

899/151

3683

RESOLUTION

Permanent to Division
V.V. Smith

899/151

1.
Whereas within recent months there has developed among
~~WHEREAS~~, within recent months there has developed among the present
members of ^{GENERAL ASSOCIATION} ~~General Association~~ of Davidian Seventh-Day Adventists, Mt.
Carmel Center, Waco, Texas, an Association ^{constituting a church} ~~constituting a Church~~, herein
sometimes referred to as ^{as} Association, a diversity ^{diversity} of viewpoints ^{viewpoints} on fun-
damental ^{issues} issues, for example, ^{whether} whether the Bible or the Shepherd's Rod
writings should be the final authority on matters of belief and doctrine;
and as a further example, a diversity of viewpoints exists as to what
constitutes the present purposes of said Association; and

WHEREAS, said Association cannot effectively, fairly and properly
continue its work under the circumstances and while being constantly
beset by such serious evidence of dis-unity among its present members;
and

2.

WHEREAS, the rights and interests of said present members in the
assets of said Association should be established and preserved and dis-
tributed in an equitable manner:

3.

NOW, THEREFORE, BE IT RESOLVED, that said General Association of
Davidian Seventh-day Adventists be, and the same is hereby, dissolved,
and shall henceforth cease to exist, and that the assets of said Asso-
ciation be liquidated and distributed to the members of said Associa-
tion as herein named and set forth and upon the terms and conditions
and in the manner herein set forth; and in order to properly consummate
such liquidation and distribution of net assets as aforesaid:

4
RESOLVED, that Tom Street of Waco, McLennan County, Texas, an
Attorney at Law, who has represented said Association for a period of
approximately twenty-five years and who is familiar with the practices,
procedures and properties of said Association, be, and he is hereby
appointed Trustee for the purpose of consummating liquidation and dis-
tribution as aforesaid, and that the relation existing between the

Margaret Robb, being

V. V. Smith Permanent Chairman

Margaret Baker, Secretary

5.

BE IT FURTHER RESOLVED that all the rights, titles and interests of said General Association of Davidian Seventh-Day Adventists in and to all properties of whatsoever nature, real, personal or mixed, wheresoever situated, be, and the same are hereby in all things vested in fee simple in the said Tom Street, Trustee, he to have, and is hereby granted, full right of the care, custody, possession and control of the same; and said Trustee is hereby granted full power and authority to do all things necessary and proper to effect liquidation of assets and final distribution of proceeds as herein set forth; and, without in anyway limiting the foregoing, said Trustee shall have power and authority in the name of said Association to collect, settle and adjust and pay claims and accounts, correct land titles, convey real estate and personal property, execute contracts, releases and all other documents necessary or proper as such Trustee, employ such assistance as may be necessary and pay costs of administration, liquidation and distribution; and further, without limiting the foregoing, said Trustee is hereby vested with all authority and powers set forth in Civil Statute of the State of Texas commonly known as Texas Trust Act, as now written and as may be hereafter amended; that said Trustee shall not be or become personally liable to anyone by virtue of his acts herein, except only for actionable fraud; and

6.

BE IT FURTHER RESOLVED that jurisdiction for the appointment of a successor Trustee and venue of such proceedings shall lie exclusively in a district court of Texas, sitting in McLennan County; and that exclusive venue shall lie solely in the County of McLennan, State of Texas, in any and all actions wherein any beneficiary herein, said Trustee, any officer or member of said Association shall be made a party thereto; and

7.

BE IT FURTHER RESOLVED that said Trustee shall from time to time as may be proper, submit to the beneficiaries of this trust a full and complete statement of receipts and disbursements, correctly reflecting the status of said trust estate; and

8.

BE IT FURTHER RESOLVED that the term "Trustee" as used herein shall refer to said Tom Street, Trustee, and any and all successor Trustees, and that the said Trustee shall secure and deliver for

V. Smith Permanent Chairman

Margaret Baber, Secretary

safekeeping to an officer of the First National Bank of Waco, Texas, a bond, with corporate surety, in the sum of \$250,000.00, to assure the faithful performance of said Trustee; and

9.

As a point of information to all considering this resolution, the member who has introduced this resolution has exercised his lawful and rightful parliamentary prerogative by informing the chairman that this resolution is to be voted on as originally written when introduced with one exception. The one exception being that the one who introduced this resolution agrees that any person's name may be added to said list of members as a correction, provided such person or persons are named as such by resolution duly adopted by this session; and

10.

