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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-486

No. COA21-737

Filed 5 July 2022

Pitt County, No. 19 CVS 947

TRUTH TEMPLE f/k/a TRUTH TEMPLE CHURCH OF GOD IN CHRIST, INC.,  
Plaintiff,

v.

WORD PROCLAIMED CHURCH OF GOD IN CHRIST, INC., CHRISTINE FRANKS, MALCOLM HARRIS, ANNA HARRIS, GLORIA ANDERSON and LEROY JACKSON WOOLARD, Jurisdictional Bishop OF THE GREATER NORTH CAROLINA JURISDICTION CHURCH OF GOD IN CHRIST, INC., Defendants.

Appeal by defendants from order entered 30 July 2021 by Judge Marvin K. Blount, III, in Pitt County Superior Court. Heard in the Court of Appeals 27 April 2022.

*Christopher P. Edwards for plaintiff-appellee.*

*Robert L. White, and Best Lawrence Law, P.A., by Natarlin Best, for defendants-appellants.*

ZACHARY, Judge.

¶ 1

Defendants Word Proclaimed Church of God in Christ, Inc., Christine Franks, Malcolm Harris, Anna Harris, and Gloria Anderson (collectively, “the Trustee Defendants”), and LeRoy Jackson Woolard appeal from the trial court’s order

granting declaratory and injunctive relief to Plaintiff Truth Temple f/k/a Truth Temple Church of God in Christ, Inc. After careful review, we affirm.

***Background***

¶ 2 By deed recorded on 27 March 2001, The Way of Truth Temple Church of God and Christ (“The Way of Truth”) purchased approximately 13.392 acres of property (“the Property”) in Pitt County. Although the deed provided that the buyer was “The Way of Truth Temple Church of God and Christ, Inc.,” in fact, The Way of Truth was not incorporated. Between February 2002 and 2005, some members of The Way of Truth, including Matthew Lanier, built a church on the Property. During the church building’s construction, the Way of Truth received no funding from the national Church of God in Christ or the Greater North Carolina Jurisdiction Church of God in Christ.

¶ 3 In 2004, members of The Way of Truth incorporated the church as “Truth Temple Church of God in Christ, Inc.,” a North Carolina non-profit corporation. Ernest Stilley became the pastor in 2005 upon the death of Pastor Superintendent Charles Frank, with whom Pastor Stilley had founded The Way of Truth.

¶ 4 By deed recorded on 5 January 2011, The Way of Truth deeded the Property to Truth Temple Church of God in Christ, Inc. Pastor Stilley was among the grantors who signed the deed on behalf of The Way of Truth. Sometime prior to September 2014, Plaintiff adopted the name “Word Proclaimed Church of God in Christ, Inc.” at

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the urging of Bishop LeRoy Jackson Woolard, the Jurisdictional Bishop of the Greater North Carolina Jurisdiction Church of God in Christ, Inc. However, the Property was not deeded to Word Proclaimed Church of God in Christ, Inc.

¶ 5 On 30 September 2014, Bishop Woolard sent Pastor Stilley a letter in which he informed Pastor Stilley that he had received reports that Pastor Stilley was “attempting to remove church property (Word Proclaimed Church of God in Christ) and its membership from the body of the Church of God in Christ, Inc. and from the Greater North Carolina Jurisdiction, Inc.” He further informed Pastor Stilley that “[e]ffective today, September 30, 2014[,] all your activities as Pastor of Word Proclaimed Church of God in Christ will desist. Word Proclaimed Church of God in Christ is now under the auspices of . . . Bishop LeRoy Jackson Woolard.” Nonetheless, Pastor Stilley continued to serve as pastor of Word Proclaimed Church of God in Christ, and no further action was taken until Pastor Stilley began operating the church as non-denominational in July 2017.

¶ 6 On 6 September 2017, Bishop Woolard and the Trustee Defendants, purporting to be trustees of Plaintiff, executed a deed (the “2017 Deed”) conveying the Property to Bishop Woolard and the trustees of Word Proclaimed Church of God in Christ, Inc. Thereafter, Pastor Stilley was informed that his entry upon the Property would be considered a trespass.

