

4023

MINUTES, APRIL TERM, 1ST DAY OF MAY, 1952.

CHURCH OF GOD
(H. L. Chesser, Zeno C. Tharp et al)

VS.

THE TOMLINSON CHURCH OF GOD or
CHURCH OF GOD OF PROPHECY
(M. A. Tomlinson, J. R. Kinser, et al)

NO. 1891
IN THE CHANCERY COURT
BRADLEY COUNTY,
CLEVELAND, TENNESSEE

D E C R E E

This cause came on to be heard on this May 1, 1952, before the Court, Honorable G. W. Woodlee, Chancellor, presiding, upon the Petition of the Defendants seeking the right to employ and use the name "Church of God over which M. A. Tomlinson is General Overseer" or "Church of God, M. A. Tomlinson, General Overseer" and asking general relief; upon the answer of the Complainants; and, by agreement of counsel and the Court no proof being offered other than the record of the entire cause, upon the arguments or counsel. Having heard and considered same, the Court finds:

(a)

The legal name of the Defendant group is "Tomlinson Church of God" by virtue of earlier decree, but that they have the right to petition the Court for another or different name employing the words Church of God with distinctive and suitable prefix or suffix as appears provided by the decree of 1939 in this cause.

(b)

The Court further finds that the use by Defendants or Defendant group, of the suffix "over which M. A. Tomlinson is General Overseer" or "M.A. Tomlinson, General Overseer" is not proper because such suffix is not distinctive and has not and will not avoid confusion of Defendant group with the Complainant Church of God.

(c)

The name "Church of God of Prophecy" is a suitable name for the Defendant group provided that such name be used by Defendant group at all times and in its entirety, without any abbreviation,

in its secular affairs.

(d)

The record requires the granting of the interlocutory injunctive relief as to certain specific matters, prayed by Complainants.

It is therefore ordered, adjudged and decreed by the Court that the Defendants M. A. Tomlinson, J. R. Kinser, C.T. Davidson, D. H. Queener, C. R. Payne, and all other persons who are represented by them or any of them, or who are standing with and in like manner of any of said Defendants, or are members of the same Church or organization with the said Defendants, and all their agents, representatives, fellow members and successors, may use the name "Church of God of Prophecy" in the stead of the name "Tomlinson Church of God", provided the said name is used by the said Defendants at all times in its entirety in all their secular relations.

It is further ordered, adjudged and decreed by the Court that if the said Defendants fail to use the name "Church of God of Prophecy" then the said Defendants will use the name "Tomlinson Church of God."

The said Defendants will report in writing to this Court on or before August 1, 1952, reporting fully what steps they have taken to carry out and abide by this decree.

No change is made in the former decree in which the defendant church was decreed the name "Tomlinson Church of God", but the right granted the Defendants to use the name "Church of God of Prophecy" is granted as alternate relief.

It is further ordered, adjudged and decreed by the Court that the Defendants, acting individually or in concert, either in their persons or through agents, servants, contractors or persons whom they may instigate, persuade or influence to such acts, are hereby enjoined and required forthwith to cease and desist from doing or causing to be done any of the following acts:

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(1) Maintaining uncorrected in the Register's office of any county in the United States the record of a conveyance of real estate appearing to evidence that the Church of God has conveyed to trustees of any association of which M. A. Tomlinson is General Overseer real property described in such document, thereby keeping upon the public records a cloud upon the title of the real estate held by or for the Church of God.

(2) Maintaining signs using any appellation to designate the association of persons for whom the Defendants are acting except the appellation "church of God of Prophecy", and in particular from maintaining signs carrying the words "Church of God World Capital" or "Church of God, M. A. Tomlinson, General Overseer" to designate the activities of the association of which M. A. Tomlinson is Overseer.

(3) Maintaining telephone or city directory listing not in accordance with this decree.

(4) Selling, distributing or displaying for sale any publication of postcard, including any heretofore issued and placed in the hands of agents for sale, which indicate that they are issued by the Church of God or are published otherwise than in accord with the provisions of this decree.

(5) Causing advertisements, news stories, or other articles to be published in the Cleveland Daily Banner, or any other newspapers or magazine, or causing any oral utterance to be made over the radio station except in the name Church of God of Prophecy.

(6) Using stationery, envelopes, checks, or other printed or written matter referring to the association over which the Defendant Tomlinson is Overseer as the "Church of God" or by any name other than "Church of God of Prophecy."

All other matters are reserved.

