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FILEDSuperior Court of California
County of Los Angeles

DEC 15 2015

Sherri R. Carter, Executive Officer/Clerk

By M. Soto, Deputy
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Attorneys for Plaintiffs, HERMAN CLAY, individually, and as Deacon and Trustee on behalf of FIRST BAPTIST CHURCH OF VENICE, INC.; and SHARON MOORE-CHAPPELL, individually, and as Minister on behalf of FIRST BAPTIST CHURCH OF VENICE, INC.

D-73 ONGKEKO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

HERMAN CLAY, individually, and as Deacon)
and Trustee on behalf of FIRST BAPTIST)
CHURCH OF VENICE, INC.; and SHARON)
MOORE-CHAPPELL, individually, and as)
Minister on behalf of FIRST BAPTIST)
CHURCH OF VENICE, INC.,)

Plaintiffs,

v.

HORACE ALLEN, an individual; FIRST)
BAPTIST CHURCH OF VENICE, INC.; all)
persons unknown, claiming any legal or)
equitable right, title, estate, lien or interest in)
the property described in the complaint)
adverse to Plaintiffs' title, or any cloud on)
Plaintiffs' title thereto, and DOES 1 through)
10, inclusive,)

Defendants.

CASE NO.:

BS 159555

PETITION TO:

I. COMPEL INSPECTION OF
CORPORATE RECORDS
PURSUANT TO CORPORATIONS
CODE § 9514;

II. CONVERSION;

III. BREACH OF FIDUCIARY DUTY;

IV. QUIET TITLE

RECEIPT #: CMF2499010
DATE PAID: 12/16/15 08:21 AM
PAYMENT: \$435.00
RECEIVED:
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CIT/CASE: BS159555
LEA/DEF#:

Plaintiffs HERMAN CLAY, individually, and as Deacon and Trustee on behalf of
FIRST BAPTIST CHURCH OF VENICE, INC.; and SHARON MOORE-CHAPPELL,

PETITION TO COMPEL INSPECTION OF CORPORATE RECORDS; CONVERSION;
BREACH OF FIDUCIARY DUTY; AND QUIET TITLE

1 individually, and as Minister on behalf of FIRST BAPTIST CHURCH OF VENICE, INC.,
2 for causes of action allege as follows:

3
4 I.

5 **PETITION TO COMPEL INSPECTION OF CORPORATE RECORDS**

6 **PURSUANT TO CORPORATION CODE § 9514**

7 (By Plaintiffs HERMAN CLAY and SHARON MOORE-CHAPPELL against HORACE
8 ALLEN, FIRST BAPTIST CHURCH OF VENICE, INC., and DOES 1 TO 5)

9 1. This petition is brought pursuant to California Nonprofit Religious
10 Corporations Code § 9514, which provides relief for a refusal of a lawful demand for
11 inspection of corporate books and records.
12

13 2. Plaintiff HERMAN CLAY is a resident of the County of Los Angeles, State of
14 California and at all times alleged herein was and is a person authorized by the Bylaws
15 of FIRST BAPTIST CHURCH of VENICE, a California corporation organized and
16 existing under California Nonprofit Religious Corporation Law of California. At all times
17 alleged herein, this Plaintiff was and is a Deacon under the corporate Bylaws, Sec. 6,
18 and a Trustee on the Board of Trustees under the Bylaws, Sec. 7. This Plaintiff's family
19 were members of this Church at the time at the time of the construction of the church
20 building on the property alleged herein, and were one of six families who provided their
21 homes as collateral for the construction loan in 1965.
22

23 3. At all times alleged herein, plaintiff SHARON MOORE-CHAPPELL was and is
24 a resident of Los Angeles County, State of California. At all times alleged herein, this
25 Plaintiff was a minister and member of the Church. This Plaintiff has been a member of
26 the Church since March 1974, presently serving as a Minister on staff, and has held
27 positions at various times as Trustee, Church Clerk, Financial Secretary, Pastor's Aid,
28

29
30 **PETITION TO COMPEL INSPECTION OF CORPORATE RECORDS; CONVERSION;
BREACH OF FIDUCIARY DUTY; AND QUIET TITLE**

1 Sunday school teacher, Christian Training Union teacher, Youth Minister, and
2 transportation chairperson.

3 4. At all times alleged herein, Defendant HORACE ALLEN was and is a resident
4 of the County of Los Angeles, State of California. Since 2007 this defendant has been
5 the pastor of the Church, and is a member "ex-officio" of all boards and committees of
6 said church. Defendant ALLEN holds himself out as the Church's "overseer" and is listed
7 by the California Secretary of State as the Defendant Corporation's "President."
8

9 5. FIRST BAPTIST CHURCH OF VENICE, INC. ("Defendant Corporation"), at all
10 times alleged herein and mentioned was a corporation organized and existing under the
11 Nonprofit Religious Corporation Law of California.
12

13 6. Plaintiffs are unaware of the true names and capacities of Defendants DOES
14 1 to 10, who therefore sue said defendants by such fictitious names. Plaintiffs will
15 amend this Petition to allege their true names and capacities when ascertained.
16 Plaintiffs are informed and believe and thereon allege that said Defendants, and each
17 of them, is responsible in some manner for Plaintiffs' damages herein alleged or are
18 parties otherwise with an interest in the subject property.
19

20 7. At all times alleged herein, each of the defendants was and is the agent and
21 employee of the remaining defendants, acting in the course and scope of his or her
22 agency and employment, and with the consent and ratification of his principal and
23 employer.
24

25 8. The Corporate Defendant's Bylaws, Section 7, ¶ 2.h. gives only the
26 membership the power to mortgage or sell Defendant Corporation property, and
27 requires a "specific vote of the Church membership authorizing each action." A true and
28 correct copy of the Bylaws is attached hereto as Exhibit "1" and made a part hereof by
29

1 reference.