¶ 7 In 2018, Pastor Stilley and the remaining members of the church formerly

known as Truth Temple Church of God in Christ, Inc. reincorporated under the name “Truth Temple.”

¶ 8

On 28 March 2019, Plaintiff, Pastor Stilley, and Lanier filed their verified complaint seeking a declaratory judgment that the 2017 Deed was null and void, together with entry of an order striking the 2017 Deed and restoring the Property’s title to Plaintiff. They also moved the trial court for injunctive relief, requesting that the trial court order Defendants to execute any and all documents necessary to negate the Property’s conveyance. On 13 May 2019, Defendants Word Proclaimed Church of God in Christ, Inc. and Bishop Woolard filed motions to dismiss the complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure. On 24 May 2019, the Trustee Defendants filed a motion to dismiss the complaint pursuant to Rule 12(b)(6).

¶ 9

On 15 July 2019, the trial court entered an order denying Defendants’ motions to dismiss pursuant to Rule 12(b)(6). On 29 July 2019, the trial court entered an order granting in part Defendants Word Proclaimed Church of God in Christ, Inc. and Bishop Woolard’s motion to dismiss pursuant to Rule 12(b)(1). The court dismissed Pastor Stilley and Lanier as party-plaintiffs, but retained the remainder of the case as to Plaintiff. Defendants Word Proclaimed Church of God in Christ, Inc. and Bishop Woolard filed their unverified answer, generally denying the allegations of the complaint and raising several affirmative defenses, on 14 August 2019, and the

Trustee Defendants filed their unverified answer on 20 August 2019.

¶ 10 On 22 June 2021, the matter came on for a bench trial in Pitt County Superior Court. At trial, Pastor Stilley, Lanier, and Ernest White—a member of Plaintiff’s congregation—testified on Plaintiff’s behalf. When Plaintiff’s counsel called White as a witness, Defendants’ counsel objected to White’s competency to testify as a witness, then added an objection to the competency of “all witnesses,” including any “natural persons” who might be called to testify on Plaintiff’s behalf. The trial court overruled Defendants’ objections. At the close of Plaintiff’s case, Defendants also objected to the admission into evidence of any of Plaintiff’s exhibits. The trial court excluded one exhibit but admitted the rest. Defendants did not present any evidence at trial.

¶ 11 By order entered 30 July 2021, the trial court found, *inter alia*, that the Trustee Defendants “had not been properly elected as Trustees” of Plaintiff at the time they executed the 2017 Deed, and that the effect of recordation of the 2017 Deed “was to wrongfully divest [Plaintiff] of its interest in the Property without any involvement of or approval by” its membership. The trial court thus concluded that the execution of the 2017 Deed was an invalid transfer of the Property and declared the 2017 Deed “null and void to effect a conveyance[.]” The trial court also issued “a mandatory injunction, as needed, ordering all Defendants and representatives thereof to execute any and all documents needed to negate the conveyance represented by” the 2017 Deed. Defendants timely filed notice of appeal on 24 August 2021.

***Discussion***

¶ 12 On appeal, Defendants argue that the trial court erred by (1) admitting the testimony of Pastor Stilley and Lanier; (2) entering findings of fact numbers 2, 4, 5, 10, 11, 14, and 15; (3) rendering conclusions of law numbers 1 and 2; and (4) entering judgment as a matter of law in favor of Plaintiff. We disagree.

**I. Pastor Stilley’s and Lanier’s Testimony**

¶ 13 Defendants first argue that the trial court erred by allowing Pastor Stilley and Lanier to testify because the trial court had previously dismissed them as party-plaintiffs in this case. However, this argument is not properly preserved for appellate review, and even if it were, it is without merit.

