -- school tuition is on there.
4 There has -- never would be a time when we have been able
5 to collect all of those. I am sure some are
6 uncollectible.

7 Q. Is there a provision for bad debts provided on
8 here, of \$33,000, leaving a net accounts receivable of
9 \$283,000?

10 A. Yes.

11 Q. Is this an accurate determination of the
12 reserve that should be made for bad accounts receivable?

13 A. I don't know.

14 Q. Have you inquired from the accounting office if
15 that would be accurate?

16 A. No, I have never seen this before.

17 Q. Have you made any inquiry, in making your
18 determination to dissolve the corporation, about the
19 assets owned by the corporation as of March 21, 1988?

20 A. No.

21 Q. Do you know what the value of the real property
22 is at the Community Chapel?

23 A. No.

24 Q. Is it possible to sell the assets of one of the
25 campuses for the corporation to survive?

1 A. I don't know.

2 Q. Is that a reasonable alternative --

3 MR. LEACH: Calls for speculation.

4 MR. PIERCE: Calls for his opinion. I
5 want his opinion with regards to alternatives for
6 survival of the corporation.

7 Q. (By Mr. Pierce) In your opinion, would it be
8 reasonable to sell one of the campuses of the church
9 rather than dissolution?

10 A. If the corporation was to survive, I should
11 think that would be a requirement.

12 Q. But that would be no guarantee that it would
13 survive. In your opinion, do you think it would?

14 A. No.

15 Q. Why?

16 A. I don't think there would be enough people left
17 to support it.

18 Q. Support what?

19 A. The corporation.

20 Q. If the west campus was sold, that is the only
21 one that has any liabilities against the properties; is
22 that correct?

23 A. Yes.

24 Q. And the east campus property is totally paid
25 for; is that correct?

1 A. Yes.

2 Q. At that point in time, there wouldn't be any
3 liabilities owing to any banks on the real property,
4 correct?

5 A. Well, that is assuming we could sell it for
6 enough to satisfy the mortgage holders.

7 Q. And do you know what the value of that real
8 property is on the west campus?

9 A. No.

10 Q. Have you made any determination of the value?

11 A. No.

12 Q. Did you contact anybody to see what the value
13 of that property was?

14 A. No.

15 Q. If I indicated that the value of that real
16 estate on the west campus was \$7 million, would that seem
17 like a fair estimate of the value?

18 A. Market value?

19 Q. In your opinion, do you think that would be the
20 fair market value of the property?

21 A. I wouldn't have any idea.

22 Q. Would you think that would be above or below,
23 or no idea at all?

24 A. No idea at all.

25 Q. Do you know how much is owed against the west

1 campus property?

2 A. My latest information was \$1 million plus or
3 minus, on the sanctuary. I think there is another
4 million on the apartments.

5 Q. The apartments are on the west campus?

6 A. Yes.

7 Q. That would be approximately \$2 million in debt
8 on the west campus.

9 In your opinion, is the value of that
10 property greater than \$2 million?

11 A. It would depend on who would pay that much for
12 it. I don't know.

13 Q. Do you think there are any other alternatives
14 for this corporation rather than dissolution?

15 A. Bankruptcy.

16 Q. What would be the basis for bankruptcy of the
17 corporation?

18 A. When the money runs out.

19 Q. You mean the cash, or the amount of the assets
20 exceeded by its liabilities?

21 A. When we no longer have the funds to operate.

22 Q. When will that occur?

23 A. I'm not sure. I mentioned that figure of four
24 months. I shouldn't say that.

25 Q. Have you made any inquiries from any

1 individuals?

2 A. Yes, I was told. But I can't remember the
3 figure. It is a very short time.

4 Q. Have you made any inquiries, other than this
5 one conversation with Drake or Scott, where you talked
6 about the short period of time with the topic being the
7 length of time this corporation can survive?

8 A. No.

9 Q. Is it possible to have one congregation take
10 one parcel of property and one congregation take another
11 parcel of property?

12 A. Assuming the way it is divvied up now, no.

13 Q. I am not assuming anything. I am asking for
14 about the possibilities for survival of the Community
15 Chapel.

16 A. I don't know. There is no way I could answer
17 that because of the mortgages on the west campus property
18 and the numbers of people that might show up over there
19 to pay -- make the payments. I don't know.

20 Q. If the congregation that follows the senior
21 elders was to take over the west campus with its
22 liabilities that are against it, would that congregation
23 be able to support the west campus?

24 A. I don't know.

25 Q. You have no opinion?

1 A. No.

2 Q. If I told you that Scott Hartley's opinion was
3 that the congregation that follows the senior elders
4 would be able to support both the west and the east
5 campus, would you agree with that?

6 A. I still couldn't form that opinion. I wouldn't
7 have an opinion.

8 Q. Is that because you just don't have that much
9 contact with the figures and the income and expenses of
10 this corporation to know?

11 A. Yes. Plus, I don't have that measure of
12 confidence that Scott Hartley does.

13 Q. Would you describe Scott Hartley as an
14 optimist?

15 A. He is very confident and competent. I don't
16 know if you could say he is optimistic -- optimistic in a
17 financial sense. I wouldn't characterize him that way.

18 Q. Describe Scott Hartley in his decision making
19 as a member of the board of elders.

20 A. In what area?

21 Q. As a decision-maker.

22 A. I guess you are going to have to be more
23 specific.

24 Q. Are you able to form any opinion or give any
25 description with regards to the decision-making abilities

1 of Scott Hartley as a member of the board of directors of
2 Community Chapel?

3 A. It is still the same question you asked before.
4 If you are asking me to say -- characterize his decision
5 making, he does it. He makes decisions. He is not rash.
6 He is certainly not slow to make decisions. Mostly, I
7 agree with his decisions. I can't remember a time when I
8 didn't. I am sure there was a time when I didn't approve
9 of his decisions.

10 Q. Have you ever voted contrary to Scott Hartley
11 as a member of the board?

12 A. I don't recollect a time I did. In fact, for
13 years, we were unanimous on everything we did.

14 Q. Do you know the tapes of the services for the
15 east campus are sent out to the satellite churches?

16 A. No, I don't know.

17 Q. Who would know that?

18 A. Somebody in tape and sound ministries or the
19 ministries office.

20 Q. What about tapes in the west campus, are they
21 sent out to satellite churches?

22 A. I don't know.

23 Q. Do you know of any procedure to limit those
24 tapes being sent out to satellite churches?

25 A. No. Those satellite pastors have a pretty wide

1 latitude, what they want. We have been generous as far
2 as their requests are concerned.

3 Q. Have you held any meetings of the board of
4 senior elders without Donald Barnett being present?

5 A. Well, I have talked with Scott Hartley on
6 several occasions. I don't know whether I could
7 characterize them as senior elders meetings. We have
8 been to lunch together, and -- I don't remember seeing on
9 my calendar, senior elder meeting. No. I don't think
10 so.

11 Q. Now, you amended the bylaws on March 4, 1988;
12 is that right?

13 A. I don't remember the date.

14 Q. Do you remember the date that the Articles of
15 Incorporation of Community Chapel were amended?

16 A. No.

17 Q. Do you remember the events that occurred on
18 that day?

19 A. I remember the events surrounding the
20 amendments, but I don't remember the date.

21 Q. If I indicated it was March 4, 1988, would you
22 have any reason to doubt that would be the correct date?

23 A. I couldn't doubt it. I don't have any idea of
24 the date.

25 Q. On the date the Articles of Incorporation were

1 amended, did you have a meeting of the board of directors
2 later in that day?

3 A. Later than what?

4 Q. Later in the afternoon of March 4, 1988.

5 A. Well, we had a meeting in Donald Barnett's
6 home, a senior elders meeting, on that date. And he
7 threw us out and we continued to meet elsewhere. Is that
8 the meeting you have reference to?

9 Q. Where did you meet elsewhere?

10 A. In Jack Hicks' office.

11 Q. Is that the time that you signed the resolution
12 to amend the Articles of Incorporation, which is
13 Exhibit 88?

14 A. Yes.

15 Q. At that meeting in Jack Hicks' office, is that
16 where the three of you voted to amend the Articles?

17 A. No.

18 Q. Where did you vote to amend the Articles?

19 A. Donald Barnett's home. It was a continuation
20 of the same meeting. We couldn't continue in his home
21 because he threw us out.

22 Q. Did you tell him you were going to be meeting
23 in Jack Hicks' office?

24 A. I don't remember.

25 Q. Did you tell him?

1 A. I didn't, no.

2 Q. Did you hear anybody else tell him?

3 A. No.

4 Q. This document has a date on it of March 4,
5 1988, at 11 o'clock a.m.; does that sound right, as the
6 time you signed this resolution to amend?

7 A. Yes.

8 Q. Exhibit 89 appears to be an resolution to amend
9 bylaws.

10 A. Yes.

11 Q. Do you recall seeing that on March 4th?

12 A. Yes. Oh, wait a minute. On March 4th -- I
13 don't remember.

14 Q. After the Articles of Amendment were filed in
15 Olympia, did you meet with Jack Hicks and Scott Hartley
16 to amend the bylaws?

17 A. We -- well, Jack Hicks and I stayed together
18 during that time. And then Scott returned.

19 Q. When Scott returned, did you amend the bylaws?

20 A. Yes.

21 Q. Where was that done?

22 A. In Jack Hicks' office.

23 Q. And was this a meeting of the board of
24 directors?

25 A. Yes.

1 Q. Was any notice of that meeting --

2 A. Well, senior elders.

3 Q. It was a meeting of the senior elders?

4 A. Yes.

5 Q. Was any notice of that meeting given to
6 Barnett?

7 A. I don't know.

8 Q. Did you give him any notice?

9 A. No.

10 Q. Do you know if anybody else contacted him?

11 A. I don't know.

12 Q. Were there any other meetings that would amend
13 the bylaws of Community Chapel, other than March 4, 1988?

14 A. None that I remember.

15 Q. Have you signed any documents amending the
16 bylaws of Community Chapel, other than the ones that are
17 reflected on this resolution to amend bylaws, Exhibit 89?

18 A. None that I remember.

19 Q. Do you keep any copies of amendments to bylaws?

20 A. Yes.

21 Q. Where do you keep those?

22 A. With the bylaws.

23 Q. Do you have a set of those bylaws?

24 A. Yes.

25 Q. Where are those?

1 A. In my desk.

2 Q. Is there a reason you didn't bring them today?

3 A. They weren't on the subpoena.

4 Q. Is that a document that relates to the actions
5 of the board of directors and of meetings and of the
6 dissolution of this corporation?

7 A. I didn't see it that way.

8 Q. In your opinion, you don't believe these bylaws
9 have anything to do with the dissolution of the
10 corporation?

11 MR. LEACH: I think he has answered that.

12 MR. PIERCE: I am asking his opinion now.

13 A. No, I don't think so. They don't address the
14 subject.

15 Q. (By Mr. Pierce) Going back to the March 13th
16 letter that is attached to the Scott Hartley -- could you
17 read through those paragraphs?

18 A. I am sure I did.

19 Q. You did earlier today?

20 A. Yes.

21 Q. You are familiar with the contents?

22 A. I wouldn't say that.

23 Q. You've had an opportunity to review it now?

24 A. Yes.

25 Q. On the page that is attached, your signature is

1 above Scott Hartley's. There is another signature above
2 yours. Can you tell me whose that is?

3 A. No.

4 Q. Would it be better to look at the original
5 document to make that determination?

6 A. I think so.

7 Q. I'm showing you the original of that document.

8 A. Yes.

9 Q. Can you read that?

10 A. "Christopher C. Mathews."

11 Q. Who is Christopher Mathews?

12 A. He is the manager of the counseling center.

13 Q. Did Christopher Mathews say anything to you at
14 the time the document was presented to you?

15 A. Which document?

16 Q. The attachment sheet.

17 A. I don't know that he was present when that
18 happened.

19 Q. Was it somebody else who delivered that to you?

20 A. I don't remember.

21 Q. Do you feel the execution of this letter is
22 contrary to the restraining orders signed by
23 Judge Johnson and Judge Bates?

