

irreparably injured, because Presbytery will proceed to form an Administrative Commission to seize control of MDPC property or its operations or both. Such conduct by Presbytery would deprive MDPC of an adequate remedy at law in that an award of damages would not adequately compensate MDPC for the resulting harm to its ability to conduct its ministries.

The Court finds that the equities favor the issuance of this Temporary Restraining Order and that this Temporary Restraining Order is necessary to preserve the status quo between the parties pending a hearing on MDPC's request for a temporary injunction.

The Court further finds that this Temporary Restraining Order is properly granted without notice to Presbytery because of Presbytery's demonstrable incentive, ability and directions from the Presbyterian Church (U.S.A.) to immediately form such an Administrative Commission and endeavor to seize control of MDPC's operations.

IT IS THEREFORE ORDERED that the requested Temporary Restraining Order be and is hereby issued against the Presbytery of New Covenant, Inc., its officers, agents, employees, and counsel, and any persons or entities in active concert or participation with the Presbytery, or acting by or through the Presbytery or on its behalf or in its stead. This Temporary Restraining Order pertains to all Property held by or for Memorial Drive Presbyterian Church ("MDPC"), both immovable (real) together with all buildings and improvements thereon, and movable (personal), whether corporeal or incorporeal, wherever located, whether held by, for or in the name of MDPC (collectively "Property"), which real Property is more particularly described in the Appendix attached hereto. Presbytery is restrained from filing any documents in the mortgage and conveyance records of Harris County to assert ownership, use or control, or rights to determine ownership, use or control, to any real Property titled in the name of MDPC or to

assert a trust on behalf of Presbytery or other affiliated third party over real Property titled in the name of MDPC or otherwise held by or for MDPC the effect of which would be to place a cloud on the title of said real Property, or otherwise interfere with or disturb Plaintiff's ownership, use, control, or disposition of Plaintiff's Property, or interfere with Plaintiff's right to determine the ownership, use, control, or disposition of Property held by or for MDPC or held in the possession of, control of, or owned by or titled in the name of MDPC.

IT IS FURTHER ORDERED that the Presbytery of New Covenant, Inc., and any persons or entities in active concert or participation with it, on its behalf or in its stead, whether acting directly or indirectly, are temporarily restrained from taking any action that could affect the property rights of MDPC, including but not limited to:

- (a) seeking to change the locks of MDPC or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of MDPC which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) dissolving MDPC or appointing or initiating processes leading to the appointment of an administrative commission to assert original jurisdiction, directly or indirectly, over MDPC, the effect of which would be to assume control over the ownership, use, or disposition of the Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of MDPC, the governing body of Plaintiff (the session), the board of trustees, or any designees thereof in any way that pertains to the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of MDPC.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude Presbytery from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised in, prompted by, related to, or affecting

the ownership, control, use, or disposition of the Personal or Real Property held by, for or in the name of MDPC.

IT IS FURTHER ORDERED that the clerk is to issue notice to Defendant that the hearing on Plaintiff's application for a temporary injunction is set for the 18th day of March, 2015, at 3:00 pm. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits and a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in the amount of Five hundred dollars (\$500.00).

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fourteen days from the date it is entered, or until further order of this Court.

SIGNED this 7th day of March, 2016, at 11:07 am.

Evin E. Luceford
JUDGE PRESIDING