2 9. On April 21, 2012, without Corporate authority, and without complying with
3 the corporate Bylaws, Section 7, Defendant HORACE ALLEN obtained a loan in the
4 amount of \$400,000, secured by and encumbering the Defendant Corporation's real
5 property. Defendant ALLEN, and the Defendant Corporation of which ALLEN is
6 President, have refused to and continue to refuse to account for the proceeds of said
7 loan, and have refused to provide the corporate and financial documents which
8 Defendants utilized to obtain said loan, including documents purporting to be corporate
9 minutes and other documentation showing the requisite corporate approval submitted
10 to the lenders. That \$400,000 is unaccounted for.
11

12
13 10. On June 6, 2014, without Corporate authority, and without complying with
14 the corporate Bylaws, Section 7, Defendant HORACE ALLEN obtained a loan in the
15 amount of \$800,000, secured by and encumbering the Defendant Corporation's real
16 property. Defendant ALLEN and the Defendant Corporation have refused to and
17 continue to refuse to account for the proceeds of said loan, and have refused to provide
18 the corporate and financial documents which Defendants utilized to obtain said loan,
19 including documents purporting to be corporate minutes and other documentation
20 showing the requisite corporate approval submitted to the lenders. That \$800,000 is
21 unaccounted for.
22

23 11. On December 16, 2014, without Corporate authority, and without complying
24 with the corporate Bylaws, Section 7, Defendant HORACE ALLEN obtained a loan in
25 the amount of \$105,000, secured by and encumbering the Defendant Corporation's real
26 property. Defendant ALLEN and the Defendant Corporation have refused to and
27 continue to refuse to account for the proceeds of said loan, and have refused to provide
28

1 the corporate and financial documents which Defendants utilized to obtain said loan,
2 including documents purporting to be corporate minutes and other documentation
3 showing the requisite corporate approval submitted to the lenders. That \$105,000 is
4 unaccounted for.
5

6 12. In March 2015, without Corporate authority, and without complying with the
7 corporate Bylaws, Section 7, Defendant HORACE ALLEN obtained a loan in the
8 amount of \$980,000, secured by and encumbering the Defendant Corporation's real
9 property. Defendant ALLEN and the Defendant Corporation (which was suspended in
10 March 2015 making all contracts void or voidable) have refused to and continue to
11 refuse to account for the proceeds of said loan, and have refused to provide the
12 corporate and financial documents which Defendant utilized to obtain said loan,
13 including documents purporting to be corporate minutes and other documentation
14 showing the requisite corporate approval submitted to the lenders. That \$980,000 is
15 unaccounted for.
16

17 13. On October 22, 2015, Defendants HORACE ALLEN, and Does 1 through 5,
18 obtained a loan in the amount of \$2,625,000, under the following circumstances. On
19 October 18, 2015, Defendant ALLEN, at an impromptu unofficial Church meeting
20 following a Sunday church service, announced he had a proposed plan to sell the
21 Defendant Corporation's property and buy another facility. No vote of the church
22 membership was taken. Immediately following said meeting with the congregants who
23 happened to attend church that day, an impromptu meeting of the Board of Trustees
24 was held, at which Defendant ALLEN announced that his said proposed plan was
25 merely "exploratory." Yet four days later Defendants obtained a loan secured by and
26 encumbering two real properties owned by the Defendant Corporation in said amount.
27
28

1 Defendants have refused to and continue to refuse to account for the \$2,625,000
2 proceeds of said loan, and have refused to provide the documents which Defendants
3 utilized to obtain said loan, including documents purporting to be corporate minutes and
4 other documentation showing the requisite corporate approval submitted to the lenders.
5 The \$2,625,000 is unaccounted for.
6

7 14. Corporations Code Section 9513 provides the following: Every director shall
8 have the right at any reasonable time to inspect and copy all books, records and
9 documents of every kind and to inspect the physical properties of the corporation of
10 which such person is a director for a purpose reasonably related to such person's
11 interests as a director. Plaintiff CLAY is a Trustee of the Board of Trustees, pursuant to
12 the Corporate Bylaws, Section 7, and thus is a director within the meaning of
13 Corporations Code § 9513, and is therefore entitled to inspect absolutely and
14 immediately corporate records and books.
15

16 15. Defendant HORACE ALLEN has otherwise refused to disclose the
17 Defendant Corporation's corporate books and records. On October 26, 2015, Plaintiff
18 CLAY made a formal written request by letter to Defendant ALLEN to review such
19 books and records, and did so again on November 10, 2015. True and correct copies of
20 said formal written requests are attached hereto as Exhibits "2" and "3," and made a
21 part hereof by reference. On December 6, 2015 the request was verbally renewed.
22 Each said request was expressly refused by ALLEN even though CLAY is a Deacon
23 and Trustee (Director) who has an absolute right to review and copy all corporate books
24 and records. In refusing the last mentioned request, Defendant ALLEN stated, "There is
25 no law that would require me to show those documents." Defendant ALLEN has told
26 members, "according to my attorney, I do not have to disclose information to anyone."
27
28

1 In approximately 2013, Plaintiff MOORE-CHAPPELL, while Church Financial Secretary,
2 made a request to review said books and records in connection with existing loans.
3 Defendant ALLEN denied her request, and terminated MOORE-CHAPPELL as
4 Financial Secretary 2013.