24 A. Well, I don't know. I would have to review the
25 restraining order to be sure.

1 Q. I have it right here.

2 MR. LEACH: What date was Judge Bates'
3 restraining order issued?

4 MR. PIERCE: I will show you both the
5 March 11th order by Judge Johnson, which is Exhibit 2,
6 and the March 15th order of Judge Bates, both of which
7 are in front of you at the present time.

8 MR. LEACH: Exhibit 7 is dated March 13th?

9 A. No, I don't think so. Not on the date. This
10 one was what date?

11 Q. (By Mr. Pierce) Exhibit 3, Judge Bates' order
12 is dated March 15th.

13 A. No. I don't think so.

14 Q. Not with regards to Judge Bates' order?

15 A. Yes.

16 Q. With regard to Judge Johnson's order, dated
17 March 11th, you would have a different opinion?

18 A. No. I'm sorry -- with Judge Johnson's order?
19 I don't think it is in conflict with that.

20 Q. This is the one on the 11th, Exhibit 2.

21 Why not?

22 A. I don't think so.

23 Q. You think the action of signing that letter in
24 conjunction with other individuals interfered with the
25 performance of Donald Barnett's jobs as president and

1 pastor of this church?

2 A. No.

3 Q. Was it intended to?

4 MR. LEACH: Intended to what?

5 Q. (By Mr. Pierce) Was it intended to interfere
6 with his performance of his duties?

7 A. I couldn't speak for the other signators.

8 Q. What about yourself?

9 A. I told you I would do whatever he asked me to
10 do as long as it was consistent with what was good for
11 the corporation and didn't do damage to the cause of
12 Christ.

13 Q. It doesn't say that in here,

14 MR. LEACH: Are you arguing?

15 MR. PIERCE: I am. I will stop it.

16 Q. (By Mr. Pierce) In here, you say: We do not
17 consider you our employer.

18 A. I don't. I am not employed.

19 Q. If you were employed and being paid, would you
20 then consider him to be your employer?

21 A. I don't know. I just can't step into that
22 role.

23 Q. I mean, is that the reason that you didn't feel
24 like this was interferring with his performance of his
25 duties, because you weren't an employee?

1 A. I questioned about signing that because I
2 wasn't an employee. Then I thought: Well, no, the rest
3 of the staff or most of it is signing it, so I did, too.

4 Q. At the top it says: We the employees.

5 You signed that document with that
6 understanding?

7 A. Yes.

8 Q. Are those statements in the first three
9 paragraphs accurate to the best of your knowledge?

10 A. Oh, yes.

11 Q. So you do consider yourself an employee?

12 A. No.

13 Q. They are not accurate?

14 MR. LEACH: That's what he just said.

15 MR. PIERCE: I asked if they were
16 accurate.

17 Q. (By Mr. Pierce) Is there anything else not
18 accurate in those first three paragraphs?

19 A. No, there is nothing inaccurate. I think you
20 are being specious when you bring up the employee thing.
21 I have always considered that my job. I went to work
22 over there and never took a penny out of that place. I
23 worked diligently and served loyally, that man, that
24 church and the cause of Christ. And I regret it as I sit
25 here today. I am sorry to say that. I probably

1 shouldn't feel that way, but I do. I have considered
2 that to be my job. I have worked as diligently as
3 anybody who was made -- even more diligently than some.
4 I really had difficulty separating myself from the
5 employees myself at times. But legally, I am not
6 employed by Community Chapel and Bible Training Center.
7 I can walk out of there anytime and nobody would notice
8 it in the payroll department.

9 Q. Sure.

10 MR. LEACH: For the record, I will now
11 note it's five after 2:00. Off the record.

12 (A discussion was had off
13 the record.)

14 Q. (By Mr. Pierce) You indicated that you
15 reviewed the proposal by department heads to cut back on
16 employees?

17 A. Yes.

18 Q. And did you think those were reasonable?

19 A. Yes. They convinced me.

20 Q. Was it a hard thing to do?

21 A. No -- well, it's always hard to reduce the
22 staff. It's always hard. But I wasn't hard to convince.

23 Q. Excuse me?

24 A. I was not hard to convince.

25 Q. You knew the need was there to cut back?

1 A. Yes.

2 Q. I notice that on here, on this budget attached
3 to Exhibit 95, from Loren Krenelka, there is a
4 memorandum. It has Phase 1, Phase 2, and Phase 3. Can
5 you tell me the phases what they are and how they are to
6 be implemented?

7 A. No.

8 Q. Did you inquire?

9 A. No.

10 Q. Was it a concern of yours?

11 A. It was before Jack Hicks left. Those were his
12 directives to the staff to review the possibility of
13 further reductions in the staff.

14 Q. Well, did you discuss Phase 1, Phase 2, and
15 Phase 3 with anybody?

16 A. No -- Phase 1, yes. That is what you have
17 there.

18 MR. PIERCE: I have Phase 1 and Phase 2
19 and Phase 3.

20 Q. (By Mr. Pierce) Did you know what Phase 1
21 meant?

22 A. Yes. They were different periods of time, but
23 not specifically.

24 Q. Do you know what they are?

25 A. Reductions in the staff.

1 Q. No, what those periods of time were?

2 A. No. I don't think anyone did.

3 Q. Phase 1, would those be immediate cuts?

4 A. I don't know. They would be soon. I don't
5 know about immediate.

6 Q. Look at Page 2 of Exhibit 95. Would you look
7 at Item 3 and tell me who that budget cut would be?

8 A. Donald Barnett.

9 Q. That would be the president of the corporation
10 and the pastor as reinstated by Judge Bates; correct?

11 A. Yes.

12 Q. And you thought it was going to be reasonable
13 to cut back on his salary a hundred percent?

14 A. No. This decision was made, even though the
15 date is subsequent to that, during the time that he was
16 out of office. We felt he would remain out, so he is
17 included as being out. There is no way we could lay him
18 off.m

19 Q. Look at his letter I'm referring to on behalf
20 of the department heads. Would you read the beginning of
21 the second paragraph.

22 A. Yes. "Last week, Jack Hicks" --

23 Q. Who drafted the solution here of Donald Barnett
24 being --

25 A. I don't know.

1 Q. It is Loren Krenelka's information. This
2 information is coming to you from him?

3 A. He compiled it. There are other departments
4 there besides his. He probably compiled it.

5 Q. There is no department for the president?

6 A. Well, the church, I guess.

7 Q. There is no department head going to be over
8 the president?

9 A. No.

10 Q. This is dated March 17th?

11 A. Yes.

12 Q. And this is after the date that Donald Barnett
13 was reinstated by Judge Bates?

14 A. Yes.

15 Q. And did you approve --

16 A. At the time of the discussion, yes.

17 Q. And that discussion was, I assume, after
18 March 17th, after the date of the preparation of this
19 memo?

20 A. Oh, no.

21 Q. When was your discussion?

22 A. When Jack Hicks -- the last week Jack Hicks
23 recommended that. During that week Don was
24 disfellowshipped.

25 Q. It says last week. Seven days. Approximately

1 seven days earlier than the letter. This was dated March
2 17th?

3 A. The preparation was on the 17th. The
4 discussion was the week before.

5 Q. There was a discussion between you and
6 Jack Hicks to cut back on the president's salary?

7 A. There were more people involved than that. I
8 don't remember the circumstances of the meeting. I did
9 approve of that, since he was out of office.

10 Q. You knew there was pending a proceeding to put
11 him back into the corporation, wasn't there?

12 A. I don't remember whether I had that information
13 or not.

14 Q. You knew he went to court on March 4th, the
15 same day as you had filed Articles of Amendment of the
16 corporation?

17 A. I don't remember if I had that information or
18 not.

19 Q. When did you first learn Donald Barnett had
20 filed a court action in the court?

21 A. I don't remember.

22 Q. Were you at the services on the evening of
23 March 4th, Friday, March 4th?

24 A. I don't remember. I don't miss very many. I
25 probably was.

1 Q. After the Articles of Amendment had been filed?

2 A. I don't remember.

3 Q. Were you in Jack Hicks' office at the time you
4 amended the bylaws and received a telephone call from the
5 attorney's office indicating that Donald Barnett had
6 filed court proceedings?

7 A. I was in there when we revised the bylaws. I
8 don't remember the phone call.

9 Q. You didn't hear anything at those Friday night
10 services?

11 A. I have no recollection of it.

12 Q. Did you approve this budget proposal after
13 March 17, 1988?

14 A. I approved it. But I don't remember when.

15 Q. Did you see this document here?

16 A. Yes.

17 Q. Did you see it after March 17, 1988?

18 A. Before today, you mean?

19 Q. After March 17, 1988, did you see that
20 document?

21 A. Yes -- well, I don't remember when I saw it.

22 Q. Was this document prepared prior to March 17,
23 1988, to your knowledge?

24 A. The determinations were reached before then.

25 Q. I'm talking about this document.

1 A. I don't know when it was prepared.

2 Q. You have seen this document before?

3 A. Yes.

4 Q. After you had an opportunity to review this
5 document, did you make a determination that Donald
6 Barnett's salary should be terminated?

7 A. I don't know if I ever made that determination.
8 See, when he was out -- just like Jack Hicks, he is on
9 here, too -- he was out of office. He was gone.

10 Q. March 14th, he was gone?

11 A. Yes. That's why we included --

12 Q. You knew on March 14th he was gone when this
13 memo was prepared on March 17th?

14 A. I don't know.

15 Q. Jack Hicks left on March 14th?

16 A. Okay.

17 Q. That is the date he resigned, Monday,
18 March 14th.

19 MR. LEACH: We will stipulate to that.

20 Q. (By Mr. Pierce) So did you approve the budget
21 cuts after reviewing this document?

22 A. Yes.

23 MR. PIERCE: Off the record.

24 (A discussion was had off
25 the record.)

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(The deposition concluded
at 2:30 p.m.)

(By agreement between
counsel and the witness,
signature was reserved.)

-o0o-

C E R T I F I C A T E

STATE OF WASHINGTON)
 :
COUNTY OF KING)

I, the undersigned officer of the Court under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and thereafter transcribed under my direction;

That the witness before examination was first duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript of the testimony, including questions and answers and all objections, motions, and exception of counsel made and taken at the time of the foregoing examination;

Page 1 of 2

Rough & Associates
Incorporated
COURT REPORTERS

405 SEATTLE TOWER
SEATTLE, WASHINGTON 98101
(206) 482-1427

That I am neither attorney for, nor a relative or employee of any of the parties to this action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of april 1988.

MERILYN SEYBERT
STATE OF WASHINGTON
NOTARY --•-- PUBLIC
My Commission Expires 5-10-91

M. Seybert
NOTARY PUBLIC In and for the
State of Washington residing at
Seattle

Page 2 of 2

Rough & Associates
Incorporated
COURT REPORTERS
405 SEATTLE TOWER
SEATTLE, WASHINGTON 98101
(206) 682-1427

EXHIBIT

79 DATE 4/6/88
J. DuBois
Mx

187747

FILE NUMBER

DUPLICATE
DOMESTIC



STATE OF WASHINGTON | DEPARTMENT OF STATE

I, A. LUDLOW KRAMER, Secretary of State of the State of Washington and custodian of its seal hereby certify that

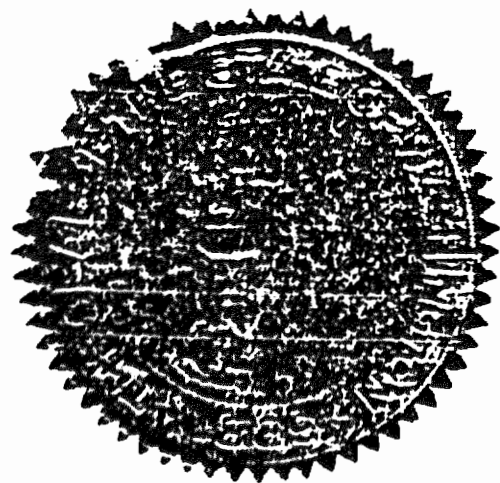
ARTICLES OF INCORPORATION

of COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

a domestic corporation of Seattle, Washington

was filed for record in this office on this date, and I further certify that such Articles remain on file in this office.

