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STATE OF SOUTH CAROLINA **COUNTY OF GEORGETOWN** The South Carolina Conference of The United Methodist Church, Duncan Memorial United Methodist Church, individually and on behalf of certain current or former members of Duncan Memorial United Methodist Church, Plaintiffs, vs. Duncan Memorial Methodist Church and Linda Evans, Harby Moses, Lori Beard, Hank Strickland, Dwight Ford, Katherine (Katie) Damon, and Margaret Ulrichsen individually, and as the representatives of an unincorporated association of individuals acting and conspiring with them to disassociate Duncan Memorial United Methodist Church from The United Methodist Church, Defendants.	**IN THE COURT OF COMMON PLEAS** **FIFTEENTH JUDICIAL CIRCUIT** Case No.: 2025-CP-22-00996 **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

This matter comes before the Court on the Motion to Dismiss filed by the Defendants on November 21, 2025.[1] Pursuant to the South Carolina Supreme Court's Order dated August 13, 2025, this Court was assigned to handle, *inter alia*, all pretrial motions in the various Methodist Church cases in South Carolina. On August 31, 2026, the Court held a hearing on this and related matters wherein the Court heard extensive oral arguments by all parties. After reviewing the record and all memoranda and citations offered, the Court issued its Instructions for Order, granting Duncan Memorial's Motion to Dismiss. For the reasons that follow, the Court finds that: this action

[1] Defendants in this suit are Duncan Memorial Methodist Church (f/k/a Duncan Memorial United Methodist Church) (the "Local Church"), Linda Evans, Harby Moses, Lori Beard, Hank Strickland, Dwight Ford, Katherine (Katie) Damon, and Margaret Ulrichsen (collectively with the Local Church, the "Defendants" or "Duncan Memorial").

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is barred by the ecclesiastical abstention doctrine and judicial estoppel; Plaintiff the South Carolina Conference of the United Methodist Church (the "Conference") lacks standing to bring this action; and the Conference and Duncan Memorial United Methodist Church, individually and on behalf of certain current or former members of Duncan Memorial United Methodist Church (collectively, "Plaintiffs") have failed to state a claim upon which relief can be granted. The Court **GRANTS** Duncan Memorial's Motion to Dismiss.

ALLEGED FACTS

Established in early 1785, Duncan Memorial Methodist Church is the oldest Methodist church in South Carolina. Organized as a South Carolina nonprofit corporation, Duncan Memorial operates in Georgetown, South Carolina, as a place of worship for community residents. Over the years, Duncan Memorial acquired and owned several parcels of land in Georgetown. Plaintiffs allege that the church's property is subject to a denominational trust clause found in the UMC Book of Discipline. Notably, none of the church's properties' deeds have ever contained a trust clause,[2] and the Complaint does not allege otherwise.[3]

Nearly two hundred years after Duncan Memorial was founded, the United Methodist Church ("UMC") formed by merging two predecessor denominations. The UMC is governed by the Book of Discipline of the Methodist Church (the "UMC Book of Discipline"). Plaintiffs allege that Duncan Memorial was associated with the UMC and governed by the Conference until 2025, when it disaffiliated from the Conference. Plaintiffs' Complaint alleges that Duncan Memorial's

[2] The deeds are public records that are incorporated by reference in the Complaint, *see* Compl. ¶¶ 42–48, 101(h)–(j), meaning the Court may rely on them at this stage of the litigation without converting the Motion to Dismiss into one for summary judgment.

[3] When this topic arose at the hearing on this motion, Plaintiffs' counsel conceded that the church's extant deeds do not contain trust language and that Plaintiffs lack any knowledge of the contents of the predecessor deeds destroyed many years ago in a fire at the Georgetown County Courthouse. *See also* Compl. ¶¶ 42, 46 (acknowledging two deeds were destroyed in a fire "long ago").

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disaffiliation was improper and ineffectual under the UMC Book of Discipline. The Complaint also alleges that the actions of Duncan Memorial and its officers taken to carry out disaffiliation were also improper, including efforts to amend the church's corporate filings, change its name, and update its accounts and real property filings to reflect the change in the corporation's name.

