



1.

Diocesan Movant is a Texas unincorporated association and has been since its inception in 1983 operating under the Texas Unincorporated Association Act and the Diocese's Constitution and Canons.

2.

Individual Movants are the duly elected trustees of The Corporation of the Episcopal Diocese of Fort Worth having been elected by the Annual Convention of The Episcopal Diocese of Fort Worth. The Diocesan Corporation is a Texas non-profit corporation operating under the Texas Non-Profit Corporation Act and the corporation's Articles of Incorporation and Bylaws since its inception on February 28, 1983.

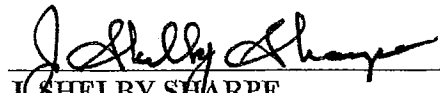
3.

Movants allege that no one in authority with the Diocese or the Diocesan Corporation hired or retained or requested Jonathan D.F. Nelson and Kathleen Wells to prosecute this suit on behalf of The Episcopal Diocese of Fort Worth and The Corporation of The Episcopal Diocese of Fort Worth and whoever did hire or retain them holds no position of authority in either entity based on the governing documents of each.

**WHEREFORE, PREMISES CONSIDERED,** Movants Franklin Salazar, Jo Ann Patton, Walter Virden, III, Rod Barber, Chad Bates and Jack Leo Iker and The Episcopal Diocese of Fort Worth pray that pursuant to Rule 12, Texas Rules of Civil Procedure, Jonathan D.F. Nelson and Kathleen Wells be cited to appear before this honorable Court to prove their authority to prosecute this suit on behalf of The Episcopal Diocese of Fort Worth and The Corporation of the Episcopal Diocese of Fort Worth by proving that the person or persons who

hired them had authority to do so and upon their failure to show that they were retained or requested by persons in lawful authority with these entities to prosecute this suit, that the Court strike the pleadings of Plaintiffs the Episcopal Diocese of Fort Worth and The Corporation for The Episcopal Diocese of Fort Worth.

Respectfully submitted,



J. SHELBY SHARPE  
State Bar No. 18123000  
SHARPE TILLMAN & MELTON  
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Fort Worth, Texas 76107  
Telephone: (817) 338-4900  
Facsimile: (817) 332-6818


ATTORNEYS FOR DEFENDANTS  
FRANKLIN SALAZAR, JO ANN  
PATTON, WALTER VIRDEN, III,  
ROD BARBER, CHAD BATES, AND  
JACK LEO IKER, AND THE  
EPISCOPAL DIOCESE OF FORT  
WORTH a/k/a/ THE ANGLICAN  
PROVINCE OF THE SOUTHERN  
CONE'S DIOCESE OF FORT WORTH

AFFIDAVIT

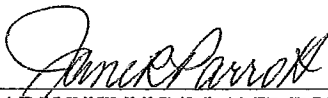
STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT §

On this day personally appeared before me JACK LEO IKER, Bishop of The Episcopal Diocese of Fort Worth, who, after being duly sworn, states the following:

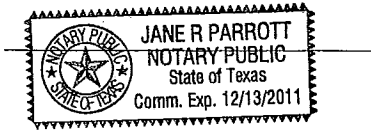
I am currently the Bishop of The Episcopal Diocese of Fort Worth and have been since January 1, 1995. I know of my own personal knowledge that no one in authority for the Diocese has retained or requested Jonathan D.F. Nelson and Kathleen Wells to file a suit on behalf of the Diocese and that any other individual who did authorize or request them to do so holds no position of authority with the Diocese that would authorize that person to retain or request any attorney to act on behalf of the Diocese for any purpose.

  
\_\_\_\_\_  
JACK LEO IKER

SWORN TO AND SUBSCRIBED BEFORE ME, on this 10<sup>th</sup> day of August, 2009, to certify which witness my hand and seal of office.

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

MY COMMISSION EXPIRES:



AFFIDAVIT

STATE OF TEXAS §  
  §  
COUNTY OF TARRANT §

On this day personally appeared before me FRANK SALAZAR, JO ANN PATTON, WALTER VIRDEN, III, ROD BARBER, CHAD BATES and JACK LEO IKER, who, after being duly sworn, state the following:

We know that we are the Trustees of The Corporation of The Episcopal Diocese of Fort Worth and have been in our offices since each of us was elected as a trustee by the Annual Convention of The Episcopal Diocese of Fort Worth; that we have never authorized nor requested Jonathan D.F. Nelson or Kathleen Wells to file any litigation on behalf of The Corporation of The Episcopal Diocese of Fort Worth; and that any other individual who did authorize or request them to do so holds no position of authority with the Corporation that would authorize that person to retain or request any attorney to act on behalf of the Corporation for any purpose.

Franklin Salazar  
FRANKLIN SALAZAR

Rod Barber  
ROD BARBER

Jo Ann Patton  
JO ANN PATTON

Chad Bates  
CHAD BATES

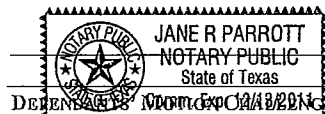
Walter Virden, III  
WALTER VIRDEN, III

Jack Leo Iker  
JACK LEO IKER

SWORN TO AND SUBSCRIBED BEFORE ME, on this 10<sup>th</sup> day of August, 2009, to certify which witness my hand and seal of office.

Jane R Parrott  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

MY COMMISSION EXPIRES:



DEFENDANTS' COUNSEL, ENGAGING THE AUTHORITY OF ATTORNEYS TO PROSECUTE  
THIS SUIT ON BEHALF OF THE EPISCOPAL DIOCESE OF FORT WORTH AND  
THE CORPORATION OF THE EPISCOPAL DIOCESE OF FORT WORTH

CERTIFICATE OF SERVICE

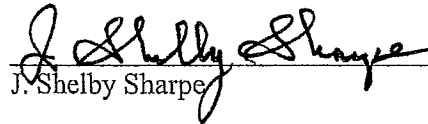
I hereby certify that a true and correct copy of the foregoing DEFENDANTS MOTION CHALLENGING THE AUTHORITY OF ATTORNEYS TO PROSECUTE THIS SUIT ON BEHALF OF THE EPISCOPAL DIOCESE OF FORT WORTH AND THE CORPORATION OF THE EPISCOPAL DIOCESE OF FORT WORTH has been served as required by Texas Rules of Civil Procedure, by certified mail, return receipt requested, on Jonathan D.F. Nelson or Kathleen Wells, and by regular mail on all other attorneys of record on this 19<sup>th</sup> day of August, 2009 as follows:

Jonathan D.F. Nelson  
JONATHAN D.F. NELSON, P.C.  
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Sandra Liser  
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J. Shelby Sharpe