EXHIBIT 1 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS X 682-1427



In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol,
November 2, 1967

[Signature]

A
SE

APPROVED
AS TO FORM AND FILED

NOV - 2 1967

A. LUDLOW KRAMER
SECRETARY OF STATE
BY *[Signature]*
CORPORATION SECRETARY

ARTICLES OF INCORPORATION
of
COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

KNOW ALL MEN BY THESE PRESENTS: That we, Donald Lee Barnett, Lyle L. Bullinger, Everett Scott Hartley Jr. and Keith Eugene Jann, citizens of the United States, each being over the age of twenty-one years, and being desirous of forming a corporation for the objects and purposes hereinafter specified and set forth, do hereby associate ourselves together for the purpose of forming a corporation for the objects and purposes hereinafter specified and set forth, do hereby associate ourselves together for the purpose of forming a corporation under and by virtue of Chapter 24.06 of the Revised Code of Washington, relating to religious and charitable corporations, and do hereby make, subscribe, execute, acknowledge and adopt, in triplicate, the following Articles of Incorporation, and do certify, as follows:

ARTICLE I.

Name and Object

Section 1: The name of this corporation shall be

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

Section 2: The location and chief place where the activities of this corporation shall be carried on shall be in the City of Seattle, King County, Washington.

Section 3: The objects for which this corporation are formed shall be:

(a) To propagate the Christian Faith and to spread the Gospel of Jesus Christ as revealed through the holy Scriptures.

(b) To erect and maintain a church building, social hall, business office, school rooms, parsonage and such other structures as are deemed necessary.

(c) To engage in a ministry through radio, television, publications and other media of mass communication.

(d) To acquire, operate and maintain Bible Schools, Orphanages, Homes for the Aged, and such other benevolent and charitable institutions as may be lawful under Chapter 24:08 of the Revised Code of Washington.

(e) To acquire and hold real estate, and such other property as the realization of the aforesaid objects may demand.

ARTICLE II.

TERMS OF ADMISSION TO MEMBERSHIP

Section 1: Any person may be admitted to membership who confesses to the Divinity of our Lord Jesus Christ and is a "born again" Christian as revealed by Holy Scripture.

Section 2: Voting rights shall be governed by the Constitution of this Congregation.

Section 3: No person shall be admitted to membership who is actively affiliated with another church or who is associated with an organization or movement inconsistent with the Constitution of this Congregation.

ARTICLE III.

MANAGEMENT

Section 1: The affairs of this corporation shall be managed by the Board of Elders consisting of four or more Elders. The Pastor, Donald Lee Barnett, shall appoint three members to the initial Board of Elders. The Pastor(s) will be ex-officio member(s) thereof.

Section 2: Bylaws not in conflict with these Articles or of the Constitution of this Congregation may be adopted at the next meeting called to complete the organization of this corporation, or at any subsequent meeting of the Board of Elders. The Bylaws or any provision of the Constitution may be amended in the same manner as amendments to these Articles.

IN WITNESS WHEREOF, the incorporators have hereunto set their hands and seals, in triplicate, this 1 day of NOVEMBER, 1967.

Donald Lee Barnett
Donald Lee Barnett

Lyle L. Sullinger
Lyle L. Sullinger

Everett Scott Hartley, Jr.
Everett Scott Hartley, Jr.

Keith Eugene Gunn
Keith Eugene Gunn

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this day personally appeared before me Donald Lee Barnett, Lyle L. Sullinger, Everett Scott Hartley, and Keith Eugene Gunn, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 1 day of November, 1967.

Clifford R. Butler
Notary Public in and for the State of Washington, residing at Seattle.

80
J. DuBois
THY
4/6/88
6821427

Duplicate Original

FILED
SEPT 14 1979
Secy State of Wash.

ARTICLES OF AMENDMENT

DUPLICATE

To the Secretary of State of the State of Washington:

Articles of Amendment for the Articles of Incorporation of Community Chapel and Bible Training Center, a non-profit Washington corporation, are herein executed in duplicate by said corporation, as follows:

1. The name of the corporation is Community Chapel and Bible Training Center.
2. The amendments to the Articles of Incorporation adopted by the said corporation are as follows:
 - A. That the present terms of Article II be deleted in their entirety.
 - B. That Article II henceforth read as follows:
 "This corporation shall have no members. All decisions making authority for this corporation shall be hereafter vested in the Board of Directors, except as specifically limited by the corporation bylaws."
3. A meeting of the members of said corporation having voting rights at which said amendment was adopted was held on the 19 day of August, 1979. A quorum was present at said meeting and said amendment received affirmative vote of more than two-thirds of the votes which members were present at said meeting were entitled to cast.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

By: Ronald Lee Barnett
President

By: E. Scott Hartley
Secretary

SUBSCRIBED AND SWORN TO before me this 20th day of August, 1979.

Violet B. Smith
NOTARY PUBLIC in and for the State of Washington residing at Seattle

L-AIM-797

EXHIBIT 2 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS DR 6821427

81

4/6/88
J. P. B. 0015
4/6/88

DUPLICATE

2-187747-7
FILE NUMBER



EDITORIAL DEPT.
FILE COPY

DOMESTIC

STATE OF WASHINGTON | DEPARTMENT OF STATE

I, RALPH MUNRO, Secretary of State of the State of Washington and custodian of its seal, hereby certify that

ARTICLES OF AMENDMENT TO
ARTICLES OF INCORPORATION

of COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

a domestic corporation of Seattle, Washington.

(Amending Articles)

was filed for record in this office on this date, and I further certify that such Articles remain on file in this office.

EXHIBIT 3 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS DR 682...

In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol.

November 17, 1981

RALPH MUNRO
SECRETARY OF STATE

NOV 17 1981

SECRETARY OF STATE
STATE OF WASHINGTON

ARTICLES OF AMENDMENT

To the Secretary of State of the State of Washington:

Articles of Amendment for the Articles of Incorporation of Community Chapel and Bible Training Center, a non-profit Washington corporation, are herein executed in duplicate by said corporation, as follows:

1. The name of the corporation is Community Chapel and Bible Training Center.
2. The amendments to the Articles of Incorporation adopted by the said corporation are as follows:
 - A. That the present terms of Article I, Section 3, be deleted in their entirety.
 - B. That Article I, Section 3, henceforth read as follows:

"Section 3: The objects for which this corporation are formed shall be:

 - (a) to propagate the Christian faith and to spread the Gospel of Jesus Christ as revealed through the Holy Scriptures;
 - (b) to establish, operate, and maintain churches for Christian worship, education, practice of Christian doctrine, and the conduct of integral religious ministries;
 - (c) to erect and maintain church buildings; schools; Bible colleges; student living facilities; business offices; radio, television, and recording studios; broadcast and transmission facilities; social halls; parsonages; retreat centers; rehabilitation facilities; and such other structures as are deemed necessary or desirable;
 - (d) to engage in a ministry through radio, television, publications, and other media of mass communication; including the distribution and sale of religious publications and related items;
 - (e) to establish, operate, and maintain as an integral and inseparable part of this church corporation's overall ministry of the Gospel of Jesus Christ, a Bible college which grants degrees, for the instruction of Christian religious beliefs, morals, and ethics, and the propagation of Christian faith, practice, and doctrine;

(continued)

- (f) to establish, operate, and maintain a Christian school, kindergarten (K-4) through twelfth (12) grade, for the instruction of Christian religious beliefs, values, morals, and ethics, and the propagation of Christian faith, practice and doctrine, including all subjects necessary for a proper education. All proper educational subjects are recognized as being thoroughly and completely religious because of their philosophical and moral applications to the circumstances and understandings of life, of the world in which we live, and of our relationships with other people. This school-ministry shall be an integral and inseparable part of this church corporation's overall ministry of the Gospel of Jesus Christ;
 - (g) to establish, operate, and maintain Christian education and necessary incidental day-care for children through four years of age for the instruction of Christian religious beliefs, values, morals, and ethics, and the propagation of Christian faith, practice and doctrine, including all proper educational subjects appropriate to the child's age level and abilities. All proper Christian education and child care are recognized as being thoroughly and completely religious because of their philosophical and moral implications to the circumstances and understandings of life, of the world in which we live, and of our relationships with other people. This aforesaid ministry shall be an integral and inseparable part of this church corporation's overall ministry of the Gospel of Jesus Christ;
 - (h) to provide Bible-based advice and counsel appropriate to the problems and circumstances of life to those in need and seeking counsel;
 - (i) to acquire, operate, and maintain teen centers, youth centers, orphanages, foster homes, homes for the aged, and such other benevolent and charitable institutions as may be lawful under RCW Chapter 24.03;
 - (j) to acquire and hold real estate and such other property as the realization of the aforesaid objects may demand;
 - (k) to perform charitable acts of assistance and benevolence and to grant financial aid or gifts to persons whom the government of the Church determines to be worthy and in need of such charity."
- C. That the present terms of Article III be deleted in their entirety.
- D. That Article III henceforth read as follows:
- "Section 1: The affairs of this corporation shall be managed by the Board of Senior Elders, also known as the Board of Directors, consisting of a minimum of three (3) Senior Elders. The Pastor shall be an ex officio member thereof.
- "Section 2: Vacancies on the Board of Senior Elders (Board of Directors) shall be filled by election by the remaining Senior Elders as provided in the corporation Bylaws.
- "Section 3: Senior Elders (Directors) are appointed for life unless removed by a three-fourths (3/4) vote of the others of the same office, by resignation, or by any other means provided in the corporation Bylaws."
- E. That the present title and terms of Article IV be deleted in their entirety.

- F. That Article IV henceforth read as follows:

Article IV: Duties of Board of Senior Elders

"The duties and powers of the Board of Senior Elders, including the qualifications, terms of office, manner of election, time and place of meeting of the aforesaid Senior Elders, shall be such as prescribed in the Bylaws of the corporation."

- G. That the present terms of Article V be deleted in their entirety.
H. That Article V henceforth read as follows:

Article V: Dissolution

"In the event of the dissolution of this corporation, all of its assets, after distribution according to the priorities created by the Non-Profit Corporations Act, shall be distributed as directed by the Board of Senior Elders provided that the assets shall be distributed to such other organizations as are then of similar purpose and are recognized as charitable organizations to which contributions are deductible as charitable contributions in accordance with the Internal Revenue laws of the United States of America. In no event, even upon dissolution, shall any officer or director enjoy any personal benefit from the assets of this corporation."

- I. That the present terms of Article VI be deleted in their entirety.
J. That Article VI henceforth read as follows:

Article VI: Amendments and Bylaws

"Section 1: Amendments to these Articles of Incorporation may be made by a three-fourths (3/4) affirmative vote of the Board of Senior Elders and the original Pastor's concurrence, if he is still presiding.

"Section 2: The Bylaws shall be the governing law for the internal affairs of this corporation to the extent that they are not inconsistent with these Articles of Incorporation.

"Section 3: The Bylaws of the corporation may be amended by a three-fourths (3/4) affirmative vote of the Board of Senior Elders and the original Pastor's concurrence, if he is still presiding."

3. A meeting of the Board of Directors of said corporation at which said amendments were adopted was held on the 25th day of August, 1981. All directors were present at said meeting and said amendments received a unanimous affirmative vote including the concurrence of the original Pastor, Donald Lee Barnett.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

By: Donald Lee Barnett
President

By: E. Scott Hartley
Secretary

By: W. H. Lewis
Senior Elder

By: Jack A. Hecke
Senior Elder

SUBSCRIBED AND SWORN TO before me this 27th day of August, 1981.