Plaintiffs claim that, pursuant to the UMC Book of Discipline, all of Duncan Memorial's property and assets are held in trust for the benefit of the UMC. Plaintiffs cite portions of the Book of Discipline containing a "Trust Clause," which purportedly created a trust imputed onto property held by local churches. According to Plaintiffs, Duncan Memorial held itself out as a member of the UMC and allegedly issued yearly reports containing boilerplate language stating that church property was held in trust for the benefit of the Conference and the UMC. Plaintiffs do not allege that Duncan Memorial ever created a signed writing evidencing a present intent to create a trust.

In 2024, after more than a decade of tension within the UMC over doctrinal matters, Duncan Memorial concluded it had no choice but to part ways with the denomination. Accordingly, the church council took a series of steps to disaffiliate from the UMC by amending the church's articles of incorporation, changing its registered name, changing its registered agent, adopting and filing new Articles of Incorporation, adopting Bylaws, and informing the Georgetown County Register of Deeds of these changes. On April 1, 2025, Duncan Memorial sent written notice of its disaffiliation to the Conference. A few months later, the Conference filed the instant action.

PROCEDURAL HISTORY

On September 12, 2025, Plaintiffs filed their Summons and Complaint, asserting causes of action for declaratory judgment, quiet title, constructive trust, resulting trust, accounting, unjust enrichment, breach of fiduciary duty, and temporary injunction. Pursuant to an Order of the South Carolina Supreme Court dated August 13, 2025, this Court has exclusive jurisdiction to hear and

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dispose of all pretrial motions related to litigation between the Conference and local churches disaffiliating therefrom. Duncan Memorial filed its Motion to Dismiss the Complaint and Memorandum in Support on November 21, 2025. On February 6, 2026, Plaintiffs filed their Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss, addressing Duncan Memorial's Motion and other local churches' pending motions to dismiss similar cases. Duncan Memorial filed its Reply in Support of its Motion to Dismiss on March 13, 2026.

On August 31, 2026, the Court held a hearing in Darlington, South Carolina, wherein the Court heard oral arguments on Duncan Memorial's Motion to Dismiss and related motions in similar cases. Following the hearing, the Court left the record open for additional filings. On September 10, 2026, Plaintiffs filed their Supplemental Memorandum in Opposition to Duncan Memorial's Motion to Dismiss. On the same day, Duncan Memorial filed its Supplemental Reply in Support of its Motion to Dismiss. On September 17, 2026, Plaintiffs filed a Supplemental Reply in response to Duncan Memorial's Supplemental Reply. This Order followed.

STANDARD OF REVIEW

Under Rule 12 of the South Carolina Rules of Civil Procedure, the Court has the authority to dismiss actions for, *inter alia*, lack of subject matter jurisdiction and insufficient pleading. SCRCP, Rule 12(b)(1), (b)(6), (h)(3).

As to the former, "[w]henever it appears . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." SCRCP, Rule 12(h)(3). A court without subject matter jurisdiction "only has authority to dismiss the action." *Ross v. Richland Cnty.*, 270 S.C. 100, 101, 240 S.E.2d 649, 650 (1978).

As to the latter, a complaint must be dismissed under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure if the plaintiff fails to state facts sufficient to constitute a cause of action.

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In considering a motion to dismiss based on a failure to allege facts stating a cause of action, the trial court relies on and assumes the truth of all well-pleaded allegations. *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). The court may evaluate the sufficiency of a pleading by reviewing materials attached to or incorporated by reference in the pleading. *S.C. Coastal Conservation League, Inc. v. Charleston Cnty.*, 442 S.C. 409, 414–15, 899 S.E.2d 609, 612 (Ct. App. 2024). Dismissal is proper when the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would not entitle the plaintiff to relief on any theory asserted in the Complaint. *Marion*, 373 S.C. at 395, 645 S.E.2d at 247.

DISCUSSION

Duncan Memorial moved to dismiss Plaintiffs' Complaint on the following grounds: (1) the Court lacks subject matter jurisdiction over this action under the ecclesiastical abstention doctrine; (2) the Conference is judicially estopped from arguing that the ecclesiastical abstention doctrine is inapplicable to the instant action; (3) Plaintiffs lack standing to bring their claims; and (4) Plaintiffs failed to allege facts sufficient to state a cause of action. Plaintiffs opposed dismissal by arguing that the ecclesiastical abstention doctrine and judicial estoppel do not apply to this action, they have standing, and the Complaint stated a claim. After reviewing the parties' respective motions, oral arguments, memoranda and associated citations, the Court **GRANTS** Duncan Memorial's Motion to Dismiss for the following reasons.