5
6 16. On December 8, 2015, while Plaintiff CLAY's demands for inspection was
7 outstanding and unmet, without disclosing in advance said books and records, including
8 the list of Church members, Defendant HORACE ALLEN called a purported meeting of
9 the Church membership at which he then took a vote to sell the Corporation's two real
10 properties, building and land.

11
12 17. Corporations Code § 9512 provides the following: "Except as otherwise
13 provided in the articles or bylaws, the accounting books and records and minutes of
14 proceedings of the members and the board and committees of the board shall be open to
15 inspection upon the written demand on the corporation of any member at any reasonable
16 time, for a purpose reasonably related to such person's interests as a member." Plaintiff
17 MOORE-CHAPPELL has been a member of the Church since 1974, as more particularly
18 alleged above, and thus is a member within the meaning of said § 9512, and is therefore
19 entitled to inspect the corporate records, books, and minutes.
20

21 18. Corporations Code § 9514 provides the following: "Upon refusal of a lawful
22 demand for inspection under this chapter, the superior court of the proper county, or the
23 county where the books or records in question are kept, may enforce the demand or
24 right of inspection with just and proper conditions or may, for good cause shown,
25 appoint one or more competent inspectors or independent accountants to audit the
26 financial statements kept in this state and investigate the property and funds of any
27 corporation and of any subsidiary corporation thereof, domestic or foreign, keeping
28

1 records in this state and to report thereon in such manner as the court may direct." By
2 reason of the refusal of Defendants HORACE ALLEN and the Corporate Defendant to
3 allow Plaintiffs to inspect corporate books and records, Plaintiffs are now entitled to and
4 do seek relief under said § 9514.

5
6 II.

7 **SECOND CAUSE OF ACTION**

8 **CONVERSION**

9 (By Plaintiffs HERMAN CLAY and SHARON MOORE-CHAPPELL against HORACE
10 ALLEN, FIRST BAPTIST CHURCH OF VENICE, INC., and DOES 1 TO 5)

11 19. Plaintiffs repeat, reallege, and incorporate by reference each of the allegations
12 of paragraphs 1 through 18, inclusive, of this Petition, as though set forth in full herein.

13 By reason by defendant HORACE ALLEN's obtaining loans as more particularly alleged
14 above, and having obtained said loans by utilizing the equity of the above Corporate
15 Defendant's valuable properties worth approximately \$15 million, the First Baptist
16 Church of Venice became entitled to the proceeds of said loans.

17 20. Defendant HORACE ALLEN and DOES 1 through 5 converted the monetary
18 proceeds for their own personal use. ALLEN applied some of the funds obtained from
19 loans for the criminal defenses of Defendant ALLEN's two sons. ALLEN's self-dealing
20 also constitutes inurement prohibited by Article XIV of the Bylaws. Defendant ALLEN
21 refuses to provide an accounting of funds of more than \$3.5 million dollars. ALLEN and
22 DOES 1 to 5 failed to adhere to any corporate formalities and acted without the
23 permission of the members, acting without corporate resolutions and minutes.

24 21. Defendants have intentionally and substantially interfered with First Baptist
25 Church of Venice's assets by converting said loan proceeds, depriving the Church of
26
27
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1 same, and refusing to account for same.

2 22. Said taking was without membership knowledge or consent. Defendants'
3 conduct violated Corporations Code §§ 9241 and 9243.

4 23. The First Baptist Church of Venice has been thereby harmed and Defendants
5 ALLEN and DOES 1 to 5 were a substantial factor in bringing about said harm. The First
6 Baptist Church of Venice is therefore entitled to pecuniary damages and punitive
7 damages.
8

9 III.

10 THIRD CAUSE OF ACTION

11 FOR BREACH OF FIDUCIARY DUTY

12 (By Plaintiffs HERMAN CLAY and SHARON MOORE-CHAPPELL against HORACE
13 ALLEN, FIRST BAPTIST CHURCH OF VENICE, INC., and DOES 1 TO 5)

14 24. Plaintiffs repeat, reallege, and incorporate by reference each of the
15 allegations of paragraphs 1 through 23, inclusive, of this Petition, as though set forth in
16 full herein.
17

18 25. At all times alleged herein Defendant HORACE ALLEN and DOES 1 to 5 were
19 in a fiduciary duty relationship with First Baptist Church of Venice by reason of the
20 following facts: Defendant ALLEN was the Pastor of the Church under the Bylaws and an
21 ex-officio member of all committees, and DOES 1 to 10 were Officers, Deacons and/or
22 Trustees under said Bylaws.
23

24 26. By reason of said relationship, said Defendants owed a fiduciary to the
25 Church Corporation. Said duties included the following defendants had a duty under
26 Corporations Code Sec. 9241 to act in the best interests of the corporation and with such;
27 Defendants had a duty under Corporations Code Sec. 9241 to not conduct self-dealing
28
29

1 transactions; Defendant had a duty not to divert funds to personal use. Defendants had
2 a duty to account for all monies received and expended. Defendants had a duty to
3 observe corporate Bylaws. By reason of the actions alleged in paragraph 20, Defendants
4 Defendant HORACE ALLEN and DOES 1 to 5 have breached their fiduciary duties.