Dorothy E. Smith
NOTARY PUBLIC in and for the
State of Washington residing
at Seattle

Community Chapel & Bible Training Center
ARTICLES OF FAITH & BYLAWS
Donald Lee Barnett

EXHIBIT _____ DATE 3/19/88
WITNESS P. S. HARTLEY
OF THE COUNTY OF _____ STATE OF _____

582-1577

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(continued)

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Selection of a new pastor	Voting congregation	"a minimum two-thirds (2/3) majority"	II	I	1	B5	1
Approval of expenditures of Church funds for items over \$5,000.00	Deacon Board	"a simple majority vote"	II	I	3	A3a	1
Approval of expenditures over \$50,000.00	Board of Senior Elders	"a minimum two-thirds (2/3) majority vote"	II	I	3	A3c	1
Major building programs	Board of Senior Elders and voting congregation	"a minimum of a two-thirds (2/3) majority of the Board of Senior Elders, and by a simple majority of the voting congregation"	II	I	3	A3d	1
Election of Deacons	Voting congregation	"a true majority"	II	I	3	F	2
Removal of a Deacon from office	Board of Senior Elders congregation	"a minimum two-thirds (2/3) majority vote"	II	I	3	G2	2

(continued)

Majorities Needed in Voting

L-BL-RB011,b2

Petition by congregation for a new vote for Deacons	Voting congregation	"a minimum of twenty (20) per cent"	II	I	3	H1	2
Request for a new vote on the entire Deacon Board	Board of Senior Elders	"one-half of the Board"	II	I	3	H2	20
Appointment of Elders to office	Board of Senior Elders	"a unanimous vote"	II	II	3	--	21
Removal of Elders from office	Board of Senior Elders	"a unanimous vote, save one"	II	II	6	--	22
Any question taken before the congregation (unless otherwise specified)	Voting congregation	"a simple majority"	II	IV	3	--	23
Apparent tie-vote by the congregation	the Pastor	"the Pastor shall cast the deciding vote"	II	IV	3	--	24
Removal and replacement of future Chief Executive Officers of Communications	Board of Senior Elders	"a minimum two-thirds (2/3) majority vote"	III	II	6	--	25
Removal of Satellite Church Pastors	Voting Elders and congregation	"a minimum two-thirds (2/3) majority vote of both"	VI	II	1	A1	4
Ratification of appointment of replacement Satellite Church Pastors	Voting Elders	"a minimum of all the Voting Elders, save one"	VI	II	1	A2	4
Appointment of additional Voting Elders in Satellite Churches	Voting Elders	"an affirmative vote of the Pastor and a minimum of all other Voting Elders, save one"	VI	II	2	E	4
Removal of Voting Elders of Satellite Churches from office	Voting Elders	"all the Voting Elders, save one"	VI	II	2	I	4
Election of new Deacons in Satellite Churches	Voting congregation	"a simple majority"	VI	II	3	D1	4

(continued)

Majorities Needed in Voting

Removal of a Deacon of a Satellite Church from office	Voting congregation, or Voting Elders	"a minimum two-thirds (2/3) majority vote of the congregation, or by a minimum two-thirds (2/3) majority vote of the Voting Elders"	VI	II	3	D2	
			VI	II	3	F3	
Approval of expenditures over \$250.00 (Satellite Churches)	Deacon Board	"a minimum two-thirds (2/3) majority"	VI	II	5	3	44
Approval of expenditures over \$5,000.00 (Satellite Churches)	Voting Elders	"a minimum two-thirds (2/3) majority"	VI	II			
Approval of expenditures over \$50,000.00 (Satellite Churches)	Voting congregation	"a simple majority"	VI	II			
Any question taken before the congregation of a Satellite Church (unless otherwise specified)	Voting congregation	"a simple majority"	VI	II			
Apparent tie-vote of a Satellite Church congregation	the Pastor	"the Pastor shall cast the deciding vote"	VI	II			
Decision by a fellowship of a Satellite Church to become a Satellite Church	Attendants of the fellowship	"a majority vote"	VI	V	2	--	5
Approval of changes to the Bylaws of a Satellite Church	Voting Elders	"a minimum of all...., save one"	VI	VII	1	A1	
Approval of changes to the Bylaws of a Satellite Church	Pastor of the Corporation Church and the Board of Senior Elders	"The Pastor...and a minimum three-fourths (3/4) majority of the Board of Senior Elders"	VI	VII	1	A3	
Amendments to the Articles of Incorporation of a Satellite Church	Board of Directors	"a three-fourths (3/4) affirmative vote"	VI	---	--	10a	
Amendments to the Bylaws of the Corporation	Board of Directors and the Pastor	"a three-fourths (3/4) affirmative vote...and the Pastor's concurrence"	VII	---	--	10c	

1

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

ARTICLES OF FAITH AND BYLAWS

Originally drafted and ratified: October 18, 1967.

First revision: September 9, 1969.
Second revision: December 10, 1971.
Third revision: September 11, 1975.
Fourth revision: November 2, 1976.
Fifth revision: June 1, 1978.
Present revision: January 2, 1996.

PREAMBLE

We, members of the spiritual body of Christ desiring to unite in fellowship as a non-profit religious corporation, do hereby adopt these Bylaws and agree to be governed by their precepts.

Chapter One

DIVISION ONE

THE TOTAL CORPORATION

SECTION I

Name, Location, and Objective

ARTICLE ONE: The name of this Corporation shall be "Community Chapel and Bible Training Center."

ARTICLE TWO: The Corporation of Community Chapel and Bible Training Center has its headquarters in southern King County, Washington, at the Church of Community Chapel and Bible Training Center as described in the Church Division (Division Two) of these Bylaws (the Corporation Church). The mailing address is 18635 Eighth Avenue South, Seattle, Washington 98148.

(continued)

RATIFICATION OF THE ARTICLES OF FAITH AND BYLAWS
OF
COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

Case Jan. 28, 1956 Donald Lee Barnett
Donald Lee Barnett, Board of Senior Elders Chairman

Case Jan 27 1956 Jack A. Hicks
Jack A. Hicks, Board of Senior Elders member

Case Jan 27 1956 E. Scott Hartley
E. Scott Hartley, Board of Senior Elders member

Case Jan 27 1956 J. H. DuBois
J. H. DuBois, Board of Senior Elders member

CURRENT OFFICERS AND MAJOR APPOINTEES OF THE CORPORATION OF
COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

(revised 10/1/86)

DIVISION ONE: THE CORPORATION

Board of Senior Elders..... Donald Lee Barnett (Chairman)
John H. DuBois
E. Scott Hartley
Jack A. Hicks

President of the Corporation..... Donald Lee Barnett

Vice-President..... Jack A. Hicks

Secretary of the Corporation..... E. Scott Hartley

General Manager..... Jack A. Hicks

Treasurer and Data Manager..... Wyman J. Smalley

Accountant and Bookkeepers..... Drake Pesce
Sue Annear
Patricia Coyle (alternate)
Debra Gurr

Check Signers..... Donald Lee Barnett
John H. DuBois
E. Scott Hartley
Jack A. Hicks
Ralph Alskog

Offering Counters..... Sue Annear
Patricia Coyle
Melinda Gerrard
Debra Gurr
Drake Pesce
Bonnie Martin (alternate)

Custodian of the Bylaws..... Melinda Erickson

DIVISION TWO: THE CHURCH

Pastor..... Donald Lee Barnett

Deacon Board..... Jack A. Hicks (Chairman)
E. Scott Hartley
Donovan Pack
Ralph Alskog
Wayne Snoev

Ministerial Elders..... Ralph Alskog
John Harold
Don Lockrem
A. Russell MacKenzie
Dan O'Brien
Lanny Peterson
Gerald Slaminski
Greg Thiel
Mark Yokers

(continued)

Officers and Appointees

Departmental Elders: George Bowker
Ron Myrick
Wayne Snoey

DIVISION THREE: COMMUNITY CHAPEL PUBLICATIONS

Chief Executive Officer..... Donald Lee Barnett
Manager..... Sandy Schwartzkopf
Editor..... Jeff McGregor

DIVISION FOUR: COMMUNITY CHAPEL BIBLE COLLEGE

President (Chief Administrator)..... Donald Lee Barnett
Dean..... Jack DuBois
Business Manager..... Jack Hicks

DIVISION FIVE: COMMUNITY CHAPEL CHRISTIAN SCHOOLS

Chief Executive Officer..... Donald Lee Barnett
Director Jack A. Hicks
Assistant Director Donna Moran

U.S. SATELLITE CHURCHES

- Chippewa Valley Community Chapel (WI); Pastor Keith Gunn
- Community Chapel and Bible Training Center of Kirkland, WA; Pastor Fred Langford
- Community Chapel and Bible Training Center of Ulysses, KS; Pastor Nicholas Lembo
- Community Chapel and Bible Training Center of Kalispell, MT; Pastor Michael Oas
- Community Chapel and Bible Training Center of Spokane, WA; Pastor Jamie Hansen
- Community Chapel and Bible Training Center of Bozeman, MT; Pastor Allen McManus
- Community Chapel and Bible Training Center of Tacoma, WA; Pastor Jack McDonald
- Community Chapel and Bible Training Center of Yakima, WA; Pastor Lynn Brown

U.S. SATELLITE FELLOWSHIPS (incorporated)

Community Chapel Fellowship of Chester, IL; Pastor Jerry McElroy

FOREIGN SATELLITE MINISTRIES (incorporated)

Community Chapel and Bible Training Centre of Canada; Keith Karlsson (General Manager)

EXHIBIT 83 DATE 4/6/88
WITNESS J. DuBois
DEBRA ROBERTS DR 682-1427

SENIOR ELDERS' MEETING

Telephone Meeting of January 22, 1988

Members Contacted: Jack DuBois, Jack Hicks, Scott Hartley

1. Request by the Accounting Department to amend an accounting error to Don Barnett's 1984 and 1985 federal income tax and to approve payment of \$7,918 (amount in arrears plus penalties and interest) to the Internal Revenue Service.

Approved

Respectfully submitted,

E. Scott Hartley
E. Scott Hartley
Corporate Secretary

EXHIBIT 5 DATE 3/9/88
WITNESS E. S. Hartley
DEBRA ROBERTS DR 682-1427

84 DATE 4/6/88
WITNESS J. DuBois
682-1427

SENIOR ELDERS' MEETING

February 10, 1988

Members Present: Jack Hicks, Jack DuBois, Scott Hartley

1. Because of the testimony given before the entire eldership (including all of the senior elders) regarding Don Barnett's extra marital sexual activities, the three other senior elders authorize a letter to Don Barnett putting him on Special Status to specifically restrict his personal and pastoral activities with women of this church which otherwise may subject this church to civil law suits. Letter to be delivered by February 15, 1988 to the Pastor with all restrictions to be enforced immediately.

Approved 3/0

Respectfully submitted,

E. Scott Hartley
E. Scott Hartley
Corporate Secretary

EXHIBIT 6 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS DR 682-1427

85
J. DuBois
4/6/88
TD

SENIOR ELDERS' MEETING

February 26, 1988

Members Present: Jack DuBois, Jack Hicks, Scott Hartley
Visitors Present: Mark Yokers, Russ MacKenzie, Greg Thiel, George Bowker,
Lanny Peterson, Chris Mathews, Ralph Alskog, John Bergin,
John Harold, Ron Myrick, Jerry Slaminski.

1. The Senior Elders present, which constitute a three-fourths majority of the entire board, unanimously voted to authorize the following subject to be presented at the Friday evening service, February 26, 1988.

-The unresolved problems arising out of Pastor's refusal to abide by the Special Status restraints mandated by a majority vote of the Senior Elder Board by letter dated February 15, 1988. The congregation must be put on notice as to the potential dangers existing now that the pastor has refused to abide by the decision of the Board of Directors. The Senior Elders present also affirm unanimously that we believe this action is absolutely essential to the future and integrity of our church, without which the corporation's existence and potential future liability is in extreme jeopardy. It is our understanding and belief that the Articles of Incorporation empowers a majority vote of this Board of Directors to make decisions necessary for the reasonable direction and preservation of the church corporation notwithstanding any bylaw provisions to the contrary.

Approved 3/0

Respectfully submitted,

E. Scott Hartley
E. Scott Hartley
Corporate Secretary

EXHIBIT 7 DATE 3/9/88
WITNESS E. S. Hartley
DEBRA ROBERTS DR 682-1427

86
J. DuBois
4/6/88
708
682-1427

SENIOR ELDERS' MEETING

March 4, 1988, 10:20 A.M. at the Parsonage

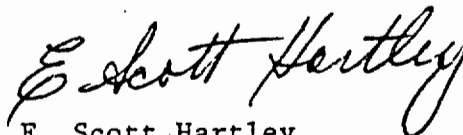
Members Present: Don Barnett, Jack Hicks, Jack DuBois, Scott Hartley

1. Resolution to amend the Articles of Incorporation was discussed and adopted.

Approved 3/1
11:00 A.M.