I. The Court lacks jurisdiction over Plaintiffs' Complaint pursuant to the ecclesiastical abstention doctrine.

The First Amendment of the United States Constitution, incorporated against the states through the Fourteenth Amendment, guarantees religious liberties and prevents the government from inhibiting, coercing, or improperly interfering with religious belief, exercise, practice, or doctrine. Likewise, the South Carolina Constitution affirms these principles in Article I, Section 2.

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The ecclesiastical abstention doctrine, which is sometimes referred to as the church autonomy doctrine, is one mechanism by which courts enforce the protections and limitations of the First Amendment. Under the ecclesiastical abstention doctrine, civil courts cannot entertain disputes involving "theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them." *Serbian E. Orthodox Diocese for U.S. & Can. v. Milivojevich*, 426 U.S. 696, 714 (1976) (quoting *Watson v. Jones*, 80 U.S. 679, 733 (1871)); *see also All Saints Par., Waccamaw v. Protestant Episcopal Church in the Diocese of S.C.*, 385 S.C. 428, 445, 685 S.E.2d 163, 172 (2009) ("Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration."). Courts are further barred from deciding cases which necessitate extensive inquiry into religious law and polity. *Serbian E. Orthodox*, 426 U.S. at 709–10; *Pearson v. Church of God*, 325 S.C. 45, 54, 478 S.E.2d 849, 853–54 (1996).

To be sure, the ecclesiastical abstention doctrine does not prevent the Court from exercising jurisdiction over purely secular disputes among or between religious persons or entities. Under South Carolina law, civil courts retain jurisdiction over controversies involving civil, contract, and property rights that can "be resolved using solely legal principles without examining any religious questions." *Banks v. St. Matthew Baptist Church*, 391 S.C. 475, 481, 706 S.E.2d 30, 33 (Ct. App. 2011), *aff'd* 406 S.C. 156, 750 S.E.2d 605 (2013); *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 328, 818 S.E.2d 13, 17 (Ct. App. 2018). As explained below, however, this case is not a merely secular suit that can be resolved without examining, applying, deciding, or enforcing religious questions, texts, or doctrines.

Ecclesiastical abstention is a jurisdictional bar—when the doctrine applies to a case, it mandates dismissal. *See Pearson*, 325 S.C.at 51, 478 S.E.2d at 852 (noting that "civil

courts . . . have no jurisdiction of ecclesiastical questions and controversies") (cleaned up) (internal citation omitted); *see also Serbian E. Orthodox*, 426 U.S. at 713–14 ("civil courts exercise no jurisdiction" over "a matter which concerns theological controversy, church discipline, [or] ecclesiastical government"); *Watson*, 80 U.S. at 733 (stating that "where a subject-matter of dispute[is] strictly and purely ecclesiastical in its character," it is "a matter over which the civil courts exercise *no* jurisdiction"). Just a few months ago, the United States District Court for the District of South Carolina recognized and applied this principle, ruling that civil courts lack subject matter jurisdiction over ecclesiastical disputes and must dismiss any lawsuit to which the ecclesiastical abstention doctrine applies. *See Jurisdiction of the Armed Forces & Chaplaincy v. Anglican Church of N. Am.*, No. 2:25-cv-12848-BHH, ECF No. 56, at *4–5, *19 (D.S.C. Sept. 28, 2026).

Accordingly, when a court lacks subject matter jurisdiction, the only action it may take is to announce that fact and dismiss the case. *See, e.g.*, *Ross*, 270 S.C.at 101, 240 S.E.2d at 650; SCRCP Rule 12(h)(3) ("Whenever it appears . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."); *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 94 (1998) ("Without jurisdiction the court cannot proceed at all in any cause. . . . [W]hen [jurisdiction] ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause") (quoting *Ex parte McCardle*, 7 Wall. 506, 514 (1869)).

The ecclesiastical abstention doctrine applies here and deprives the Court of jurisdiction because Plaintiffs' Complaint asks this Court to interpret and apply religious doctrine, as set forth in the UMC Book of Discipline, and to find that Duncan Memorial violated Plaintiffs' preferred religious text, the Book of Discipline. The factual allegations, causes of action, and requested relief all rest on the interpretation, application, and enforcement of the UMC Book of Discipline.