**A. Standard of Review**

¶ 14 “Admission of evidence is addressed to the sound discretion of the trial court and may be disturbed on appeal only where an abuse of such discretion is clearly shown.” *Lane v. R.N. Rouse & Co.*, 135 N.C. App. 494, 498, 521 S.E.2d 137, 140 (1999) (citation and internal quotation marks omitted), *disc. review denied*, 351 N.C. 357, 542 S.E.2d 212 (2000). “An abuse of discretion occurs when the trial judge’s decision lacked any basis in reason or was so arbitrary that it could not have been the result of a reasoned decision.” *Joines v. Moffitt*, 226 N.C. App. 61, 63, 739 S.E.2d 177, 180 (2013) (citation and internal quotation marks omitted).

**B. Analysis**

¶ 15 Although Defendants claim that the trial court allowed Pastor Stilley and Lanier to testify over Defendants’ objections, our careful review of the transcript reveals that Defendants did not object to Pastor Stilley’s testimony when he was called to testify at trial.

¶ 16 “In order to preserve an issue for appellate review, a party must have presented to the trial court a timely . . . objection, . . . stating the specific grounds for the ruling the party desired the court to make if the specific grounds were not apparent from the context.” N.C.R. App. P. 10(a)(1). “Generally, where a party fails to object to the introduction of evidence, they may not thereafter object to findings based on that evidence, because their silence presumes assent to the manner in which the evidence was presented and to the method of trial.” *Raynor v. Odom*, 124 N.C. App. 724, 728, 478 S.E.2d 655, 657 (1996). Accordingly, Defendants have waived any challenge to the admission of Pastor Stilley’s testimony.

¶ 17 As for Lanier, Defendants lodged a timely objection to his testimony, but did not obtain a ruling from the trial court. Instead, the trial court responded to Defendants’ objection by saying: “Let me hear what he’s got to say, and I’ll address it accordingly.”

¶ 18 In addition to lodging a timely objection, “[i]t is also necessary for the complaining party to obtain a ruling upon the party’s . . . objection” in order to preserve an issue for appellate review. N.C.R. App. P. 10(a)(1). An appellant’s failure

to obtain a ruling by the trial court will also subject an issue to dismissal on appeal. *See Walden v. Morgan*, 179 N.C. App. 673, 678, 635 S.E.2d 616, 620 (2006). Here, Defendants neither renewed their objection nor obtained a ruling from the trial court on their objection to Lanier’s testimony; thus, this argument is also subject to dismissal.

¶ 19 After Pastor Stilley and Lanier testified, Plaintiff’s counsel called White to testify as Plaintiff’s final witness. In response, Defendants made a general objection “to the competency of the witness to testify for the record, and all witnesses, natural persons on [P]laintiff’s side.” The trial court overruled this general objection. To the extent that this general objection may be considered an untimely objection to Pastor Stilley’s testimony, or that the trial court’s overruling of this general objection may be considered a ruling on the issue of Lanier’s testimony, this general objection would still be insufficient to preserve these issues for appellate review.

¶ 20 “A general objection, if overruled, typically does not entitle a party to appellate review thereof unless there is no possible purpose for which the proffered evidence could have been admissible.” *Main St. Shops, Inc. v. Esquire Collections, Ltd.*, 115 N.C. App. 510, 515, 445 S.E.2d 420, 423 (1994). This is not such a case. It is beyond cavil that religious associations may sue and be sued as entities unto themselves without the inclusion of individual party-plaintiffs, and that clergy and members of churches may testify in such cases without themselves being parties to the action.



*See, e.g., A.M.E. Zion Church v. Union Chapel A.M.E. Zion Church*, 64 N.C. App. 391, 402–03, 308 S.E.2d 73, 79–80 (1983) (cataloging the “considerable testimonial . . . evidence[.]” including testimony from several members and clergy, admitted at trial in a suit brought without any individual party-plaintiffs), *disc. review denied*, 310 N.C. 308, 312 S.E.2d 649 (1984). Accordingly, Defendants’ argument is not properly before us, and is without merit regardless. This argument is dismissed.

## II. Findings of Fact and Conclusions of Law

¶ 21 Defendants next challenge seven of the trial court’s findings of fact, as well as both resulting conclusions of law. These arguments, too, lack merit.