5 27. The First Baptist Church of Venice has been thereby financially harmed.
6 Defendants were a substantial factor in bringing about said harm. The First Baptist
7 Church of Venice is therefore entitled to pecuniary damages and punitive damages.

8 28. Corporations Code Section 9245 provides "Subject to the provisions of
9 Section 9241, directors of a corporation who approve any of the following corporate
10 actions shall be jointly and severally liable to the corporation for: (a) Subject to the
11 provisions of Section 9241, directors of a corporation who approve any of the following
12 corporate actions shall be jointly and severally liable to the corporation for: (1) The
13 making of any distribution . . . (3) The making of any loan or guaranty contrary to Section
14 9241." By Corporate Defendant's Bylaws, the Board of Trustees serves the function of
15 the directors. Therefore, for and on behalf of First Baptist Church of Venice, said relief is
16 sought by Plaintiffs as authorized by said Corporations Code Section 9245.

17
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19 **IV.**

20 **FOURTH CAUSE OF ACTION**

21 **TO QUIET TITLE**

22
23 (By Plaintiffs HERMAN CLAY and SHARON MOORE-CHAPPELL against HORACE
24 ALLEN, FIRST BAPTIST CHURCH OF VENICE, INC., and DOES 1 TO 5)

25 29. Plaintiffs repeat, reallege, and incorporate by reference each of the
26 allegations of paragraphs 1 through 28, inclusive, of this Petition, as though set forth in
27 full herein.
28

1 30. The FIRST BAPTIST CHURCH OF VENICE owns two (2) real properties.
2 The property that is the subject of this property consists of two lots. The first real
3 property is described as follows:

- 4 a. Legal Description: LOTS 23, 24, 25, 26, AND 27, IN BLOCK "L" OF
5 OCEAN PARK VILLA TRACT 2, IN THE CITY OF THE LOS ANGELES,
6 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP
7 RECORDED IN BOOK 4, PAGE (S) 23 OF MAPS, IN THE OFFICE OF
8 THE COUNTY RECORDER OF SAID COUNTY
9
10 b. APN: 4239-019-021
11
12 c. Commonly known as 685 Westminster Avenue, (Venice area) Los
13 Angeles, CA 90291

14 The second real property is described as follows:

- 15 a. Legal Description: LOTS 1 AND 2 IN BLOCK "M" OF OCEAN PARK
16 VILLA TRACT NO. 2, IN THE CITY OF THE LOS ANGELES, COUNTY
17 OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP
18 RECORDED IN BOOK 4, PAGE (S) 48 OF MAPS, IN THE OFFICE OF
19 THE COUNTY RECORDER OF SAID COUNTY
20
21 b. APN: 4239-024-001
22
23 c. Commonly known as: 688 Westminster Ave., (Venice area) Los Angeles,
24 CA 90291

25 31. The Defendants herein named as "all persons unknown, claiming any legal
26 or equitable right, title, estate, lien, or interest in the property described in the Petition
27 adverse to Plaintiffs' title, or any cloud on" are unknown to Plaintiffs. These unknown
28 DOE Defendants, and each of them, claim some right, title, estate, lien, or interest in

1 the above-described property adverse to fee title; of the First Baptist Church of Venice
2 and their claims, and each of them, constitute a cloud on the title to the two properties.

3 32. As alleged more particularly alleged in paragraphs 9 through 13, without the
4 authority under the corporate Bylaws, Defendant HORACE ALLEN and DOES 1 TO 5
5 obtained five loans, including the most recent loan in an amount in excess of
6 \$2,624,000, secured by deeds of trust recorded against the First Baptist Church of
7 Venice real property. Said loans remain unpaid, and the deeds of trust remain
8 outstanding liens against the Church's real property.
9

10 33. Said five deeds of trust are null and void for the following reasons. They
11 were executed by Defendants ALLEN and DOES 1 to 5 in violation of the Bylaws,
12 which, under Section 7, para. 2.d., provides that "Trustees shall sign legal papers and
13 authorizes no other persons to sign such." Allen was and is not a Trustee entitled to
14 sign deeds of trust; and were executed without the requisite vote of the Church
15 membership; and constitute *ultra vires* acts.
16

17 34. The deeds of trust were not pre-approved by the First Baptist Church of
18 Venice membership, as required by Bylaws Section 7, paragraph (2)(h).
19

20 35. The lenders holding the deeds of trust which remain liens against said real
21 property, and the trustees under said instruments are defendant DOES. These DOES
22 are not entitled to the protections of Corporations Code Section 9214, which governs
23 ostensible authority, because Defendant ALLEN is the Pastor under said Bylaws, and
24 did not occupy a position designated in Section 9214, and because Kenneth Holmes is
25 not a Trustee, not an officer. Plaintiffs are informed and believe, that Defendants Does
26 6 through 10 had actual knowledge of the lack of authority of Defendant ALLEN and
27 DOES 1 through 5.
28

1 36. The five loans were procured by the unauthorized acts of Pastor Allen and
2 the Defendant Corporations officers in violation of Corporations Code §§ 9214, 9141,
3 9142 and 9215. Plaintiffs allege on informaton and belief that the lenders had actual
4 knowledge that Allen and the other persons obtaining the loans and signing the loan
5 documents had no authority to execute the same. As an explicit example, the
6 commercial deed of trust recorded on October 22, 2015 for \$2,625,000.00 was only
7 signed by "Horace Allen, Pastor" and Kenneth Holmes, Deacon, on October 14, 2015,
8 while the Corporation was suspended by the California Franchise Tax Board.
9 Moreover, the contractual deed of trust was not executed by the officers required by
10 Corporations Code § 9214.
11

12
13 37. Plaintiffs are entitled to an order and decree declaring the right, title, and
14 interest of all claimants to the subject property, and quieting Plaintiffs' title as against all
15 competing claims, including the claims of the lenders of the loans alleged above.
16

17 **PRAYER**

18 WHEREFORE, Plaintiffs pray for judgment as follows:

- 19
20 a. An order of court directing Defendant HORACE s to disclose the books and
21 records of the corporation;
22 b. For damages according to proof;
23 c. For a decree quieting title to Plaintiffs' title and quieting the claims of
24 Defendants;
25 d. For reasonable attorney's fees;
26
27
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1 e. For costs of suit incurred; and

2 f. For any further relief as the court may deem proper.