Be it further resolved that upon sale of all or any part of real estate located in McLennan County, Texas, said Trustee shall make ample provision for tenants at Mt. Carmel, Waco, McLennan County, Texas, so that said tenants shall be permitted to continue to rent their present homes or apartments, if they so desire, until June 5, 1962, at the same rental rates presently in effect; and, at the option of said Trustee, from and after said date said Trustee may make such arrangements with said tenants and future tenants upon such terms and conditions as he may elect; and said Trustee is hereby given broad and general discretionary powers concerning all matters in this resolution contained; and

11.

Be it further resolved that said Trustee is authorized to send free of charge to any of said members copies of the booklet "Christianity From Retreat To Triumph" in such quantities as may be requested so long as available supply lasts; and

12.

Whereas all funds contributed as the first tithe have been completely exhausted and there remain on hand only assets comprising second tithe funds:

V. J. Smith Permanent Chairman

Margaret Boker, Secretary

13.

NOW, THEREFORE, BE IT RESOLVED that the members who are entitled to receive the net assets of the trust estate are those who (1) have been a first tithe paying supporter of said association since January 1, 1961, having paid in cash all, or any part of a first tithe to said Association since said date and who (2) has contributed in cash a second tithe in some amount since admission to membership in said Association; that distribution will be made on a pro-rata basis based upon the total amount of cash heretofore contributed by such member as a second tithe; that is to say, one who has contributed a total amounting to twice the amount contributed by another, shall receive twice the amount received by such other; that the members above referred to and who are entitled to participate in the distribution of the net assets of the trust estate and the total contributed to second tithe fund by each member are as follows:

SECOND TITHE CREDIT SUMMARY

October 31, 1961

VV Smith Permanent Chairman
 Margaret Baker, Secretary

NAME	AMOUNT	Field Workers 2nd Tithe
Adams, Dean	\$ 11.34	
Adams, Dwight	16.74	
Adams, Joyce	660.14	
Adams, Juanita	40.50	
Adams, Juel	44.75	
Adams, Lloyd E.	231.80	
Adams, Marie	2,864.97	
Alen, Mary	1,700.74	
Allen, Lucinda	174.64	
Anastasio, Mrs. Frances	1,235.68	
Atwood, O. A.	991.72	
Baker, Estelle	726.97	
Baker, Lena	540.24	
Baker, Margaret	1,926.56	
Banks, Mr. and Mrs. W.J.Sr.	586.74	
Banks, Mrs. Pauline	266.31	
Bergeron, Edward	59.82	
Berolinger, Mr. and Mrs. J.B.	3,218.42	
Bivens, Joan	152.22	
Bleth, John	1,513.10	
Bowman, Mrs. Audrey	471.09	
Boynton, Wince T.	1,293.06	
B reuer, Mrs. Anna	1,452.64	
Brooks, Arimenta	514.79	
Bucholz, Charlotte	17.45	
Bucholz, Mr. and Mrs. W. T.	631.72	
Cheever, Arvilla	10.30	
Cheever, Beulah	1,407.64	
Cheever, Harold	50.75	
Chronis, Lydia	87.90	
Clayton, Mr. & Mrs. Elliott	138.10	
Cochran, Mr. & Mrs. Ralph	1,887.25	
Cockrell, Johnnie Pearl	144.06	
Conner, Mrs. E. B.	105.36	
Conrad, J. O.	2,474.73	\$ 36.70
Conrad, Freda	2,308.82	
Corley, Mrs. R. L.	6.30	
Corley, Mr. and Mrs. R.M.	38.66	
Crearer, Roy	762.68	456.75
Cross, Mrs. Loren	192.84	
Curtis, Mr. and Mrs. H.	1,917.92	
Custer, Mr. and Mrs. J.R.	2,826.18	81.90
Dail, Naomi	1,367.81	
Dale, Eunice	70.34	
Davis, Mrs. Onie	274.00	
DeGroat, Brent	36.05	
Donaldson, Mrs. Alberta	3,565.78	
Ducharme, Henrietta	199.00	
Evans, Robert S.	380.52	
Feddersen, Mr. and Mrs. H.B.	2,879.40	
Felter, Mrs. Lauranelle	578.42	
Feyen, L. M.	638.13	
Flinta, C. Dan Jr.	1,061.57	425.77
Flinta, Mrl and Mrs. C.Dan	3,160.99	
Frederick, Mrs. Phyllis	18.52	
Georgel, Mrs. Paul	670.14	
Gibbon, Eli	1,876.75	
Glynn, Ann Marie	31.91	
Glynn, Mr. and Mrs. P. R.	82.61	
Glynn, Mr. and Mrs. W.A.	2,884.57	
Goett, Mrs. Ruth	2,441.30	
Goff, Mr. and Mrs. Dudley	1,388.05	1,239.22
Goff, Mr. and Mrs. Guilford	3,344.00	