### A. Standard of Review

¶ 22 “We review a judgment entered after a non-jury trial to determine whether there is competent evidence to support the trial court’s findings of fact and whether the findings support the conclusions of law and ensuing judgment.” *Simmons v. Waddell*, 241 N.C. App. 512, 518, 775 S.E.2d 661, 670 (citation and internal quotation marks omitted), *disc. review denied*, 368 N.C. 355, 776 S.E.2d 684 (2015). “Where there are sufficient findings of fact based on competent evidence to support the trial court’s conclusions of law, the judgment will not be disturbed because of other erroneous findings which do not affect the conclusions.” *Black Horse Run Prop. Owners Ass’n v. Kaleel*, 88 N.C. App. 83, 86, 362 S.E.2d 619, 622 (1987), *cert. denied*, 321 N.C. 742, 366 S.E.2d 856 (1988).

¶ 23 “Unchallenged findings of fact are presumed correct and binding on appeal.” *In re Frucella*, 261 N.C. App. 632, 635, 821 S.E.2d 249, 251 (2018), *disc. review denied*, 372 N.C. 105, 824 S.E.2d 416 (2019). We review the trial court’s conclusions of law de novo. *Simmons*, 241 N.C. App. at 518, 775 S.E.2d at 670.

***B. Analysis***

¶ 24 Defendants challenge seven of the trial court’s 17 findings of fact and both conclusions of law drawn from its findings. However, Defendants’ arguments are hobbled by their inability to show that any error affected the ultimate disposition.

*1. Findings of Fact 2 and 4*

¶ 25 First, Plaintiff effectively concedes that two of the challenged findings of fact may be erroneous, but argues that any such error is harmless. The trial court’s finding of fact 2 concerns Pastor Stilley’s and Lanier’s respective statuses within Plaintiff’s congregation when Plaintiff purchased the Property. The testimony of Pastor Stilley and Lanier does not support the trial court’s finding, but Defendants cannot show that the error affected the outcome of the trial because this finding of fact was immaterial to the trial court’s conclusions regarding the validity of the 2017 Deed. *See Black Horse Run*, 88 N.C. App. at 86, 362 S.E.2d at 622.

¶ 26 Defendants also challenge finding of fact 4, which states in part that “Lanier act[ed] as the contractor for the construction of the church building.” Although Defendants correctly argue that Lanier testified that he was not a licensed contractor,

Lanier did testify that he “acted as an adviser, contractor” in the construction of the church building. As the trial court did not specifically find that Lanier was a licensed contractor, but rather found only that he “act[ed] as the contractor” consistent with his testimony, this finding is supported by competent evidence. Even if it were not, however, just as with the prior finding of fact, this finding was immaterial and Defendants cannot show that any asserted error in this finding of fact affected the trial court’s ultimate conclusions. *See id.*

*2. Findings of Fact 5 and 11*

¶ 27 Next, Defendants challenge the trial court’s finding of fact 5, which states that Plaintiff did not “receive any funding from either the Greater North Carolina Jurisdiction Church of God in Christ, Inc. or the National Church of God in Christ, Inc. organization” at any point during the construction of the church building. Pastor Stilley and Lanier each directly testified to this fact, and Defendants’ insinuation to the contrary is unsupported by the evidence. This finding is supported by competent evidence, and Defendants’ challenge is overruled. *See Simmons*, 241 N.C. App. at 518, 775 S.E.2d at 670.

¶ 28 Defendants also challenge finding of fact 11, which states that “Pastor Stilley and Mr. Lanier, acting as a Trustee of the church, were aware of all called meetings of members at which church business was to be discussed and were very familiar with the leadership structure of the church and the individuals serving in leadership roles”

in the period leading up to the execution of the 2017 Deed. Defendants argue that this finding is “clearly erroneous” because Pastor Stilley was no longer pastor of the church at this time. Pastor Stilley testified that he served as pastor during the relevant period, thus supporting this finding of fact by competent evidence. Regardless, Defendants’ argument is again unrelated to this finding’s materiality to the trial court’s conclusion regarding the validity of the 2017 Deed. Defendants’ argument is overruled. *See Black Horse Run*, 88 N.C. App. at 86, 362 S.E.2d at 622.