3
4 Dated: December 14, 2015

LAW OFFICE OF LOTTIE COHEN
A Professional Corporation

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6
7 

8 Lottie Cohen, Attorney for Plaintiffs,
9 HERMAN CLAY, individually, and as Deacon
10 and Trustee on behalf of FIRST BAPTIST
11 CHURCH OF VENICE, INC.; and SHARON
12 MOORE-CHAPPELL, individually, and as
13 Minister on behalf of FIRST BAPTIST
14 CHURCH OF VENICE, INC.

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VERIFICATION

I, SHARON MOORE-CHAPPELL, am a Plaintiff in this action. I have read the foregoing **PETITION TO COMPEL INSPECTION OF CORPORATE RECORDS; FOR QUIET TITLE RELIEF; AND CONVERSION** and know of its contents. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2015 at Woodland Hills, California.


SHARON MOORE-CHAPPELL

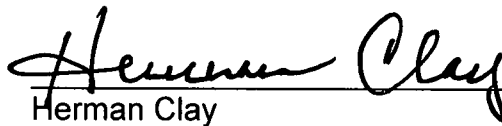
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VERIFICATION

I, Herman Clay, am a Plaintiff in this action. I have read the foregoing **PETITION TO COMPEL INSPECTION OF CORPORATE RECORDS; FOR QUIET TITLE RELIEF; AND CONVERSION** and know of its contents. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2015 at Woodland Hills, California.


Herman Clay

12/16/2015

EXHIBIT 1

First Baptist Church of Venice Worship Center

By -Laws

Section 1 – General

This is a sovereign and democratic Baptist Church under the leadership of Jesus Christ. The membership retains unto itself the right of exclusive self-government in all phases of the spiritual and temporal life of the Church. The membership reserves the exclusive right to follow the written Word of God in the King James version to determine who shall be members of this Church and the conditions of such membership.

Section 2 – Qualifications

To qualify for membership in this Church, a person must be a believer in Jesus Christ (refer to Romans 10:9-John 1:12; John 3:16) Church Member's Handbook, and must promise to keep the commitments expressed in the "Church Covenant"; see Church Member's Handbook. The Pastor shall be responsible for determining each person's qualification for membership. In making this determination, he may rely on a person's professions of faith, or such other evidence, as he deems appropriate according to The Holy Bible kjv.

Section 3 – Admission of Members

To be admitted into Church membership, applicants shall be received by the Pastor and any member of the Pastoral Staff in the absence of the Pastor for admission during any function of church activities. Non licensed or Ordain persons cannot accept members in. This rule is suspended if a Senior Pastor is not active and there is no official ministers, then the church shall receive by voice vote of members at the particular service or function.

- a. profession of faith in Christ and subsequent baptism;
- b. by letter from a Church of like faith or
- c. by statement of previous profession of faith in Christ, having been baptized by immersion.

2. Such applicants as are found to be in accord with the faith and practice of this Church, having been counseled by the Pastor, may be received into membership by a vote of the Church.
3. New members shall be provided with special instruction in Christian doctrine, Biblical faith and practice, and the ministries of this Church.

Section 4 – Duties and Privileges of Membership

In accord with the duties enumerated in the "Church Covenant"; see Church Member's Handbook, each member shall be privileged and expected

1. In case of resignations or vacancies that require an election prior to the Annual Meeting, a regular Business Meeting or Special Meeting may be called for the purposes of this election. The procedures of election shall follow the steps outlined in Article II, Section 1. The nominee shall assume the duties of office immediately following the vote of the Church membership.
2. In the event that there is no *active* Pastor and/or Deacon, the Trustees, in conjunction with the remaining members of the Church Council, shall assume the responsibilities hereby given to the Pastor and/or Deacon until a Pastor and/or Deacon is elected.

Section 4 – Eligibility for Office

1. Members shall be eligible for election as Treasurer or Church Clerk after being a member of the Church for at least a year.
2. Members shall be eligible for nomination to all other elected and appointed positions after being a member of the Church for at least six months.

Section 5 – Pastor

1. Qualifications; see Article VI, Section 1 of the Constitution.
2. Call; see Article VI, Section 3 and Section 4 of the Constitution.
3. Responsibilities
 - a. The Pastor, as under-shepherd responsible to Jesus Christ, shall preach the Word of God (KJV 1611) and administer the ordinances of the Church. He shall be the spiritual leader of the Church and shall advance the spiritual life of the congregation. He is the overseer of all phases of the Church work. He is at liberty to schedule special gathering such as Bible conferences, revivals, missionary conferences and special guest speakers as he is led of the Lord.
 - b. The Pastor is the ex officio member of every committee and organization of the Church.
 - c.
4. Salary
 - a. The Pastor's salary and allowances shall be set prior to the time of election and may be changed at any business meeting of the Church (special or regular). The amount to be voted on shall have been determined and approved by the Diaconate; and be effective at the time of next Monthly Business Meeting or as determined by Church membership.
5. Leaving the Field
 - a. The pastor shall be entitled to an annual vacation of two (2) weeks after one (1) year of service; three (3) weeks after three (3) years; and four (4) weeks after five (5) years.