Meeting dismissed at 11:20 A.M. because Don Barnett refused to discuss any other subjects and told us to get out of "his house." Articles of Incorporation were amended and filed in Olympia, Washington on March 4, 1988 at 1:10 P.M.

Respectfully submitted,



E. Scott Hartley
Corporate Secretary

EXHIBIT 8 DATE 3/9/88
WITNESS E. S. Hartley
DEBRA ROBERTS DK 682-1427

87
J. DuBois
4/6/88
7M

SENIOR ELDERS' MEETING

March 4, 1988, 3:15 P.M. in Jack Hicks' office.

Members Present: Jack Hicks, Jack DuBois, Scott Hartley

- 1. Resolution to amend the Bylaws was discussed and adopted.

Approved 3/0
3:25 P.M.

Don Barnett refused to attend this meeting.

- 2. Resolution to remove Don Barnett as a member of the Board of Directors was discussed and adopted.

Approved 3/0
3:30 P.M.

- 3. Letter to Don Barnett stating that the Board of Directors were disfellowshipping him from this church.

Approved 3/0
3:30 P.M.

Letter taken to parsonage by David Motherwell and George Bowker at approximately 6:15 P.M.

Respectfully submitted,

E. Scott Hartley
E. Scott Hartley
Corporate Secretary

EXHIBIT 9 DATE 3/9/88
WITNESS E. S. Hartley
DEBRA ROBERTS DR 682.1A??

88
J. DuBuis
7/11
4/6/88
682-1427

RESOLUTION TO AMEND ARTICLES OF INCORPORATION

WHEREAS, the directors of Community Chapel and Bible Training Center, a Washington non-profit corporation, ("Chapel" herein), desire to amend the Articles of Incorporation to provide that the Board of Directors be governed by a majority of the Board of Directors, and pursuant to the authority granted to the Board of Directors under R.C.W. 24.03.165(2), it is hereby

RESOLVED, that the Articles of Amendment to Articles of Incorporation, filed November 17, 1981, be, and they hereby are, amended by striking from Article VI, Section 1, the following language:

"and the original Pastor's concurrence, if he is still presiding,"

and by striking from Article VI, Section 3, the following language:

"and the original Pastor's concurrence, if he is still presiding."

so that Article VI shall read in its entirety as follows:

"Article VI:

Section 1: Amendments to these Articles of Incorporation may be made by a three-fourths (3/4's) affirmative vote of the Board of Senior Elders.

Section 2: The Bylaws shall be the governing law for the internal affairs of this corporation to the extent that they are not inconsistent with these Articles of Incorporation.

EXHIBIT 15 DATE 3/9/84
WITNESS R.S. Hartley
DEBRA ROBERTS DR 682-1427

Section 3: The Bylaws of the corporation may be amended by a three-fourths (3/4's) affirmative vote of the Board of Senior Elders."

RESOLVED further, that said amendment is hereby adopted and approved this 17th day of August, 1988, at 10:00 a.m., at July held Board of Directors Meeting by a three-fourths (3/4's) affirmative majority vote.

COMMUNITY CHAPEL AND
BIBLE TRAINING CENTER

By: [Signature]
Secretary/Director

By: [Signature]
Senior Elder/Director

By: [Signature]
Senior Elder/Director

ARTICLES OF AMENDMENT

FILED

MAR 01 1988

To the Secretary of State of the State of Washington:

Articles of Amendment for the Articles of Incorporation of Community Chapel and Bible Training Center, a non-profit Washington corporation, are herein executed in duplicate by said corporation, as follows: SECRETARY OF STATE
1:10 PM

1. The name of the corporation is Community Chapel and Bible Training Center.
2. The amendments to the Articles of Incorporation adopted by the said corporation are as follows:
 - A. That the present terms of Article VI, Section 1, be deleted in their entirety.
 - B. That Article VI, Section 1, henceforth read as follows:
 Section 1: Amendments to these Articles of Incorporation may be made by a three-fourths (3/4) affirmative vote of the Board of Senior Elders.
 - C. That the present terms of Article VI, Section 3, be deleted in their entirety.
 - D. That Article VI, Section 3, henceforth read as follows:
 Section 3: The Bylaws of the corporation may be amended by a three-fourths (3/4) affirmative vote of the Board of Senior Elders.

A meeting of the Board of Senior Elder/Directors of said corporation at which said amendments were adopted was held at 11:00 A.M., P.M. on the 27 day of March, 1988. Said amendments received a three-fourths (3/4) majority vote. THERE ARE NO MEMBERS.

COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

By: [Signature]
Senior Elder/Secretary

By: [Signature]
Senior Elder/Director

By: [Signature]
Senior Elder/Director

SUBSCRIBED AND SWORN TO before me on this 27 day of March, 1988.

[Signature]
NOTARY PUBLIC in and for the
State of Washington residing
at Seattle.

89

4/6/88
J. D. DEBIS
MAY

EXHIBIT 16 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS DR 682-1427

RESOLUTION TO AMEND BYLAWS

WHEREAS, the directors of Community Chapel and Bible Training Center, a Washington non-profit corporation ("Chapel" herein), desire to amend the Bylaws of the Chapel to provide that the board of directors be governed by a majority of the board of directors, to provide that the Chapel is governed by a majority of the board of directors, and to provide that no one director is able to control Chapel corporate matters by vetoing or overruling a majority of the board of directors, it is hereby

RESOLVED, that the Bylaws of the Chapel be amended as follows:

1. By striking from Division One, Section II, Article Two (p.3), the following: "except when the original Pastor is that Division head."

And by amending it to read as follows:

"Community Chapel and Bible Training Center shall consist of various Divisions of the single Corporation. Each Division head governs his own Division (without direct supervision by the Board of Senior Elders of the Corporation), yet the Board of Senior Elders governs all Divisions through these Bylaws and appoints and removes all Division heads."

2. By striking from Division One, Section IV, Article One (p.4), the following: "except in areas reserved for the Pastor of the Corporation Church alone."

And by amending it to read as follows:

"The Board of Senior Elders shall consist of not less than three members, which shall govern Community Chapel and Bible

Training Center in all areas, as defined in these Bylaws and in accordance with the following rules."

3. By striking Division One, Section IV, Article Two (p. 4), Item B, in its entirety, and by reading Item C as B.

4. By striking Division One, Section IV, Article Three (p.5), the following: "or the Pastor and at least all other Board of Senior Elder members, save one." And by amending it to read as follows:

"Additional members of the Board of Senior Elders may be appointed by the Board of Senior Elders from among the Elders of the Corporation Church by the affirmative vote of all Board of Senior Elder members, save one."

5. By striking Division One, Section IV, Article Five (p.5), Item F in its entirety.

6. By striking from Division One, Section IV, Article Six (p.6), Item G, the following:

"(This clause shall not be interpreted to give the Board of Senior Elders authority over those areas that are specifically stated to be outside the jurisdiction of the Board of Senior Elders being exclusively the prerogative of the office involved.)"

~~7. By striking Division One, Section IV, Article Seven (p.6) in its entirety.~~

8. By striking Division One, Section IV, Article Eight (p.6) in its entirety.

9. By striking Division One, Section IV, Article Eleven (p.7) in its entirety.

10. By striking Division One, Section V, Article Two (p.7) in its entirety.

11. By striking from Division One, Section V, Article Three (p.7) the following:

The President of the Corporation shall have the authority to make any interpretation of these Bylaws or necessary on-the-spot decisions, arbitrations, regulations, etc., regarding areas not covered by these Bylaws."

And striking from the above Article, Paragraph 2,

the following:

"except the original President of the Corporation."

And by amending it so it reads as follows:

"The Board of Senior Elders shall have the power to overturn decisions made by the President of the Corporation regarding his decisions about interpretation of these Bylaws and areas not covered by these Bylaws. Such a decision to overturn must be by a unanimous vote of all members of the Board of Senior Elders except the Chairman."

12. By striking from Division One, Section V, Article Five (p.7), the following:

"except for the original President of the Corporation."

And by amending it to read as follows:

"Removal of the President of the Corporation: The President of the Corporation may be removed from office by a two-thirds (2/3) majority vote of the Board of Senior Elders."

13. By striking from Division One, Section V, Article Seven (p.7), the following:

"Once set and accepted, his salary shall not be decreased, unless there is a general recession or depression, and then only to the same ratio as the published wage or consumer price index for the local area."

And by amending it to read as follows:

"ARTICLE SEVEN: The salary of the President of the Corporation shall be determined by the Board of Senior Elders, which shall re-evaluate this salary rate annually."

14. By striking from Division One, Section VII, Article Two (p.3), the following:

"Except for the Chairman."

And by amending it to read as follows:

"Explanation of Office: All members of the Board of Senior Elders hold positions of equal authority. Thus, on corporate business, the Secretary of the Corporation shall have no more authority than any other regular member of the Board of Senior Elders. However, he shall have additional responsibilities as outlined in Article Three below."

15. By striking from Division One, Section XI, Article One (p.13), the following:

"and the original Pastor's concurrence, if still presiding."

And by amending it to read as follows:

"ARTICLE ONE: Amendments.

A minimum three-fourths (3/4) majority affirmative vote of the Board of Senior Elders is necessary to amend any of the Bylaws stated in this document."

16. By striking from Division One, Section 1, Article One, Item B2(p.17), the following:

"having established the original Church by the direction of God and with support

of the congregation, shall have oversight of same until the Pastor agrees to change. He"

And by amending it to read as follows:

"The original Pastor shall have the authority to take extended leaves of absence as he feels led without relinquishing the position of Pastor. An Associate Pastor, Assistant Pastor, or Acting Pastor may stand in for him, subject to his oversight, and relinquish the position and authority upon demand by the Pastor, if the Pastor so wishes.

17. By striking from Division Two, Section 1, Article One, Item 2 (p.18), the following:

"Once set and accepted, each Pastor's salary shall not be decreased, unless there is a general recession or depression, and then only to the same ratio as the published wage/price index decline for the local area."

And by amending it to read as follows:

"E. The Pastor's salary shall be determined by the Board of Senior Elders, which shall re-evaluate the salary rate annually."

18. By striking from Division Two, Section VII, Article One, Item A4 (p.30), the following:

"(with the exception of the original Pastor, who cannot be removed from office while living)."

And by amending it to read as follows:

"The ordination of the Pastor shall be in effect until he is removed from the position of Pastor, until he resigns, or until this Church no longer exists."

19. By striking from Division Four, Article Eight (p.37), Item 3, in its entirety.

RESOLVED further, that said amendments are hereby adopted and approved this _____ day of _____, 1988,

at ____ .m., at a duly held Board of Director's Meeting by a
three-fourths (3/4) affirmative majority vote.

COMMUNITY CHAPEL AND
BIBLE TRAINING CENTER

By: _____
Secretary/Director

Senior Elder/Director

Senior Elder/Director

EXHIBIT 90 DATE 4/6/88
WITNESS J. DuBOIS
DEBRA ROBERTS MR

RESOLUTION TO REMOVE DONALD L. BARNETT
AS MEMBER OF BOARD OF DIRECTORS

WHEREAS, the directors of Community Chapel and Bible Training Center, a Washington non-profit corporation, ("Chapel") (herein), desire to remove Donald L. Barnett as a Board of Director's member for the Chapel, pursuant to its authority under Article III, Section Three, of the Chapel's Articles of Incorporation, it is hereby

RESOLVED that Donald L. Barnett is removed as a Board of Director's member by a three-fourths (3/4) majority vote.

RESOLVED further that this removal be effective immediately and that this resolution is hereby adopted and approved this 17th day of March, 1988, at 2:30 p.m. at a duly held Board of Director's Meeting by a three-fourths (3/4) affirmative majority vote.