3. *Findings of Fact 10, 14, and 15*

¶ 29 Moving to Defendants’ more material arguments, Defendants challenge two of the findings of fact concerning references to the “Official Manual with the Doctrines and Discipline of the Church of God in Christ.” Finding of fact 10 describes the Official Manual’s provisions for the election of trustees, while finding of fact 14 states that the Trustee Defendants “had not been properly elected as Trustees of [Plaintiff] based on the procedure described in . . . the Official Manual or by any other proper procedure, and consequently, they lacked the legal authority to execute” the 2017 Deed. Defendants first argue that “it was clearly erroneous for the court to find that it could look to an internal official church manual to resolve an issue as to whether a deed should be set aside under the laws of the State of North Carolina or who could or could not be elected” as trustees under N.C. Gen. Stat. § 55A-2-06.

¶ 30 The First Amendment to the Constitution of the United States and Article I,

Section 13, of the Constitution of North Carolina forbid “a determination of rights to use and control church property on the basis of a judicial determination that one group of claimants had adhered faithfully to the fundamental faiths, doctrines and practices of the church prior to the schism, while the other group of claimants has departed substantially therefrom.” *Atkins v. Walker*, 284 N.C. 306, 318, 200 S.E.2d 641, 649 (1973). Defendants cite *Atkins* in support of their argument that “[c]ourts may not resolve property rights disputes that turn on doctrine.” However, our Supreme Court recognized in *Atkins* that “[i]t nevertheless remains the duty of civil courts to determine controversies concerning property rights over which such courts have jurisdiction and which are properly brought before them, notwithstanding the fact that the property is church property.” *Id.* Further, “[w]here civil, contract or property rights are involved, the courts will inquire as to whether the church tribunal acted within the scope of its authority and observed its own organic forms and rules.” *Id.* at 320, 200 S.E.2d at 651 (citation omitted).

¶ 31 Thus, in property cases such as this, the function of civil courts “is to determine: (1) Who constitutes the governing body of this particular . . . church, and (2) who has that governing body determined to be entitled to use the properties. These determinations must be made pursuant to neutral principles of law, developed for use in all property disputes.” *Id.* at 319, 200 S.E.2d at 650 (citation and internal quotation marks omitted). Accordingly, the trial court did not err by looking to the Official

Manual in the proper exercise of its judicial function to determine whether the Trustee Defendants were, in fact, constituent members of Plaintiff's governing body when they executed the 2017 Deed. As finding of fact 10 is supported by competent evidence, Defendants' challenge is overruled.

¶ 32 As for the trial court's determination in finding of fact 14 that the Trustee Defendants had not been elected as trustees of Plaintiff when the 2017 Deed was executed, competent evidence supports the trial court's finding with respect to each individual. All three of Plaintiff's witnesses testified unequivocally that Defendants Christine Franks, Anna Harris, and Gloria Anderson were not serving as trustees in September of 2017. And although Pastor Stilley testified that Defendant Malcolm Harris "could have been" a trustee at that point, Lanier and White unequivocally testified that he was not. Lanier further testified that he served as a trustee in 2017, and he identified other trustees who had served around that time, none of whom included the Trustee Defendants. As competent evidence supports finding of fact 14, Defendants' challenge is overruled.

¶ 33 Finally, Defendants challenge finding of fact 15, which states that "[t]he effect of the recordation of the [2017 Deed] and conveyance of the church Property out of the name of [Plaintiff] was to wrongfully divest [Plaintiff] of its interest in the Property without any involvement of or approval by [its] membership." Defendants argue that "[n]o competent evidence was produced which would satisfy the court that

as a factual matter there were grounds to set the deed aside.” For the reasons that we have already discussed, we disagree, and this challenge is also overruled.

4. *Conclusions of Law*

¶ 34 Defendants challenge both of the trial court’s conclusions of law, which (1) declare that the 2017 Deed effected an invalid transfer of the Property and is thus null and void, and (2) determine that Plaintiff is entitled to injunctive relief “requiring the Defendants and their representatives to execute any and all documents needed to negate the conveyance resulting from the invalid . . . 2017 Deed.” Defendants’ arguments essentially reiterate their previous arguments, which we have overruled.