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Throughout the Complaint, the Conference reiterates that its claims are based on the UMC Book of Discipline, which is described as a guiding religious text for "church law, polity, and procedures," and alleges that actions taken by Duncan Memorial were wrongful *because* they violated the UMC Book of Discipline. *See* Compl. ¶¶ 23, 52, 53, 54, 58, 65. Even the most fundamental allegations of the Complaint—the identification of the parties involved in this controversy—are entangled with complicated issues of religious doctrine and church polity. Compl. ¶¶ 1–17. Putative Plaintiff Duncan Memorial United Methodist Church (the f/k/a of the nonprofit corporation named as a defendant and whose actions are at issue) alleges that it is the *true* local church and that Duncan Memorial (the actual corporation under its formal, operative, n/k/a corporate name) has "assumed complete control and dominion over [its] corporate existence" and property. Compl. ¶ 5. Which one is the true church? Which one is loyal to the doctrine and tradition of Methodism? Questions more ecclesiastical than that are hard to envision. To resolve the controversies raised by Plaintiffs' Complaint, the Court would have to conduct extensive inquiry into religious law and polity. This is something the Court cannot do without violating the First Amendment and South Carolina precedent.

In their oral arguments and associated filings, Plaintiffs argued that the Complaint does not implicate ecclesiastical abstention because South Carolina courts have, in a few past instances, discussed a religious text when deciding civil property or corporate rights. *See Pearson*, 325 S.C. at 51, 478 S.E.2d at 852; *Turbeville v. Morris*, 203 S.C. 287, 26 S.E.2d 821 (1943); *Jenkins*, 424 S.C. at 328, 818 S.E.2d at 17; *Banks v. St. Matthew Baptist Church*, 391 S.C. 475, 481, 706 S.E.2d 30, 33 (Ct. App. 2011). One of these cases, *Turbeville*, was decided before South Carolina courts adopted the ecclesiastical abstention framework in *Pearson* and *All Saints*. The remaining cases involved controversies with civil, contract, or property rights and asserted causes of action that

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could be decided solely by neutral principles of law and did not require the Court to examine or decide religious questions. *Id.* The same is not true of Plaintiffs' Complaint here, which does not allege any property or corporate right that arises from a source independent of the Book of Discipline, nor is there any controversy that can be resolved without improper adjudication of religious issues.

For these reasons, the Court lacks subject-matter jurisdiction over the Complaint and must grant Duncan Memorial's Motion to Dismiss under Rules 12(b)(1) and 12(h)(3) of the South Carolina Rules of Civil Procedure.

II. Plaintiffs are judicially estopped from arguing that the ecclesiastical abstention doctrine does not apply to this action.

An additional reason that Plaintiffs cannot avoid the ecclesiastical abstention doctrine here is that the Conference has previously taken the position that the doctrine applies to bar jurisdiction in every instance the Court can find in which the Conference has been sued in this state's courts. The Conference is, therefore, judicially estopped from maintaining a contrary position in this action.

Judicial estoppel "precludes a party from adopting a position in conflict with the one previously taken in the same or related litigation." *Quinn v. Sharon Corp.*, 343 S.C. 411, 414, 540 S.E.2d 474, 475 (Ct. App. 2000); *see also id.* at 416, 540 S.E.2d at 476 (Anderson, J., concurring) ("Under the doctrine of judicial estoppel, a party that has assumed a particular position in a judicial proceeding, via its pleadings, statements, or contentions made under oath, is prohibited from adopting an inconsistent posture in subsequent proceedings."); *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251–52, 489 S.E.2d 472, 477 (1997). Consistently, the Conference has argued that, under the ecclesiastical abstention doctrine, courts cannot exercise jurisdiction over disputes involving Methodist church governance, operations, and policy—including in a recent suit

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remarkably similar to the facts of this case wherein the Conference was the defendant.[4] The Conference is thus judicially estopped from asserting a contrary position in this action.