- c. Deacons shall serve a term of three (1) year, and may be reelected without a trail period.

- i. If there are no qualified members willing to accept the role of a deacon, the "out of office one (1) year" can be voided for the next qualified term of three (3) years upon vote of Church membership.

- d. The needs of the Church and the number of men scripturally qualified to serve shall determine the number of deacons.
- e. New deacons shall be installed during a dedication service following their election.

3. Responsibilities

- d. The Diaconate shall counsel with the Pastor concerning the spiritual interest of the Church as is illustrated in Acts 6.
- e. They shall from time to time consider the financial condition and policies of the Church and make recommendations to the Church. Their recommendations shall not be binding, unless ratified by the Church membership.
- f. Under the supervision of the Pastor, they shall distribute the elements of the Lord's Supper.
- g. With the Pastor, they shall constitute the Discipline Committee of the Church.
- h. They shall meet monthly at such times as they may agree upon and may meet in special session at the call of the chairman, or Pastor, or one-third of the members.
- i. They shall elect a chairman, a vice-chairman and a secretary annually in November. The secretary shall keep complete records of their actions and reports. All recommendations from the Diaconate shall be written or typed and a copy given to the Church Clerk before monthly Business Meetings, Special Meetings or our Annual Meeting.
- j. The Pastor shall be the moderator for all Diaconate meetings.
- k. No Diaconate meetings may be held without the Pastor's presence or his consent to meet without him (unless no Pastor has been elected).

Dismissal

- . Upon submission of evidence of immorality, apostasy, heresy, unfaithfulness to his duties, departure from the "Church Covenant"; see Church Member's Handbook, "Articles of Faith"; see Church Member's Handbook, Constitution and By-Laws; or if he no longer agrees with the uncompromising stand of this Church, the Pastor with the concurrence of three-fourths (3/4) of the Diaconate shall recommend to the members that the errant deacon be dismissed from his position as a deacon at a special business meeting. At the Pastor's sole discretion, a special election may be called to fill the dismissed deacon's position.

Section 7 – Trustees

2. Shall submit a Monthly, Quarterly, and Annual Reports in writing to the Pastor, Diaconate and Church Council (when requested) for review and shall present the same to the Church for its approval.
3. All items to be charged must be approved by the Treasurer, Pastor or Chairman of the Diaconate.
4. Keep the books and pay all the bills.
5. No one can sign checks except for the approved signers of 1 for amounts under \$500.00 and two signers for any amount over \$ 500.00.
6. In the absence of the Treasurer for extended periods of time, such as vacation or disability, an individual assigned by the Church Council shall conduct ordinary, daily business of the Treasurer.

Section 10 – Sunday School Superintendent

1. The superintendent shall be a member.
2. Is the Director of the Sunday school and shall with the Pastor's counsel and supervision carry out his responsibilities.
3. He/she is charged with appointing and training teachers, assistant teachers, and other Sunday school workers.
4. He /she shall lead the teachers meeting under the supervision of the Pastor.
5. He/ she shall order and distribute the Sunday school literature.
6. He /she shall supervise Sunday school visitation, placement of pupils, collection of Sunday school offerings, and keeping of Sunday school records.

Section 11 – Upkeep Manager

The Upkeep Manager shall be responsible for the maintenance and care of all Church property. The Upkeep Manager shall have the authority to spend not more than five- hundred (500.00) dollars for any item within a thirty (30) day period following a Monthly Business Meeting, without a vote of the Church membership.

Section 12 – Other Offices, Staff and Workers

Others whose duties are not previously mentioned are expected to fill their offices as defined by the Senior Pastor.

Article III – Ministries

All ministries, departments, organizations, classes, and groups of the Church are subject to and shall function in harmony with the Senior Pastor, members and the Diaconate. The Pastor may add ministries to the Church as the need and opportunity arise. None shall be promoted without the recommendation of the Pastor.

Article IV – Church Council

2. Shall be convened in order to conduct the "Financial Health" and other business of the Church, and to receive reports from Church Council members on other health indicators of the Church.
3. The January meeting shall include the annual financial report for the previous year.
4. The October meeting shall include the presentation of the proposed annual Church budget which shall be approved at the Annual Meeting in November.

Section 5 – Special Business Meetings

1. May be called by the Senior Pastor or the Diaconate quorum of the present Diaconate at any regular meeting of the Church whenever a special need arises.
2. Major items of business such as property, finance, or staffing will require advance notice of one week.

Section 6 – Parliamentary Rules

1. In the absence of the Pastor, the chairman of the Diaconate will serve as moderator.
2. A member being absent from Church a period of thirty days prior to any meeting without a reasonable excuse will not be able to participate.
3. A move, motion and second shall be carried on by adult male members in good standing.
 - a. Definition of "Good Standing": attending at least two services a month and not under Church discipline.
4. All dealings in gospel order shall be brought up and acted on. All decisions shall be final and in all cases, a majority of the members present shall determine any question, except the election of a Pastor, and it shall be the duty of the minority to abide by the decision, but the majority shall not trample on the rights of the minority.
5. Every move, motion, and second shall come under the observation of the conference and shall be put to a vote except it be withdrawn by the member which made it, or a motion and second to table.
6. Every member who shall speak in debate shall rise

Section 2 – Financial Year

1. Shall be from January 1st – December 31st

Section 3 – Worship Service Offerings

1. Members and visitors shall be giving an opportunity at each Worship Service to contribute towards the support of the Church.
2. All contributions shall be directed to the "General Treasury" of the Church unless otherwise stated in the Constitution of By-Laws of this Church.

