



AlaFile E-Notice

03-CV-2014-901708.00

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

BOARD OF DEACONS SHILOH MISSIONARY BAPTIST CHURCH ET AL V. JUAN D. MCF
03-CV-2014-901708.00

The following complaint was FILED on 10/14/2014 10:35:38 AM

Notice Date: 10/14/2014 10:35:38 AM

TIFFANY B. MCCORD
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL 36104

334-832-1260

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
03-CV-201

Date of Filing:
10/14/2014



ELECTRONICALLY FILED
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03-CV-2014-901708.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
TIFFANY B. MCCORD, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF MONTGOMERY COUNTY, ALABAMA

BOARD OF DEACONS SHILOH MISSIONARY BAPTIST CHURCH ET AL v. JUAN D. MCFARLAND MR. ET AL

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture
Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory
Judgment/Injunction Election Contest/Quiet Title/Sale For
Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN: F **INITIAL FILING**

A **APPEAL FROM
DISTRICT COURT**

O **OTHER**

R **REMANDED**

T **TRANSFERRED FROM
OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? Yes No

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: SHI006 10/14/2014 10:35:41 AM /s/ KENNETH SHINBAUM

MEDIATION REQUESTED: Yes No **Undecided**



**IN THE CIRCUIT COURT OF
 MONTGOMERY, COUNTY, ALABAMA**

BOARD OF DEACONS OF THE)	
SHILOH MISSIONARY BAPTIST)	
CHURCH AND THE BOARD OF)	
TRUSTEES OF SHILOH MISSIONARY)	
BAPTIST CHURCH)	CV: _____
)	
Plaintiffs)	
)	
vs.)	
)	
JUAN D. MCFARLAND, an)	
individual and MARC ANTHONI PEACOCK,)	
an individual)	
)	
Defendants.)	

**COMPLAINT FOR DECLARATORY JUDGMENT,
 INJUNCTIVE RELIEF AND PETITION FOR
 PRELIMINARY AND PERMANENT INJUNCTION**

PARTIES OF VENUE

1. The Plaintiff, The Board of Deacons of Shiloh Missionary Baptist Church, is the official governing body of Shiloh Missionary Baptist Church, located at 452 Cramer Ave., Montgomery, Alabama 36106, and the Board has voted 12-0 (with a quorum present) to bring this suit to carry out the resolutions adopted by the membership of Shiloh Missionary Baptist Church on October 5, 2014. The Shiloh Missionary Baptist Church is governed by the National Baptist Convention, USA, located in Nashville, Tennessee.
2. The Plaintiff, the Board of Trustees of Shiloh Missionary Baptist Church, is an official body of Shiloh Missionary Baptist Church, located at 452 Cramer Ave., Montgomery, Alabama 36106, and the Board has voted 7-0 (with a

quorum present) to bring this suit to carry out the resolutions adopted by the membership of Shiloh Missionary Baptist Church on October 5, 2014.

3. The Defendant, Juan D. McFarland, is an individual over 19 years of age and resides in Montgomery, Alabama.
4. The Defendant Marc Anthoni Peacock, is an individual over 19 years of age and resides in Montgomery, Alabama.
5. The Court has subject matter jurisdiction of this matter in this action, because the amounts in controversy exceed the minimum jurisdictional amount of the Court, and the Plaintiffs are seeking equitable relief.

FACTUAL ALLEGATIONS

6. The Shiloh Missionary Baptist Church is governed by the National Baptist Convention, USA, located in Nashville, Tennessee.
7. A majority vote of a quorum of the members controls the actions of the Shiloh Missionary Baptist Church. A quorum of the membership is either a majority of the members or, on some occasions, can be two-thirds of the members.
8. On October 5, 2014, there was a quorum of members present, at Shiloh Missionary Baptist Church with more than two-thirds of the eligible voting membership present. At said meeting, the Shiloh Missionary Baptist Church, by a vast majority of the vote: (1) determined that the constitution and by-laws that the Defendant, Juan D. McFarland, attempted to pass in January 2013, was not officially passed, and then declared null and void, as if never passed; (2) terminated and dismissed Juan D. McFarland as Pastor of Shiloh Missionary Baptist Church; and (3) declared and reaffirmed that Nathan

Williams, Jeffrey Reese, Lee Sanford, James Long, Samuel Rose, Winston Smith, Julius Wilson, Woodrow Wilson, Ronald Pettway, Foster Summerfield, Anderson Charles, Oberly Wimberly, John Nettles, Shelton Hamilton, Paul Seargeant and Donald Favors, were the members of the Board of Deacons of Shiloh Missionary Baptist Church.