III. The Conference lacks standing.[5]

Even if the ecclesiastical abstention doctrine did not bar Plaintiffs' Complaint, the Court must dismiss the suit for another reason—the Conference lacks standing to bring its claims. *See Sloan v. Greenville Cnty.*, 356 S.C. 531, 547, 590 S.E.2d 338, 347 (Ct. App. 2003) (explaining that a plaintiff must have standing to maintain a claim). Duncan Memorial is a South Carolina nonprofit corporation subject to the South Carolina Nonprofit Corporation Act. Under that Act, the authority to manage, govern, and control a nonprofit corporation is vested in its directors. S.C. Code Ann. § 33-31-801. The corporation has the legal right to operate, buy, sell, govern itself, and associate with other entities. *Id.* § 33-31-302. A challenge to a nonprofit corporation's power to act may only be brought by a director, a member in a derivative proceeding, the trustee, the corporation itself, or the Attorney General. *Id.* § 33-31-304. The Complaint does not allege that the Conference is any of these.[6] The decisions made by a corporation's board of directors are not subject to judicial

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[4] *See*, *e.g.*, Answer, *Stilwell et al. v. S.C. Conference of the United Methodist Church*, No. 2024-CP-23-03486 (S.C. Ct. Com. Pl. Greenville Cnty. Aug. 6, 2024) (in which the Conference argued that the ecclesiastical abstention doctrine barred a suit filed by a Methodist church seeking a declaration that the Conference has no interest in the local church's property).

[5] As noted above, the ecclesiastical abstention doctrine is a jurisdictional bar, and when it applies, the Court can and should dismiss on that basis alone. Nevertheless, in this lawsuit, for the sake of judicial economy and efficiency on appeal, the Court notes two additional, independent, alternative bases for dismissal—Plaintiffs' lack of standing (Argument III of this Order) and Plaintiffs' failure to state claims on which relief can be granted (Argument IV of this Order).

[6] In this context, "members" include all professing members of the local church listed on the church's membership roll. *See also* Compl. at 2 n.2 (acknowledging same). But although church members may seek a judicially-called corporate meeting or may bring a derivative suit alleging ultra vires action, *see* S.C. Code Ann. §§ 33-31-160(a), -304(b), the Code does not contemplate a third party (the Conference) bringing an ultra vires suit *in a representative capacity* on behalf of its members, nor has the Conference pled or argued that it can rely on associational standing to stand in their shoes.

challenge by third parties absent exigent circumstances not alleged here. *Id.* § 33-31-304. The Complaint does not allege that Duncan Memorial acted inconsistently with South Carolina law or otherwise took actions that would subject its directors' decisions to judicial review. *See Kuznik v. Bees Ferry Assocs.*, 342 S.C. 579, 599, 538 S.E.2d 15, 25 (Ct. App. 2000) (explaining that the business judgment rule insulates the decisions of a corporation's directors from judicial review absent circumstances inapplicable here). Thus, as a third party, the Conference does not have standing to maintain this lawsuit.

Plaintiffs cited *Joseph v. S.C. Department of Labor, Licensing, and Regulation* for the threshold requirements for any party to have standing. 417 S.C. 436, 449, 790 S.E.2d 763, 769–70 (2016). In *Joseph*, the South Carolina Supreme Court explained that the "constitutional minimum of standing" requires that a party have suffered an injury in fact caused by the complained-of conduct that is likely to be redressed by a favorable decision of the court. *Id.* Regardless of whether Plaintiffs sufficiently alleged this threshold requirement, the South Carolina Nonprofit Corporation Act establishes different statutory requirements for third parties challenging the actions of a corporation's directors. Because the Conference has not satisfied the Act, the Conference lacks standing and cannot maintain its claims. For these and other reasons set forth in this Order, the Court grants Duncan Memorial's Motion to Dismiss to the extent it would dismiss the Conference's claims.

IV. Plaintiffs have not sufficiently alleged facts to state a claim for which relief can be granted.

The Court further concludes that Plaintiffs failed to adequately plead facts upon which relief can be granted and that the Complaint, therefore, must be dismissed on that independent ground, too. The Complaint asserts six causes of action: (1) declaratory judgment; (2) quiet title, constructive trust, and resulting trust; (3) accounting; (4) unjust enrichment; (5) breach of fiduciary

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duty; and (6) temporary injunction. Each cause of action is premised on the allegation that the Conference is the beneficiary of a trust over Duncan Memorial's assets and property. Plaintiffs have not alleged facts sufficient to support this legal conclusion or their claims generally.