V. V. Smith Permanent Chairman

W. H. Baber, Secretary

<u>NAME</u>	<u>AMOUNT</u>	<u>FIELD WORKERS</u> <u>2nd Tithe</u>
Goff, Mr. and Mrs. Wayne	470.14	252.06
Gray, Odell, Mr. and Mrs.	1,276.79	
Green, Mr. and Mrs. Glen	3,610.67	91.87
Green, Mr. and Mrs. Lyle	767.00	
Guillory, Mr. and Mrs. R.	453.10	
Hall, Mrs. Georgia	390.57	
Harkins, Mrs. Edith	116.48	
Harlan, Lillian	38.83	
Harris, Mrs. A. J.	10.18	
Hathaway, Mr. and Mrs. Jim	539.82	
Hay, Mrs. Edna	4,570.95	
Hein, Mrs. Louise	955.79	
Helman, Mr. and Mrs. C.W.	2,691.81	441.26
Henrie, Helen	99.40	
Hermanson, Jerry	21.22	
Hermanson, Mrs. Sopha	2,419.39	
Hermanson, Mr. & Mrs. T.O.	4,240.76	895.15
Herrera, L. R.	348.15	
Hersey, Mrs. Clarabel	2,300.89	
Heusser, Mr. & Mrs. George	2,178.87	
Hill, Miss Lucy	885.07	
Hines, Mrs. Daisy	1,035.67	
Holden, Mr. & Mrs. E. R.	355.76	
Hosea, Mrs. Mattie	51.90	
Houteff, Mrs. V. T.	3,706.16	
Howard, E. A.	1,727.80	
Hughes, Mrs. Anna	1,872.26	
Husvick, Mrs. Betty	585.09	
Hyatt, Mr. and Mrs. J.C.	101.30	
Jackson, Dorothy	62.29	
Jordan, Mrs. Mattie	777.92	
Joyce, Mr. and Mrs. Elmer	1,388.19	
Junker, Beverly	183.83	
Kelley, Barbara	682.07	
Kelley, John P.	975.85	
Kelley, Warren	535.60	
Kenyon, Crystal	115.40	
Kiessling, Mr. and Mrs. C.	203.00	
Kliewer, Mrs. Abbie	417.15	
Knipple, Jr., Mr. & Mrs. Jack	1,647.02	709.68
Knipple, Sr., Mr. & Mrs. Jack	2,531.79	526.05
Knipple, Richard	120.52	
Knipple, John	1,848.58	
Knipple, Richard	120.52	
Knudsen, Ragna	77.00	
Kyte, Mrs. Cora	775.55	
LaHey, Mr. & Mrs. Bruce	2,641.97	
Logan, Nancy	47.04	
Luce, Mr. & Mrs. Howard	1,028.94	
Lyons, Mr. and Mrs. C.C.	879.40	
Mahar, Mrs. Richard	14.13	
Marmon, Mrs. Edith	1,510.65	
McAmis, Mrs. Harvey	1,215.30	
Martin, Mrs. George	130.00	
Meachum, Ada	124.57	
Meisel, Mary	1,192.92	
Merriman, Mrs. Esther	229.60	
Miller, Mr. and Mrs. Clay	487.50	
Mitchell, B. B.	1,976.39	
Moses, Joanne	60.84	
Murphy, Joseph	1,000.00	
Murry, Mrs. Savannah	1,221.55	
Parkerson, Mrs. C. D.	163.40	
Patterson, J. H.	1,000.00	
Perry, Lucille	855.97	
Phillips, Mr. & Mrs. Paul	1,179.71	35.70
Potts, Mrs. Elaine	69.28	
Prest, Mr. and Mrs. G. A.	466.10	
Preston, Amy	71.24	
Purcell, Mrs. E. M.	2,375.46	