¶ 35 For example, arguing against conclusion of law 1, Defendants contend that “[t]he findings made by the trial [sic] do not reveal what the trial court considered to conclude that the deed was null and void.” However, our careful review shows that the findings make clear the basis for the trial court’s conclusion that the 2017 Deed was null and void: the Trustee Defendants lacked the legal authority to execute the 2017 Deed and thus wrongfully divested Plaintiff of its interest in the Property, as specifically found in findings of fact 14 and 15. This conclusion of law is supported by the trial court’s findings of fact, and Defendants’ challenge to this conclusion of law is overruled. *See Simmons*, 241 N.C. App. at 518, 775 S.E.2d at 670.

¶ 36 As for conclusion of law 2, Defendants’ argument consists—in its entirety—of the following: “The named [D]efendants were the real parties in interest. The court

did not have the authority to enjoin ‘ . . . Defendants and their representatives to execute any and all documents needed to negate the conveyance . . . .’ This conclusion of law was invalid.”

¶ 37 “Issues not presented and discussed in a party’s brief are deemed abandoned.” N.C.R. App. P. 28(a). “Where a party does not set forth any legal argument or citation to authority to support the contention, it is deemed abandoned.” *State ex rel. City of Albemarle v. Nance*, 266 N.C. App. 353, 357, 831 S.E.2d 605, 608 (2019) (citation and internal quotation marks omitted), *disc. review denied*, 373 N.C. 585, 838 S.E.2d 182 (2020). Defendants’ challenge to conclusion of law 2 neither sets forth any legal argument nor cites any authority to support its contention; accordingly, it is deemed abandoned. *See id.*

### III. Entry of Judgment

¶ 38 In their final argument on appeal, Defendants contend that the trial court “erred in entering judgment (order) as a matter of law[.]” This argument appears to stem from Defendants’ assertions that (1) Plaintiff, having incorporated as Truth Temple in 2018, is not the same entity as the Truth Temple Church of God in Christ, Inc., which formerly owned the Property; and (2) the Trustee Defendants were allegedly trustees of Truth Temple Church of God in Christ, Inc., and not trustees of Defendant Word Proclaimed Church of God in Christ, Inc. Perhaps under the additional misapprehension that Pastor Stilley and Lanier were still acting as party-



plaintiffs at trial, Defendants assert that they should have filed the present action as a derivative proceeding under the North Carolina Nonprofit Corporation Act because a derivative action is “the proper vehicle to challenge the trustees of [a] corporation’s allege[d] failure to comply with its respective bylaws in making a decision[.]” Further, Defendants also argue that Truth Temple Church of God in Christ, Inc.—presumably a distinct entity from Plaintiff—“did not present any evidence in this case.”

¶ 39           These assertions are all without merit. Defendants’ decision not to present any evidence at trial leaves the record bereft of any evidence contradicting Plaintiff’s allegation that Truth Temple “is the legal name under which the church intends to continue worshiping and meeting in the future[.]” other than the Trustee Defendants’ general denial of this allegation in their unverified answer.<sup>1</sup> Nor is there any evidence in the record to support Defendants’ argument that the Trustee Defendants were, in fact, trustees of Plaintiff or, for that matter, of Truth Temple Church of God in Christ, Inc.—if it is, in fact, a distinct entity. And as there is no evidence in the record to support the contention that the Trustee Defendants had *any* legal authority to execute the 2017 Deed on behalf of either Plaintiff or Truth Temple Church of God in Christ, Inc., Defendants have no basis upon which to challenge the trial court’s

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<sup>1</sup> Defendants Word Proclaimed Church of God in Christ, Inc. and Bishop Woolard stated in their answer that they “lack[ed] knowledge or information sufficient to form a belief as to the allegations” of this paragraph of Plaintiff’s complaint.

judgment. Defendants' argument is unsupported by the record and is overruled.

***Conclusion***

¶ 40

For the foregoing reasons, we affirm the trial court's order.

AFFIRMED.

Judges DILLON and CARPENTER concur.

Report per Rule 30(e).