COMMUNITY CHAPEL AND
BIBLE TRAINING CENTER

By: [Signature]
Secretary/Director

[Signature]
Senior Elder/Director

[Signature]
Senior Elder/Director

EXHIBIT 17 DATE 3/9/88
WITNESS E.S. Hartley
DEBRA ROBERTS DR 682-1427

Fri PM 3/18/88

91
J. DuBois
MD
4/6/88

Don Bennett -

"But I am the pastor of this church and attacked and illegally put out. Therefore, I should have a right to have the church pay for my defense since I am the pastor. But it is not working that way and its paying for them and not for me. But ~~the~~ the Lord sees all this. But my lawyer is on fire, he is upset because he didn't get that money. You know I acted in good faith to sign this over, now its blocked and he doesn't have the money and he's upset. and uh we have given em all we've got and so we promised to have to take up a legal defense fund. And we it, we need it this week and we need it big, because uh he is really putting pressure on us. and uh he wants it now. So we are going to take 2 offerings today, + Sunday morning and Sunday night until we get enough money to pay him. So we need a sacrificial give over and above your regular offering. If you give your regular offering nobody can say hey you are taking money from the people. Because we give as much as we have always given in. you know as much as you always give. We got to do that. and then the extra is to pay this and we are not put through

Don Barnett

FRI PM 3/19/88 1:00

get. and there may be some changes that next
or next week we may see some big changes
here and things may change around and
be different. uh I can see good reasons why
things may be ^{totally} different in a week or two.
So we just need to do our part so we won't
get nailed for not doing our part... believe
me we are working to uh try and watch
this thing. It's not all down the drain,
it isn't all gone. uh we've got some things
in mind with the lawyer and we are looking
at it. so just hold on a couple of weeks and
we will be able to get a better picture of it.
and the second offering about 20 minutes
later or so will be for the legal defense
fund. The reason you are making the checks
out to me uh is because it's not given to
the church, it won't go through the church
coffers. It will be counted by Scott and the
other person in the steering committee. They
will count it, they will register it, and
I'll sign the checks and they will pay it.
I will not touch the money, it will go all
through them and uh it's not actually to
me it's to our lawyer for us. We got our
church back and it's for getting the church back
and having our own church..."

EXHIBIT 92 DATE 4/6/88
WITNESSES J. DeBois
MERLYN SEYBERT My 682 1427

M E M O R A N D U M

TO: Deacon Board Members
FROM: President Don Barnett
RE: Budget
DATE: March 18, 1988

It is necessary to make budget adjustments and recommendation with regards to the salary level for all employees. The Deacon Board is under the obligation to make a determination of the funds available to pay employees of the corporation and the President of the corporation is authorized to make a determination of the salary scale for each individual employee.

Please immediately make a determination and provide my office by Tuesday, March 22, 1988 at 2:00 p.m. with copies of all previous budget and allocated expense areas, and with all current figures used in composing the employee maximum wages to be paid at the present time.

Please make a determination based upon the offerings made and summaries provided to you by the accounting office. This memorandum shall act as my authorization for the accounting office to provide you with any and all information necessary to make a determination of the budget allocation of salaries from this point on. Any documents provided to you by the accounting office are to be attached to your recommendation as to the maximum salary level for all employees of the corporation.

Donald L. Barnett
Donald L. Barnett,
President

EXHIBIT **93** DATE **4/6/88**
WITNESS **J. DUBOIS**
MELBYN SEYMOUR **MJ** 882 1421

TO: JACK DUBOIS
FR: ASHLEY YOUNG
AUDIO/VIDEO SUPERVISOR
DATE: 25 MAR 1988
REF: RESIGNATION QUALIFICATIONS

I wrote, in a prior correspondence, my decision to resign as Audio/Video Supervisor of Community Chapel and Bible Training Center, effective 31 MAR 1988 (with a view to interim phase-out work; thus, concluding termination sometime in the month of April). I further indicated that I could not work under Donald Barnett, the disfellowshipped party, nor under the emerging church of the eldership, for reasons not stated (in the latter case). And although such reasons, for the most part, remain intact, I see the need to qualify such statements, both for the record, and for your understanding.

The events of the past few weeks have indeed hurt and stumbled many saints, of which I (unfortunately) am a part. The primary reason for this is that I do not see a vision emerging with the new church. And if this be true, the scripture says that we will surely perish. I am not opposed to the eldership's decision to disfellowship Don, nor am I removing myself from fellowshiping with them; in fact, I affirm both standards with my whole heart. However, the separation I suggest is from a leadership or staff standpoint only, until the vision emerge, and it correlate with mine own.

I am open to discuss with any of you the flexibility regarding my decisions outlined above; in fact, I welcome such with open arms and hungry heart. The grief I have experienced over staff isolation has escalated to critical proportions in recent times, and unless we incorporate awareness and procedure against this in an emerging vision, our vision will crumble, and we will surely perish. It sickens my heart to see such reaping, but we know that our gracious, merciful, and loving God is not mocked in our sowing such seeds. The hurt is further intensified by my intense love for you: you who have made a deep impact on my life (however in an isolated way). I cast no blame upon you, but I bring these things forth, in hopes that repentance might be made complete, and we might truly go on in God-founded unity, drenched in the same agape and purpose, in order to fully know the depths of our Lord and Saviour, Jesus Christ.

May God be praised, for His mercy in the midst of judgment. May we rest assured that He hold us, and not we Him. May the revelation of true holiness and sacrificial service burn a permanent impression on the core of our beings, by the power of His Spirit, and by reason of His grace. And may we all come together in perfect fellowship, before that great day when we rise to meet Him in the air.

May God bless you in your pursuit of Him.

In the Love of the Master,
Ashley Young, PO Box 66267, Seattle, WA 98166

EXHIBIT **94** DATE **4/6/88**
MEMORANDUM **J. DuBois**
MONTLYN DUBOIS **MS** 682 1127 March 23, 1988

To Loren Krenelka
Scott Hartley
Jack DuBois

In reference to your letter of March 17, concerning budget cuts, which I received on March 22, I answer.

Before I can approve employee layoffs, I need to review the drafts of the consenses of the department heads mentioned on page one, paragraph two. I need to know how each dept. is proposed to be restructured and operated.

In as much as the Senior Elders have no authority or function in the corporate offices, the details must be decided by someone other than those making the proposal. This decision falls to the Vice President/General Manager who works under the President. I presently hold these offices and will until I can appoint a Vice President/General Manager who is qualified who will agree to work under the President in accordance with the By Laws.

I am, accordingly awaiting your departmental restructuring proposal for me to review and decide. I am also awaiting the quarterly Financial statements made in February and any other more recent financial and budget details available.

Sincerely,

Don Barnett

Don Barnett

President



95 4/6/88
J. Du Bois
MIRIAM SEYBERT MD 682 1427

Community Chapel & Bible Training Center

18635 8th Avenue South, Seattle, Washington 98148
Pastor Donald Lee Barnett

Phone (206) 431-3100
Sanctuary located at First Avenue South and South 192nd

March 17, 1988

Donald Barnett
Jack Du Bois
Scott Hartley

Dear Gentlemen,

I am writing to you on behalf of the Department Heads with regard to our financial situation. It has become necessary to take immediate action to alleviate extreme financial difficulty.

Last week Jack Hicks requested the Department Heads to meet and draft some solutions. The attached proposal is the consensus of the Department Heads and the Accounting Department. All decisions were made without partiality. The proposal is to be reviewed and approved by you Don, and the Senior elders. All approved terminations will be carried out according to the current policy in practice at this time. The employees will be given the option of immediate termination or two weeks employment after their notice.

It is extremely important to consider the hearts of these people and not to mention anything until they have been notified by their supervisors.

This will have a great effect on the corporation, however we feel we can continue to function with only minor changes in the corporate structure.

Sincerely,

Loren Krenelka
Director of Service Ministries

LK/tb
Encl.

MEMORANDUM

DATE: 17 MAR 1988
TO: Donald Barnett
Jack Du Bois
Scott Hartley
FROM: Loren Krenelka
RE: **BUDGET CUT PROPOSAL**

PHASE #1:

NAME	AMOUNT
1. Aldridge, Monica	255.00
2. Anderson, Roger	2,106.00
3. Barnett, Donald	4,839.32
4. Born, Karla	700.00
5. Bowker, George	2,675.00
6. Carlos, Marc	2,340.00
7. Chapman, Mike	1,594.66
8. Davies, Robin	105.00
9. Gerrard, Melinda	1,083.34
10. Hanson, Marlene	1,192.00
11. Harold, Faye	759.00
12. Hicks, Jack	5,033.00
13. Hunley, Bev	650.00
14. Irwin, Debbie	1,277.46
15. Karlin, Stu	1,485.56
16. Lee, Carol	250.00
17. Lee, Ron	1,763.36
18. Leyde, Jan	1,544.40
19. Lockrem, Don	2,570.00
20. Martin, Bonnie	1,170.00
21. Mensouides, Lou	1,560.00
22. Moren, Donna	2,241.00
23. Myrick, Janis	1,040.00
24. Northcutt, Price	1138.50
25. Roberts, Connie	600.00
26. Schwartzkopf, Sandy	1,669.80
27. Taylor, Robbin	315.00
28. Verburg, Maurita	1,213.32
TOTAL	43,832.00

PHASE #2:

This phase would require the removal of Junior and Senior High School.

1.	Bomar, Rick	1,850.00
2.	Casello, Ezra	2,364.26
3.	Casello, Rebecca	1,126.00
4.	Davis, Don	230.00
5.	Delucco, Chris	1,290.00
6.	Dutton, Becky	1,340.00
7.	Elwick, Laurie	156.00
8.	Glover, Maxine	676.00
9.	Haist, Janet	753.00
10.	Motherwell, Becky	521.00
11.	Motland, Michelle	677.00
12.	Russell, Linda	1,200.00
13.	Skube, Ruth	800.00
14.	Teel, Jamie	130.00
15.	Walkemeyer, Larry	400.00
16.	Williams, Brenda	1,000.00

TOTAL **14,513.00**

PHASE #3:

This phase would require a total restructure of the corporation.

1.	Annear, Sue	1,343.34
2.	Haggerty, Gordy	2,340.00
3.	Hartley, Scott	3,210.00

TOTAL **6,893.34**

GRAND TOTAL **65,238.00**

Don Barnett's West Campus Service.
Friday P.M. 3-18-88.

96
DATE 4/6/88
J. DUBOIS
MJK
602 1427

Scott Miller, "... What Don would like to do is this, we would like to take two offerings tonight. We would like to take one offering and ask you to give your normal amounts so we can say we gave our normal amounts. You have to give that to the Lord and let the Lord take care of it. And then after that is done we would like to take another offering, specifically a love offering for Don Barnett. And that is not going to a tax deductible offering. It is going to be an offering specifically to his legal expenses. And, uh, you are at liberty to give or not to give. Some people feel differently about like that. But, uh, we need the money - we need thousands of dollars is basically what it boils down to. And, uh, if you write a check, that check should be made to Don - Don Barnett or else give cash. And so I am saying it again, we need to try and keep up our committment to the corporation, give our regular amount and then we will take another offering."

97
J. DuBois
4/6/88
MAY 1988

The purpose of this page is to illustrate contradictory statements, by former Pastor Donald Lee Barnett, quoted ver-batum (without inflections) off corresponding service or meeting tapes, and magazine reprints:

1 (BALANCE ISSUE #2): "I am accountable to the bylaws, the senior elders, fellow elders, even to the congregation..."

(MON AM 14 MAR 1988, TO ALL CORPORATION STAFF EMPLOYEES):

"Overseers oversee those that are under their oversight, and not those that are above their oversight."

2 (FRI PM 18 MAR 1988, TO ALL ATTENDING WEST CAMPUS SANCTUARY SERVICE):

"First of all, if you've read in the paper, Chuck Kerr calling in saying the staff meeting - I called a staff meeting on Monday to fire all employees. You know that isn't what I said on Friday night. The surveys I had for them ask such questions as Do you plan on quitting? If so, when? Would you train somebody else to replace you, if necessary? And questions like this, which are questions that I wouldn't be asking if I was going to fire them all."