9. On January 2013, the Defendant Rev. Juan D. McFarland attempted to pass a constitution and by-laws; however, he did not give advance notice that a vote was to be taken on the constitution. Further, a quorum of members was not present, since less than 25% of the membership was present.
10. At said time, the Defendant Juan D. McFarland kept hidden and secret from the membership of Shiloh Missionary Baptist Church that he was a believer of sexual ungodliness, in that he was engaging in such acts in the church building, contrary to the doctrinal statements stated in said constitutions.
11. At said time, the Defendant Juan D. McFarland kept hidden from the membership of Shiloh Missionary Baptist Church that he had misappropriated church funds.
12. Despite the church membership properly dismissing and terminating Juan D. McFarland as Pastor, the Defendant, Juan D. McFarland has refused to step down as Pastor, and with the assistance of Defendant, Marc Anthoni Peacock, has changed the locks on the doors of the church, and has changed the names on the church's bank account at Regions Bank.
13. The Defendant Juan D. McFarland attempted to change the by-laws and constitution of the Shiloh Missionary Baptist Church by deception in an

attempt to prevent the Shiloh Missionary Baptist Church from terminating him as Pastor, in the event the church members discovered his debauchery, sinfulness, hedonism, sexual misconduct, dishonesty, thievery and rejection of the Ten Commandments.

14. After the membership of Shiloh Missionary Baptist Church terminated the Defendant, Juan D. McFarland as Pastor of the church by an 80 to 1 vote (during which there were approximately 125 church members present) the Defendant, Marc Anthony Peacock informed the Board of Deacons that, if they tried to attend the church, he would use “castle law”, meaning that he would shoot them, if they tried to attend the church.
15. The vast majority of the members of Shiloh Missionary Baptist Church are afraid to go to church for the fear of violence being perpetrated upon them by the Defendants, Juan D. McFarland and Marc Anthony Peacock.

COUNT I

16. The Plaintiffs restate the above foregoing paragraph numbers 1-14 of the Complaint, as if fully set forth herein.
17. The Defendants have refused to recognize that Juan D. McFarland has been terminated and dismissed as Pastor of Shiloh Missionary Baptist Church.
18. The Defendants, through their threats, are keeping the vast majority of the membership of Shiloh Missionary Baptist Church from attending church services.

19. The Defendants, through their thievery and fraudulent processes, are attempting to take and convert property, money, and accounts that belong to Shiloh Missionary Baptist Church.
20. Without injunctive relief, Plaintiffs will suffer immediate and irreparable injury.
21. The Plaintiffs have no adequate remedy of law.
22. Plaintiffs are likely to succeed on the merits of their case.
23. Any hardship or burden imposed on Defendants will not unreasonably outweigh the benefit to the Plaintiffs.

Wherefore Premises Considered, the Plaintiffs request that this Honorable Court enter an order (1) enjoining the Defendant, Juan D. McFarland from acting as Pastor of the church, and enjoining the Defendant Marc Anthoni Peacock from acting in an official capacity in the Shiloh Missionary Baptist Church; (2) enjoining the Defendants from making any threats or taking any action to prevent the Plaintiffs and the church members of Shiloh Missionary Baptist Church from attending Shiloh Missionary Baptist Church; (3) ordering the Defendants to allow the Plaintiffs to change the locks on the doors and offices of Shiloh Missionary Baptist Church; (4) ordering the Defendants to inform Regions Bank to change the names on all bank accounts at Regions Bank back to the way they existed on October 1, 2014, and (5) enjoining the Defendants from taking any action with respect to the property of Shiloh Missionary Baptist Church, including but not limited to a Mercedes Benz vehicle belonging to the church.

COUNT II

24. The Plaintiffs restate the above and foregoing paragraphs of the Complaint as if fully set out herein.
25. There exists a controversy between Plaintiffs and Defendants regarding who is or is not the Pastor of Shiloh Missionary Baptist Church and who has the authority to act on behalf of the church membership of Shiloh Missionary Baptist Church concerning church business and religious matters.

Wherefore, Plaintiffs request that the Court grant this and such other relief to which they may be entitled.

Respectfully Submitted,

/s/ Kenneth Shinbaum
Kenneth Shinbaum
Attorney for Plaintiffs

/s/ Julian McPhillips
Julian McPhillips
Attorney for Plaintiffs

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