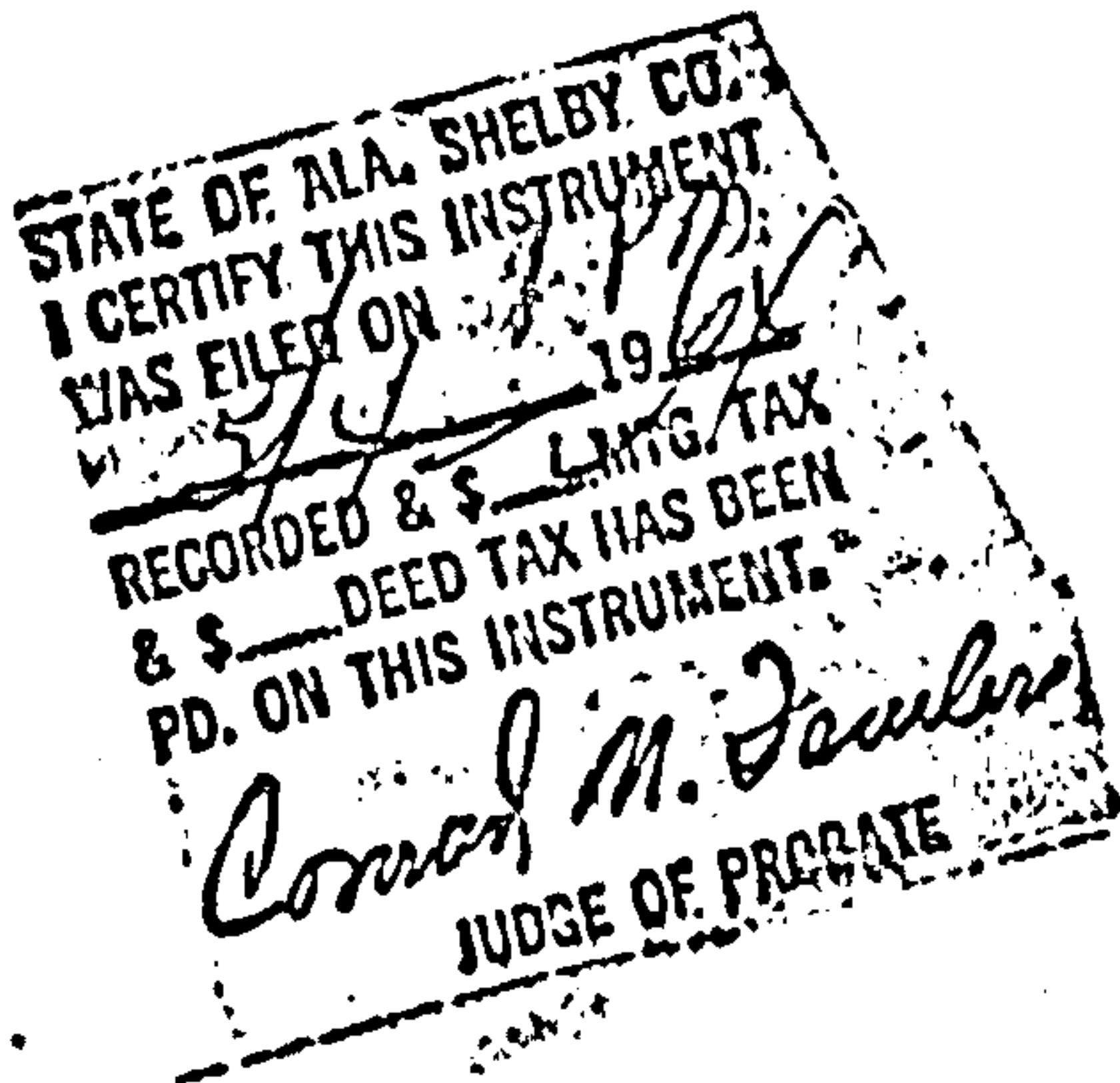
O.K.
Judge Albert Williams
Mayfield & Mayfield
Solicitors for Church of God

Daniel Duke
Virgil F. Carmichael
Solicitors for Petitioners

G. W. WOODLEE
CHANCELLOR

(See over for certificate)

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STATE OF TENNESSEE
COUNTY OF BRADLEY

I, R. M. TUCKER, Clerk and Master of the Chancery Court of said County, do hereby certify that the foregoing is a true and perfect copy of the Deed as the Court as said appears of record in my office in Record Book No. 230, Page 310.

Witness my hand and official seal, at office, in Cleveland, Bradley County, Tennessee, this 11 day of October 1965.

R. M. Tucker
Clerk & Master