V. V. Smith Permanent Chairman

Margaret Baker, Secretary

<u>NAMES</u>	<u>AMOUNT</u>	<u>FIELD WORKERS</u> <u>2nd. Tithe</u>
Quackenbush, A.	2,026.95	
Raber, Mrs. Paul H.	1,292.05	
Rainey, Mrs. Ida	3,714.97	
Richert, Mr. and Mrs. H.	408.19	
Roberts, Bertha	677.24	
Rosselot, Miss Edith	127.40	
Ruffing, Lena C.	920.00	
Ruffing, Mr. and Mrs. Marvin	726.30	
Ryder, Mr. and Mrs. William	167.60	
Saether, Mr. & Mrs. G. W.	4,471.51	135.44
Schulden, Mr. and Mrs. Clem	175.00	
Sealy, H. C.	1,960.91	340.19
Shaub, Mrs. J. D.	115.09	
Smith, Mr. and Mrs. C. T.	3,550.40	
Smith, George	2,775.37	
Smith, Mrs. Gerald	171.31	
Smith, Mr. and Mrs. L.S.	2,601.98	
Smith, Mr. and Mrs. Sidney	4,202.28	
Smith, Stella	124.82	
Smith, Vanoy Henry	342.12	
Smith, Mr. and Mrs. V. V.	3,242.43	1,190.74
Smith, Mr. and Mrs. Walter	1,074.90	
Snipes, Marilyn	106.88	
Springer, Mr. & Mrs. J. D.	14,600.91	
Springer, Verna	13.68	
Springer, Mr. & Mrs. Wendell	1,173.28	
Stricklin, Mr. and Mrs. W.P.	735.17	
Syphers, Mr. and Mrs. N.J.	3,853.98	519.75
Talley, Mrs. Henry D.	31.76	
Thompson, Mr. and Mrs. Tommy	2,793.84	
Thompson, Mr. and Mrs. Tyrone	1,159.21	
Thompson, Mr. and Mrs. J. D.	1,159.21	
Trapp, William	255.36	
Turner, Mrs. Violette	998.28	
Walker, Mrs. Margaret	3,451.89	
Webb, Fleta B.	21.00	
Weeks, Martha	26.28	
Weibusch, Helen	1,362.10	
Wessel, Lena	27.00	
Wickham, Mrs. J. D.	1,159.21	
Wilson, Mrs. Donna	14.68	
Windley, Frances	332.01	
Wolf, Herbert	9.38	
Wolfe, Jim	121.81	
Wolfe, Mr. and Mrs. M.W.	3,917.81	
Woods, Claudie Mae	538.26	519.75
Wormell, Mrs. Helen	586.19	
Wyman, Mary Jestena	72.75	

V. J. Smith Permanent Chairman

Margaret Baker, Secretary

14.

BE IT FURTHER RESOLVED that in distribution to members by said Trustee, checks by said Trustee payable to a minor or incompetent person shall nevertheless constitute a full and complete satisfaction of the claim of such minor or incompetent to the extent of the distribution being then made; except however that if said Trustee be notified by letter addressed to him at P. O. Box 94, Waco, Texas, to the effect that such person or persons be a minor or incompetent, then issuance of check by said Trustee to such minor or incompetent person, and payable as well to a parent, natural guardian, guardian or judge of a court of record of the State of the residence of such minor incompetent, shall constitute payment to such person in the amount of such check.

15.

BE IT FURTHER RESOLVED that the following are preferred claims which shall be provided for and established before any disbursement to members, namely:

- (1) Bequeathment Certificates: the amounts evidenced by such Certificates shall be paid to the respective parties entitled thereto (Total amount \$6611.79):
- (2) Savings accounts of four persons (Total amount \$574.48, no interest to be paid)
- (3) Said Trustee shall set over to First National Bank of Waco, Texas, the sum of \$25,000.00 to be held in trust by said bank as Trustee. Said Trustee shall on or about the first day of each month, beginning April 1, 1962, pay to the following named six persons the amounts set out, namely:

Mrs. Irena Allen -- \$50.00
c/o Mrs. Helen Wormell
3311 Durango Avenue
Los Angeles 34
California

Dr. W. S. Butterbaugh -- \$29.00
Canada Nursing Home
1011 N. 15th Street
Waco, Texas

L. W. Nations -- \$125.00
Salem, South Carolina

V. A. Smith Permanent Chairman

Margaret Barker, Secretary

Mrs. Pauline Payne --- \$35.00
628 Colcord
Waco, Texas

Mrs. Ida Pushback --- \$73.00
c/o J. D. Springer
Yoder, Wyoming

Mr. and Mrs. Arthur Toliver --\$30.00
Salem, South Carolina

Monthly payments shall continue for the life of each person in the amount stated, unless said trust fund and the increase thereof be sooner exhausted. In the event funds remain in said trust account upon the death of the last survivor of said above named persons, such residue shall pass to Salvation Army, Waco, Texas, office, for use in the Waco area in such manner as said Salvation Army may elect.