Section 4 – Wednesday Night Prayer Service Offerings

1. All contributions shall be directed to the "Mission Fund" of the Church to support our local, national and international missionaries and other "Mission Fund" expenses as deemed necessary by the Church membership.

Section 5 – 5th Sunday Offerings

1. All contributions shall be directed to the "Building Fund" of the Church to support "Building Fund" expenses deemed necessary by the Church membership.

Section 6 – Special Offerings

1. Special offerings or fund raising may be sought by the Church upon recommendation to the Senior Pastor and his approval.
2. This shall not preclude individuals from making special offerings for missions or benevolent causes of the Church at any time as the Spirit of God may move them.

Section 7 – Expenditures

name from the membership roll.

6. In case of grave difficulty, the Church will be ready, if requested, to ask the advice of mutual counsel.

Article IX – Licensing and Ordination

Any Adult male or female or teenager giving evidence of a Divine call to the gospel ministry and manifesting the gifts and grace belonging to the ministry may be licensed or ordained, or both, to the ministry of this Church. He must first state that he accepts without reservation the "Church Covenant"; see Church Member's Handbook and the "Articles of Faith"; see Church Member's Handbook of this Church and must be recommended by the Pastor of this Church. The ordination council, composed of ordained ministers (which may be members) selected or approved by the Pastor, shall thoroughly examine the candidate in regard to his doctrinal soundness, moral and spiritual qualifications, and personal fitness for the ministry. After satisfactory examination by the council, he shall be recommended to the Church for ordination. The candidate's ordination shall require ratification of the recommendation of the council by the members. If a Minister or Diaconate leave the Ministry for any reason other than positive their papers stay with the ministry.

Article X – Property, Buildings and Equipment

Decisions relative to the acquisition or sale of real property shall require a two thirds (2/3) vote of the members at a properly called business meeting. All buildings, property, and equipment shall be used only by permission of the Senior Pastor and Diaconate. They shall be principal for the use of this Church, its functions and its related activities.

these By-laws and Constitution of this Church.

Article XIV – Inurement

There shall be no monies, properties, or other valuables to inure to the personal benefit of any member of this Church.

Article XV – Disbandment

In case the disbandment, the property, or the net proceeds thereof in case of sale, shall be used for non-profit Christian missionary effort as voted by the Church, remembering insofar as possible the Christian organizations of like faith and practice.

Article XVI – Nondiscriminatory Policies

It is the official policy of this organization and all of its auxiliary organizations, including Sunday school, youth groups, etc.; that all faiths, creeds, races, and both sexes will be given equal consideration upon individuals meeting the standards which are required by those organizations.

Article XVII – Miscellaneous

Section 1 – Translations

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translation.

Article XVIII – Suspension of the By-Laws

These By-Laws, or any portion thereof, may be temporarily suspended at any regular business meeting, provided two-thirds of the members present and voting approve of such suspension.

Article XIX – Amendments

These By-Laws may be amended at any business meeting of the Church by a two-thirds (2/3) vote of the members present, provided that such amendment in writing, shall have been read and approved by the Pastor and Diaconate and read at the regular services on two consecutive Sundays preceding said meeting and posted for two weeks immediately preceding the meeting in a conspicuous place with the Church building.

Article XX – Adoption

Let it hereby be resolved that upon acceptance of the Constitution and By-Laws, that all other Constitutions and By-Laws of this Church be declared void and invalid.

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12/18/2015

12/16/2015

EXHIBIT 3

Herman Clay

22647 Ventura Blvd. #561
Woodland Hills, CA 91364

November 10, 2015

Bishop Horace A. Allen, Sr. Pastor
First Baptist Church of Venice
685 Westminster Avenue
Venice, California 90291-3447

Re: Letter of October 26, 2015

Bishop Allen:

Thank you for addressing the Loans and options for the sale and/or upkeep of the church property during the Trustee Meeting held on November 7, 2015. However, I feel that you fail to recognize that my request for the public documents enumerated in my letter of October 26, 2015 provided you with an opportunity to address the public criticism that has been levied toward you regarding recent financial transactions made on the behalf of the First Baptist Church of Venice. It was my hope that these documents would clarify whether these Loans were made with or without the approval of the majority of Trustees and the Church membership present at a properly called church business meeting. Instead you chose to criticize my action of making the letter requesting the documents public in the Church Business Meeting of October 26, 2015.

During the Trustee Meeting of November 7, 2015, you further berated me because I do not attend multiple services and prayer meetings on a weekly basis and my failure to support you over the last two years with the operations of the church. Since you became pastor of the First Baptist Church of Venice in 2006, I have, time and time again, volunteered my time and effort to help oversee the finances of the church. I prepared and submitted to Annual Budget proposals for operating the church for the years 2008 through 2012. I reviewed for you and assisted you with the negotiations regarding donations to the church from outside entities for use of the church parking lots and class room space during non-church time. This summer at your request, I prepared a draft Transitional Agreement for the Homeless Ministry.