(MON AM 14 MAR 1988, TO ALL CORPORATION STAFF EMPLOYEES):

"If the staff members will not be behind their President, they'll just have to be removed. Get somebody who will. I knew there may be some people quitting, so I asked for resumes. I'm just giving a directive at this time, that I want cooperation from everybody."

EXHIBIT 100 DATE 4/6/88
WITNESS J. DuBois
MEMORANDUM MX 1987 1427

MEMORANDUM

DATE: 3/20/88

TO: DRAKE PESCE, SR. ACCT
WYMAN SMALLEY, TREASURER
JACK DUBOIS, SR. ELDER
SCOTT HARTLEY, SR. ELDER

FROM: DONALD BARNETT, PRESIDENT

RE: TRACKING OF OFFERINGS

I AM HEREBY DIRECTING YOU TO KEEP SEPARATE TRACK OF ALL OFFERINGS GIVEN AT EACH CAMPUS, THAT IS, EAST AND WEST, STARTING ON MARCH 18TH, WITH THE FRIDAY SERVICES.

SPECIFICALLY, YOU ARE TO KEEP AND MAINTAIN AMOUNTS GIVEN AT EACH CAMPUS EVERY SERVICE OF EVERY WEEKEND FROM HENCEFORTH, FOR FUTURE USE, AS NEEDED IN A COURT OF LAW.

TO DISOBEY WILL BE CONSIDERED AS DISOBEYING A DIRECT ORDER BY MYSELF AND HIDING POTENTIAL COURT EVIDENCE OF POOR OFFERING AMOUNTS AT THE EAST CAMPUS DUE TO DISCOURAGING TACTICS USED BY THOSE DIRECTING THE SERVICES. A SEPARATE MEMO REGARDING RESPONSIBILITY TO MAINTAIN CERTAIN OFFERING LEVELS HAS BEEN SENT TO THE SR. ELDERS.

SIGNED Donald Lee Barnett

99
MIRIAM SLYBKI

4/6/88
J. DUBOIS
682-1421

MEMORANDUM

DATE: 3/20/88

TO: JACK DUBOIS, SR. ELDER
SCOTT HARTLEY, SR. ELDER

FROM: DONALD BARNETT, PRESIDENT

RE: AMOUNTS OF OFFERINGS AT THE EAST CAMPUS SERVICES

AS OFFICERS AND TRUSTEES OF THE CORPORATION, YOU ARE RESPONSIBLE NOT ONLY TO "PASS THE BAGS", BUT YOU ARE TO DO YOUR UTMOST TO SEE THAT OFFERINGS ARE UP TO THE LEVEL TO MAINTAIN OUR CORPORATION AS IT EXISTED ON MARCH 3, 1988, AND PAY OUR CURRENT EXPENSES AS OF THAT TIME.

A "TITHE" IS A COMMITMENT TO GIVE 10% OF ONE'S INCOME, PER OLD TESTAMENT EXAMPLE, AND AS WE HAVE ALWAYS UNDERSTOOD IT IN THIS CHURCH, AND AN OFFERING IS ON TOP OF THIS. IT IS NOT JUST A "FREE WILL OFFERING FROM THE HEART". THE PEOPLE AT THE EAST CAMPUS SHOULD BE GIVING THEIR NORMAL OFFERING AMOUNTS, EVEN NOW WHEN THEY ARE MEETING THERE. THEY ARE PAYING YOUR SALARIES, MAINTENANCE AND OVERHEAD EXPENSES.

IF IT CAN BE SHOWN THAT YOU ARE ENCOURAGING, EVEN BY WAY OF IMPLICATION OR SUBTLE SUGGESTION, PEOPLE NOT TO GIVE OR TO LESSEN THE AMOUNT GIVEN, THEN BE ADVISED, BY REASON OF YOUR POSITION IN THE CORPORATION, THAT YOU WILL BE HELD PERSONALLY LIABLE FOR THESE ACTIONS.

SIGNED

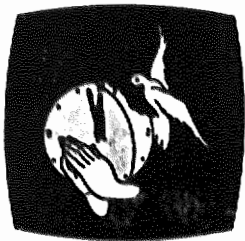
Donald Lee Barnett

Don Barnett's West Campus Service.
Sunday A.M. 3-20-88.
Tape 2, Side 1.

98
J. DuBols
MJA
4/6/88
0821421

Don Barnett, "Right after this song, after I start to preach we will take a second offering. I want to thank you for a good offering Friday - it's not - we need a little bit more yet unfortunately. I know you are giving sacrificially. I thank you from the bottoms of our heart - bottom of my heart. We do have to work to get things taken care of here in the church. And, uh unfortunately it's expensive. We do need another sacrificial offering if you can spare any at all. It all adds up. We deeply appreciate it. These checks should be made out to Don Barnett. I just sign them on the back in the room. Scott Miller and several other people are counting them and they are putting them in a fund. They are using them separately, uhm as for defense fund, that type of thing to. All the money is going to secure the church. Get the church back which we already have. We have to pay for that and secure the church so we can operate with it. And uh, I think it is worth a couple extra offering to do that. Don't you? So please do what you can. Thank you very much."

"This second offering, uh, we may be able to turn that around later, but for time being the second offering at least is non tax-deductable."



101 4/6/88
J. DuBois
7MS 682-1427

Community Chapel & Bible Training Center

18635 8th Avenue South, Seattle, Washington 98148

Phone (206) 431-3100

Pastor Donald Lee Barnett

Sanctuary located at First Avenue South and South 192nd

March 15, 1988

Don Barnett

Dear Don,

Due to the resignation of Jack Hicks on Monday, March 14, 1988, as Vice-President and General Manager of the corporation, there is a vacancy that needs to be filled immediately.

According to the by-laws, section VI, Article 1 "The Vice-President of the Corporation shall be appointed by the President from the membership of the Board of Senior Elders. This appointment shall be ratified by a simple majority of the Board of Senior Elders."

We need you to immediately appoint a new Vice-President and General Manager and we need to know who you have appointed. We have therefore scheduled a meeting of the Board of Directors for Wednesday, March 16, 1988, at 1:00 P.M. in Jack DuBois' office to fill this vacancy.

Ed Scott Hartley
Senior Elder

Jack DuBois
Senior Elder

102
J. DuBois
4/6/82
MA
582-1427

March 24, 1988

To: Scott Hartley, Jack DuBois.

From: Don Barnett

Re: Your letter of 3/21/88

I reply to your letter as follows:

(1). Because of the state of emergency the corporation is now in, it is imperative that I receive all the budget information that is relevant to making key decisions of the corporation. Since you are suing to dissolve the corporation, you must have figures to support this action. I require that you send me all financial data that was and is available in this regard, immediately.

(2) Regarding the election of new deacons:

Deacons are chosen by the church to represent the church. It could be argued that since the pastor's congregation constitutes the legal church, under the pastor, per the Bylaws and Judge Bate's ruling, that all deacons should be from that one church body. But I am proposing that we have 3 deacons representing each side. If this is satisfactory to you, we will elect the needed three deacons the first Sunday after I receive your concurrence. If not, please send me your alternate proposal--one fair to both sides, and I will respond. Hopefully, within a couple of weeks we can have our deacon board up to full operating size.

(3) Regarding the cuts in expenses, it is the General Manager that determines these things, not the Sr. Elders, per the Bylaws and our past practice. Since I am the acting General Mgr. at this time, you may make proposals to me. I am overturning your decision to cut out the needed maintenance on the car and parsonage, both of which belong to the corporation. It is not reasonable that I keep up company property. And, I'm ordering the President's phone to his staff restored immediately. This is a very small cost and it is irresponsible to cut off a president from his staff as a cost savings! You should not furnish maintenance to Barbara's car-- I shall soon buy that car from the company. Jack and I were in conversation about it before he left.

(4). There was no loan for \$975.00, as indicated. Rather, the church paid for certain expenses and billed me. This is the balance owing. Please don't incur any more expenses for me, and repay this amount in two equal deductions from my paycheck after I have had time to verify the billing.

(5). Regarding the subject of a personal offering taken for me, I reply. This was not an offering for me. It was a non-tax deductible, over and above tithes and usual offering, defense offering for the pastor of the church. In as much as I was forced into court to get my church back from an illegal takeover, the money should come from the church treasury, but the Treasurer is refusing

(2)

to follow me as President, and acting Vice President and General Manager in contempt of Judge Bates' court order. The Elders legal fees taken out of the treasury for church litigation and for lawyers fees, did not represent the church eldership because I was not invited to the meetings in which the decision was made, contrary to the Bylaws and President. Moreover, the act was contrary to the President's explicit order.

In addition to our church defense fund, we collected \$17,700 at the West Campus, while your larger group only collected \$3,000. So you have no legitimate concern. It is your congregation that is holding back money from the treasury, not ours!

Donald Lee Barnett

Donald Lee Barnett

103
J. DuBois
4/6/88
7M
602 1427

MEMORANDUM

DATE: 3/18/88

TO: SCOTT HARTLEY, JACK DUBOIS, SR. ELDERS

FROM: DONALD BARNETT, PRESIDENT

RE: OFFERINGS TO BE TAKEN AT SERVICES HELD ON EAST CAMPUS

LAST WEEKEND I AUTHORIZED YOU TO HOLD SERVICES AT THE EAST CAMPUS ON CERTAIN CONDITIONS, ONE OF WHICH WAS THAT REGULAR OFFERINGS BE TAKEN, AND THAT THE AMOUNTS BE REGULAR. IN OTHER WORDS THE CONGREGATION IS TO BE INSTRUCTED TO GIVE AS THEY REGULARLY WOULD, AND ENCOURAGED TO GIVE EVEN MORE, IF POSSIBLE, DUE TO THE FINANCIAL DIFFICULTIES THE CORPORATION IS PRESENTLY HAVING.

I AM HEREBY INSTRUCTING YOU TO TAKE OFFERINGS AT EVERY SERVICE HELD AT THE EAST CAMPUS, BOTH THIS WEEKEND, AND AT ALL SERVICES HELD THERE IN THE FUTURE. THE PEOPLE ARE NOT TO BE INFLUENCED BY ANY MANNER OF WORDS OR TONE OF VOICE OR OTHER SUBTLE METHOD NOT TO GIVE. THEY ARE STILL PART OF COMMUNITY CHAPEL MEETING ON COMMUNITY CHAPEL PROPERTY, AND THEY NEED TO SUPPORT THEIR CHURCH.

IN ADDITION, NO SPECIAL OFFERINGS ARE TO BE TAKEN FOR ANY PURPOSE WITHOUT MY PERSONAL APPROVAL, AND ALL OFFERINGS ARE TO BE GIVEN TO COMMUNITY CHAPEL.

THIS DIRECTIVE IS IN STRICT ACCORDANCE WITH THE BY-LAWS, AS YOU ARE AWARE, AND ANY REFUSAL OR CHANGE OF THIS ORDER IS A VIOLATION OF THOSE BY LAWS AND YOUR FUDICIARY RESPONSIBILITY AS A SR. ELDER, FOR WHICH YOU ARE PERSONALLY RESPONSIBLE.

SIGNED Donald Lee Barnett

104
J. DeB13
4/6/88
M

MEMORANDUM

DATE: 3/17/88

TO: SR. ELDERS: SCOTT HARTLEY, JACK DUBOIS
TREASURER: WYMAN SMALLEY
ACCOUNTING SUPERVISOR: DRAKE PESKE
ALL DEPARTMENT HEADS

FROM: DONALD BARNETT, PRESIDENT

THE BY-LAWS STATE THAT THE PRESIDENT SHALL APPOINT THE VICE-PRESIDENT FROM THE BOARD OF SR. ELDERS WHO SHALL WORK UNDER THE DIRECTION OF THE PRESIDENT. FIRST, THE SR. ELDER BOARD NEEDS TO BE BROUGHT UP TO THE MINIMUM NUMBER, BY AN APPOINTMENT FROM THE SR. ELDERS AND THE PASTOR.