The trust that Plaintiffs attempt to impose on Duncan Memorial's property is not compliant with South Carolina law. Under the South Carolina Trust Code, "a trust of real property . . . must be proved by some writing signed by the party creating the trust." S.C. Code Ann. § 62-7-401 (a)(2). The Trust Code further clarifies that a "trust is only created if . . . the settlor indicates an intention to create the trust." *Id.* § 62-7-402 (a)(2). Plaintiffs do not allege that Duncan Memorial created any writing with an affirmative intent to create a trust or took any affirmative act indicating a present intent to create a trust. Instead, Plaintiffs only allege that Duncan Memorial remained in the denomination and submitted generic annual denominational affirmations without affirmatively adding any trust language to its deeds or property documents. Notably, the Complaint does not allege that in those annual boilerplate affirmations (or in any other writing), Duncan Memorial expressly adopted or acceded to the denominational trust clause with a present intent to create a trust.[7] These allegations are insufficient for the Court to reasonably infer that Duncan Memorial created the trust at the core of each of the Conference's causes of action.

This conclusion is consistent with persuasive authority from the South Carolina Supreme Court. As noted explicitly in the opinion itself, *Protestant Episcopal Church in Diocese of S.C. v. Episcopal Church* is not binding precedent. 439 S.C. 284, 887 S.E.2d 508 (2022). Nonetheless, it is instructive on how the South Carolina Supreme Court considered a similar trust dispute between a conference and a local church. In *Episcopal Church*, the South Carolina Supreme Court

[7] Because the Complaint incorporates references to filed deeds for Duncan Memorial's property to which the alleged trust applies, the Court may properly consider the deeds for these parcels on a motion to dismiss.

considered what actions were required by a local church to create a trust over church property. *Id.* at 298, 887 S.E.2d at 515. In that case, the denomination had adopted a canon purporting to create a trust over church property for the benefit of the diocese. *Id.* at 298–301, 887 S.E.2d at 515–517. The South Carolina Supreme Court determined that the denominational trust would not be imputed to a local church's deeds merely by the local church's continued participation in denominational life and affirmations. *Id.* at 302–03, 887 S.E.2d at 517–18. Instead, the trust would be imputed only if the local church took "present actions—in writing—documenting both the creation of a trust and the placing of specified property in it" and "the documents creating the trust indicate the owner had the present intent for the writings to create a trust for the particular beneficiary." *Id.* (citing S.C. Code Ann. § 62-7-402(a) (2022)). As applied to different local Episcopal churches, this meant that the church had to take some affirmative action beyond merely remaining part of the denomination and signing annual form documents affirming the church's adherence to church doctrine. *Id.* at 313–14, 887 S.E.2d at 523–24. The local church had to expressly, knowingly, and intentionally adopt the cannon in an official, written document with a present intent to create a trust. *Id.*

Plaintiffs do not allege sufficient facts from which the Court could reasonably infer that Duncan Memorial expressly, knowingly, and intentionally adopted the Book of Discipline's Trust Clause with a present intent to create a trust. Plaintiffs do not plead the existence of any writing evincing a present intent by Duncan Memorial to adopt the denominational trust. Indeed, the words "intent," "present intent," or any variation thereof appear nowhere in the Complaint. Nor does the Complaint allege that Duncan Memorial took any action to "create" a trust or specifically identified the property that was supposedly placed in the trust. The absence of such allegations means that under the highly persuasive guidance in *Episcopal Church*, Plaintiffs have not alleged facts on

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which the relief they seek can be granted. *Id*. at 302–03, 887 S.E.2d at 517–18 (noting that the two "particularly relevant" requirements to impose a trust in this fact pattern are, "First, the court must find the party creating the trust took present actions—in writing—documenting both the creation of a trust and the placing of specified property in it," and "Second, the court must find the documents creating the trust indicate the owner had the present intent for the writings to create a trust for the particular beneficiary").

For this reason and for the deficiencies discussed above, the Court grants Duncan Memorial's Motion to Dismiss and dismisses the Complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that:

1. Duncan Memorial's Motion to Dismiss is **GRANTED**, and the Complaint is **DISMISSED**.

2. Any Notice of Lis Pendens filed by the Conference, if any, is cancelled.

IT IS SO ORDERED.

Judge's Signature to Follow

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Georgetown Common Pleas

Case Caption:	South Carolina Conference Of The United Methodist Church , plaintiff, et al VS Duncan Memorial Methodist Church , defendant, et al
Case Number:	2025CP2200996
Type:	Order/Dismissal and Cancellation of Lis Pendens

So Ordered

Brian M Gibbons