16.

BE IT FURTHER RESOLVED that all funds of said Association on deposit in banks or depositories in foreign countries are hereby released to a committee of two or more members of said Association located in said foreign countries, respectively, and such banks and depositories are hereby released from all liability upon payment to persons having authority or apparent authority to receive the same. And, having full faith and confidence in such persons, they are hereby authorized to dispose of such funds in such manner as to them may appear fair and equitable under the circumstances in said several countries existing.

Respectfully submitted to the permanent chairman of the second special session of Davidian Seventh-day Adventists at Mt. Carmel Center, Waco, McLennan County, Texas, on this the eleventh day of March 1962.

By *John P. Kelley*

12, the undersigned V. V. Smith, the duly elected and acting permanent Chairman of the Second Special Session of General Association of Davidian Seventh-Day Adventists, held at Mt. Carmel Center, Waco, McLennan County, Texas, on March 11, 1962, which was commenced at 9:00 o'clock A.M., Margaret Baker, the duly elected and acting Secretary of said Session, both so elected by the members there assembled, M. W. Wolfe and Mary Alen, members of the Executive Council, the Governing Body of said Association, hereby certify that the document attached hereto consisting of six numbered pages, sixteen numbered paragraphs and three unnumbered pages reflecting names of members entitled to participate, beginning with the name Adams, Dean, and ending Wyman, Mary Jestena, and reflecting four deletions which were made prior to submission, is the original copy of resolution submitted by John P. Kelley, a member of said Association, and that the same duly seconded, discussed and by written ballot was adopted by a vote of more than ninety per cent.

We further certify that the time and place of said Special Session was designated by the Executive Council of said Association and notice thereof published in The Symbolic Code, the official organ of said organization, in two consecutive issues before the date of the opening of said Special Session, namely, February, 1962, issue mailed or handed to all members of said organization on February 12, 1962, and March, 1962, issue mailed or handed to all members of said organization on February 20, 1962, and that a quorum was present and voting.

We further certify that all acts necessary and required to be done prerequisite to the holding of said Special Session were properly performed and in keeping with the provisions of The Leviticus of The Davidian Seventh-day Adventists, which is the Constitution and By-Laws of said General Association of Davidian

Seventh-Day Adventists; that said Special Session was held and conducted in a fair, lawful and impartial manner and in keeping with the provisions of said Constitution and By-Laws and there being no further business to come before the said Session, the same was adjourned at 7:00 o'clock P.M., March 11, 1962.

The undersigned Tom Street certifies that the foregoing facts stated are true and correct and that he has accepted the appointment of Trustee as set forth in said resolution.

To certify the truth of all the foregoing, witness our hands under oath this the 11th day of March, A. D. 1962.

Margaret Baker
Margaret Baker, Secretary

V. V. Smith
V. V. Smith, Chairman.

M. W. Wolfe
M. W. Wolfe, Member of the
Executive Council

Mary Alen
Mary Alen, Member of the
Executive Council

Tom Street
Tom Street, Trustee

NOTARIAL SEAL
impressed

Subscribed and sworn to before me by Margaret Baker, V. V. Smith, M. W. Wolfe, Mary Alen and Tom Street, this the 11th day of March, A. D. 1962.

Helen Steig
Notary Public, McLennan County, Texas

THE STATE OF TEXAS
COUNTY OF MCLENNAN

BEFORE ME, the undersigned authority, on this day personally appeared MARGARET BAKER, V. V. SMITH, M. W. WOLFE, MARY ALLEN and TOM STREET, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of March, A. D. 1962.

Helen Steig
Notary Public, McLennan County, Texas

NOTARIAL SEAL
impressed

Filed for Record on the 14 day of March
Duly Recorded this 15 day of March

62 4:40 P.M.
62 9:10 A.M.

FLOYD MITCHELL, County Clerk
McLennan County, Texas

Maggie C. Bonar Deputy