I believe that you as a leader need the support of people who look at proposed actions of the organization with a critical eye. I have always attempted to provide you with an analysis of your proposed actions that identified the strengths, weaknesses, opportunities provided, and potential for loss related to the proposed course of action. It does not serve you well for me to be a rubber stamp for all your ideas. In my opinion, borrowing monies in the amounts identified in my letter of October 26, 2015, placed the church in the position of having to sell off all or part of the real property at 685 and 688 Westminister Avenue, Venice, CA, to payoff the debt. This was not a course of action I would ever recommend. Borrowing large sums of money, using the Church property as collateral should not have been done without the informed consent of the Church membership in a properly called Business Meeting.

11/10/2015

The members of the church are entitled to be informed about the desire of the leaders to borrow monies or sell church property, the rationale for borrowing against or selling church property, the cost, payments and term of the loans before they are agreed to, and the plan for repayment of the loan. Without this type of transparency of the process and logic behind borrowing funds I am concerned that the officers who made these decisions did not fulfill their fiduciary responsibility to the church membership and placed the church in a precarious financial situation. I therefore, personally renew my request for the public documents enumerated in my letter of October 26, 2015.

Faithfully;

Herman Clay, Deacon and Trustee

12/16/2015

- Copies of Minutes from all business meetings (monthly quarterly, and biannual) for the years 2011, 2012, 2013, 2014, and 2015.
- Copies of Financial Reports from all business (meetings, monthly quarterly, and biannual) for the years 2011, 2012, 2013, 2014, and 2015.
- Copies of sign-in sheets from Minutes from all business meetings (monthly quarterly, biannual, and annual) for the years 2011, 2012, 2013, 2014, and 2015.

I am asking that you provide to the church the information, public documents requested, and rational for the actions taken, in question, within two weeks of today, no later than November 9, 2015.

I have long advocated the advancement of the church ministry and that the Church seeks other sources of income. However, I have never advocated any course of action that could put the existence of the First Baptist Church of Venice in jeopardy.

I respectfully make these requests as a means for clarity and transparency of the business undertaken by the church and fulfill the leadership responsibilities placed on me as a Deacon and Trustee of the First Baptist Church of Venice.

Faithfully;

Herman Clay, Deacon and Trustee

12/16/2015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lottie Cohen, Attorney at Law (SBN 094674) Law Office of Lottie Cohen 3637 Motor Avenue Suite 360 Los Angeles, CA 90034-4883 TELEPHONE NO.: 310-204-0099 FAX NO.: 310-204-0095		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles DEC 15 2015 Sherri R. Carter, Executive Officer/Clerk By <u>M. Soto</u> , Deputy Moses Soto	
ATTORNEY FOR (Name): Herman Clay, et al.		CASE NUMBER: BS 159555	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse			
CASE NAME: Herman Clay, et al. vs. Horace Allen, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input checked="" type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): **Quiet Title**

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 12/09/2015

Lottie Cohen, Attorney at Law (SBN 094674)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death

Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)

Asbestos Property Damage
Asbestos Personal Injury/
Wrongful Death

Product Liability (*not asbestos or toxic/environmental*) (24)

Medical Malpractice (45)

Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care
Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip
and fall)

Intentional Bodily Injury/PD/WD
(e.g., assault, vandalism)

Intentional Infliction of
Emotional Distress
Negligent Infliction of
Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business

Practice (07)

Civil Rights (e.g., discrimination,
false arrest) (*not civil
harassment*) (08)

Defamation (e.g., slander, libel)
(13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice
Other Professional Malpractice
(*not medical or legal*)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)

Other Employment (15)

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (*not unlawful detainer
or wrongful eviction*)

Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)

Negligent Breach of Contract/
Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open
book accounts) (09)

Collection Case—Seller Plaintiff

Other Promissory Note/Collections
Case

Insurance Coverage (*not provisionally
complex*) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (*not eminent
domain, landlord/tenant, or
foreclosure*)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (*if the case involves illegal
drugs, check this item; otherwise,
report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ—Administrative Mandamus

Writ—Mandamus on Limited Court
Case Matter

Writ—Other Limited Court Case
Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal—Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(*arising from provisionally complex
case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of
County)

Confession of Judgment (*non-
domestic relations*)

Sister State Judgment

Administrative Agency Award
(*not unpaid taxes*)

Petition/Certification of Entry of
Judgment on Unpaid Taxes

Other Enforcement of Judgment
Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (*not specified
above*) (42)

Declaratory Relief Only

Injunctive Relief Only (*non-
harassment*)

Mechanics Lien

Other Commercial Complaint

Case (*non-tort/non-complex*)

Other Civil Complaint
(*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate
Governance (21)

Other Petition (*not specified
above*) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult
Abuse

Election Contest

Petition for Name Change

Petition for Relief from Late
Claim

Other Civil Petition

SHORT TITLE: Herman Clay, et al. vs. Horace Allen, et al.

CASE NUMBER

BS159555

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE: Herman Clay, et al. vs. Horace Allen, et al.

CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input checked="" type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Herman Clay, et al. vs. Horace Allen, et al.

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input checked="" type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Herman Clay, et al. vs. Horace Allen, et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☒ 6. ☐ 7. ☐ 8. ☒ 9. ☐ 10.

ADDRESS: First Baptist Church of Venice, Inc
685 Westminster Avenue
Los Angeles, CA 90291

CITY:

Los Angeles

STATE:

CA

ZIP CODE:

90291

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 12/14/2015


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.