UNTIL I GET A CHANCE TO INTERVIEW THE ELDERS AND FIND AN ELDER AND SR. ELDER THAT I FEEL IS SUITABLE FOR THE JOB OF VICE PRESIDENT, I WILL, BY THE AUTHORITY INVESTED IN THE PRESIDENT BY THE BY-LAWS SECT. V, ARTICLE III, ACT AS VICE-PRESIDENT STARTING 3/18/88. THE PRESIDENT RAN THE CORPORATION WITHOUT A VICE-PRESIDENT FOR YEARS. I ONLY APPOINTED A VICE-PRESIDENT AT MY DIRECTION BECAUSE I NEEDED AN AIDE. SPEAKING TO THE SR. ELDERS, I WOULD APPRECIATE BEING ABLE TO INTERVIEW YOU SEPARATELY BEFORE I DECIDE ON THE NEW VICE PRESIDENT.

FURTHER, I AM DIRECTING THE SR. ELDERS AND ACCOUNTING DEPARTMENT NOT TO ISSUE ANY MORE CHECKS TO ATTORNEY JIM LEACH WITHOUT MY CONCURRENCE.

SINCERELY,

Donald Lee Barnett

DONALD LEE BARNETT, PRESIDENT

105 4/6/88
J. DUBOIS
TAX

1 56/20.0
2 8803-01

3 IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

4 IN RE COMMUNITY CHAPEL AND BIBLE)
5 TRAINING CENTER, a non-profit) NO. 88-2-05272-7
6 corporation organized under the)
7 laws of the State of Washington.) SUBPOENA DUCES TECUM
8) PURSUANT TO CR 30(3)(6)

9 THE STATE OF WASHINGTON, to: John H. Dubois

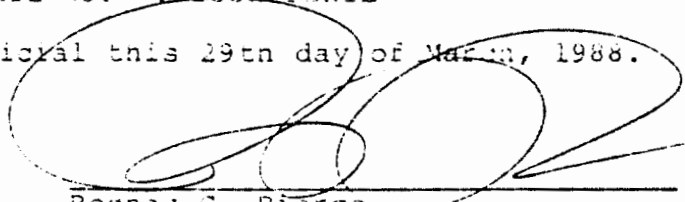
10 GREETINGS:

11 YOU ARE HEREBY COMMANDED to be and appear at the offices of
12 Rodney G. Pierce, The Duncan Building, 315 Second Avenue South,
13 Seattle, Washington, on the 6th day of April, 1988 at the hour of
14 10:00 o'clock a.m., then and there to testify as a witness at the
15 request of the plaintiff in the above entitled cause, to remain in
16 attendance upon the undersigned or other Notary Public until
17 discharged and bring the following documents:

18 All items listed on attached Appendix "A" made
19 a part hereto.

20 HEREIN FAIL NOT AT YOUR PERIL

21 WITNESS my hand and official this 29th day of March, 1988.



22 Rodney G. Pierce
23 Attorney for Plaintiff

24
25

SUBPOENA DUCES TECUM - 1

LAW OFFICES OF
RODNEY G. PIERCE
THE DUNCAN BUILDING
315 SECOND AVENUE SOUTH
SEATTLE, WASHINGTON 98104
2061622-7050

APPENDIX "A"

Preliminary Definitions:

1
2
3 1. "Documents" shall include any and all originals and copies of
4 documents as defined on the attachment hereto, in the possession
5 or under the control of the responding party, their attorneys,
6 employees or agents.

7 2. "Petition" shall mean the Petition for Dissolution of
8 Non-Profit Corporation and for Appointment of Receiver dated
9 March 21, 1988.

10 3. "Community Chapel" shall mean the Community Chapel and Bible
11 Training Center.

12 4. "Board" shall mean the Board of Senior Elders of the Community
13 Chapel.

14 1. Documents relating in any manner to any violation of management
15 as alleged in the Petition at page 1, line 4.

16 2. Documents relating in any manner to the relief, as alleged in
17 the Petition at page 1, line 11.

18 3. Documents relating in any manner to the decisions relating to
19 reduction in personnel and programs which must be made, as alleged
20 in the Petition at page 2, lines 12-13.

21 4. Documents relating in any manner to an agreement, lack of
22 agreement, communication, conference or any other activity
23 relating in any manner to "what reductions should be made or how
24 those decisions should be reached," as alleged in the Petition at
25 page 2, lines 13-15.

5. Documents relating in any manner to any request by Barnett
that persons in the congregation give him money which exacerbated
"this problem," as alleged in the Petition at page 3, lines 16-19.

6. Documents relating in any manner to strong disagreement between
Petitioners and Barnett as to how pending civil suits should
be handled, as alleged in the Petition at page 3, lines 20-23.

7. Documents relating in any manner to employees of the corporation
being unwilling or expressing unwillingness to take
directions from Barnett, as alleged in the Petition at page 3,
lines 1-5.

1 8. Documents relating in any manner to an obvious management
2 problem by Barnett being restrained from terminating employees,
except with the concurrence of Petitioners, as alleged in the
Petition at page 3, lines 6-8.

3 9. Documents relating in any manner to attempts to get agreement
4 with Barnett regarding the appointment of a successor registered
agent and failure in that attempt, as alleged in the Petition at
page 3, lines 9-11.

5 10. Documents relating in any manner to worship services led by
6 Senior Elders drawing more people than the meeting room holds, as
alleged in the Petition at page 3, lines 12-14.

7 11. Documents relating in any manner to services led by Barnett
8 having much poorer attendance in the large sanctuary, as alleged in
the Petition at page 3, lines 15-16.

9 12. Documents relating in any manner to Barnett's refusal to move
10 his services to the small sanctuary, as alleged in the Petition at
page 3, lines 17-17.

11 13. Documents relating to any memo issued by Barnett to
12 Petitioners which threatened them with legal action and dismissal
for their failure to cooperate which created an intolerable work
13 environment as alleged in the Petition at page 3, lines 18-20.

14 14. Documents relating in any manner to any type of investigation
of Barnett or any other past or present employees of Community
15 Chapel and Bible Training Center during 1987 or 1988.

16 15. Documents, including tape recordings, relating in any manner
17 to worship services by Senior Elders during the year 1988 up to
the present.

18 16. Documents, including tape recordings, relating in any manner
to any and all Senior Elders' meetings during 1987 and 1988.

19 17. Documents, including tape recordings, relating in any manner
20 to any and all Elders meetings during 1987 and 1988.

21 18. Documents relating in any manner to Barnett providing the
22 "Grand Master" key to a person who is not an employee of the cor-
poration, against the terms of the restraining order and bylaws,
which threatens the security of the files and records of the cor-
23 poration, as alleged in the Petition at page 3, line 21 and
page 4, line 2.

24 19. Documents relating in any manner to the financial status of
25 the corporation deteriorating, as alleged in the Petition at page 4,
lines 6-7.

APPENDIX "A" TO
SUBPEONA DUCES TECUM - 2

LAW OFFICES OF
RODNEY G. PIERCE
THE CUNDEAN BUILDING
115 SECOND AVENUE SOUTH
SEATTLE, WASHINGTON 98104
206/422-1050

- 1 20. Documents relating in any manner to a deadlock in management
2 leading to a breakdown of employee morale which has led to
resignations of key employees and will result in more resignations,
as alleged in the Petition at page 4, lines 9-10.
- 3 21. Documents relating in any manner to the failure to resolve
4 differences as resulting in decreased participation in services
with a resultant decrease in church income, as alleged in the
5 Petition at page 4, lines 11-13.
- 6 22. Documents relating in any manner to 50% of the congregation
7 following the Senior Elders being able to support the current
8 program, as alleged in the Petition at page 4, lines 14-15.
- 9 23. Documents relating in any manner to 50% of the congregation
following the Senior Elders not supporting any program managed by
Donald L. Barnett, as alleged in the Petition at page 4, lines
10 14-15.
- 11 24. Documents relating in any manner to giving to the Church,
while there has been split services, being down 47% from budget, as
12 alleged in the Affidavit of Drake Pesce.
- 13 25. Documents relating in any manner to review by Drake Pesce of
14 financial records from the Church for the purposes of expressing
15 any type of opinion or statement of fact, as set out in the
16 Affidavit of Drake Pesce.
- 17 26. Documents relating in any manner to attendance at meetings at
18 Community Chapel for the period from July 1, 1987 to the present.
- 19 27. Documents relating in any manner to determination of atten-
20 dance at meetings as alleged in the Affidavit of Loren Krenelka.
- 21 28. Documents relating in any manner to the Donald Barnett orders
22 or directions to the Board, as alleged in the Affidavit of Scott
23 Hartley at page 1, lines 18-20.
- 24 29. Documents relating in any manner to any meeting of Senior
25 Elders on Friday, March 18, 1988, as alleged in the Affidavit of
Scott Hartley, page 1, lines 14-15.
- 30. Documents relating in any manner to the number of Deacons
being below the number required to act, as alleged in the Affidavit
of Scott Hartley at page 1, lines 20-21.
- 31. Documents relating in any manner to a vote of the congregation
to elect new deacon board members, as alleged in the Affidavit of
Scott Hartley at page 1, lines 21-22.

1 32. Documents relating in any manner to the impossibility to elect
2 new members to the Deacon Board because the congregation is split
3 into two services, as alleged in the Affidavit of Scott Hartley at
4 page 1, lines 22-23:

5 33. Documents relating in any manner to a memorandum by Donald
6 Barnett threatening to take civil action and threatening to ter-
7 minate officers and staff if they do not perform to his satisfac-
8 tion, as alleged in the Affidavit of Scott Hartley at page 1,
9 line 24 - page 2, line 1.

10 34. Documents relating in any manner to a letter signed by 10 of
11 the staff that they will not take directions from Donald Barnett,
12 as alleged in the Affidavit of Scott Hartley at page 1, lines 3-5.

13 35. Documents relating in any manner to Donald Barnett's assump-
14 tion of the position of general manager of the corporation as
15 alleged in the Affidavit of Scott Hartley at page 1, lines 6-7.

16 36. Documents relating in any manner to no substantial corporate
17 activity being or capable of being accomplished without coopera-
18 tion of the staff with the general manager, as alleged in the
19 Affidavit of Scott Hartley at page 1, lines 7-9.

20 37. Documents relating in any manner to any type of communication,
21 correspondence, memorandum or other documents or directions from
22 Donald Barnett to any officer or employee of Community Chapel and
23 Bible Training Center from January 1, 1988 to the present.

24 38. Documents relating in any manner to the preparation, review,
25 execution or delivery of the March 13, 1988 letter attached to the
26 Affidavit of Scott Hartley.

27 39. Any and all financial records and documents for Community
28 Chapel and Bible Training Center from January 1, 1987 to the pre-
29 sent, except as otherwise requested, including but not limited to:

- 30 a. Financial Statements, yearly and monthly;
- 31 b. Corporate Tax Returns (1976 to the present);
- 32 c. Cash Flow Statements;
- 33 d. All budgets and subsidiary documents;
- 34 e. All pro forma documents and financial projections;
- 35 f. All amortization schedules;
- 36 g. All schedules for payment of liabilities;

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h. All documents provided to any bank; and

i. Check registers and disbursement records (from January 1, 1988 to present).

40. Documents relating to any profit or non-profit corporation incorporated or to be incorporated in 1988 by any past or present officer or employee of Community Chapel or by any person on their behalf.

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DEFINITIONS

"Document" means all written, printed, typed, punched, taped, filmed or recorded, and in whatever produced or reproduced, of every kind and description, now or hereafter, in your actual or constructive possession, custody, trust, care or control, including but not limited to any correspondence (including letters, cables, telegrams, FDX, and telexes); memoranda and notes, memoranda of conversations, conferences or telephone conversations; reports, data compilations or analyses; logs and records; microfilms; books; papers; manuals; handbooks; bulletins; advisories; messages; materials; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets; articles; notations; working papers; charts; tables; plans; drawings; diagrams; computer printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleadings; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; reviews; rules; regulations; constitutions; annual reports; programs; certifications; resolutions; any electronic or other recordings of any kind or nature and any mechanical or electronic sound recordings or transcripts thereof, however produced or reproduced; and all copies or facsimiles of documents by whatever means made.

"Person" or "persons" means all entities, including, without limiting the generality of the foregoing, all individuals, associations, companies, partnerships, joint ventures, corporations, trusts or estate, public agencies, departments, bureaus, commissions and boards.