

STATE OF MAINE
KENNEBEC, SS.

PROBATE COURT
DOCKET NO.

CALVARY TEMPLE, A RELIGIOUS)
AND EDUCATIONAL CORPORATION,)
ORGANIZED UNDER THE LAWS OF)
THE STATE OF MAINE,)

VS.

ANDREW KETTERER, IN HIS CAPACITY)
AS THE ATTORNEY GENERAL OF THE)
STATE OF MAINE)

TRUSTEE'S VERIFIED
COMPLAINT TO
TRANSFER ASSETS TO
SEACOAST VINEYARD
CHRISTIAN FELLOWSHIP,
INC., 501(c)(3) NON-
PROFIT CORPORATION
**IN RE: THE
J. RUSSELL HUDSON
CHARITABLE TRUST**

NOW COMES Calvary Temple, Trustee of the J. Russell Hudson

Charitable Trust, and pleads as follows:

1. J. Russell Hudson of Winthrop, Maine, by deed dated November 1, 1971 and recorded in the Kennebec County Registry of Deeds in Book 1568, Page 31, conveyed a 600 acre parcel of land with buildings thereon to Bethany Fellowship, Inc. of Minneapolis, Minnesota. A true copy of the deed is attached as Exhibit A.

2. The aforesaid conveyance was made subject to a charitable trust as follows:

Said premises are hereby transferred to and accepted by the Grantee in Trust to be used for the religious and educational purposes of the Grantee, and in case the Grantee corporation be dissolved, the real estate herein conveyed shall be transferred to a similar tax exempt corporation to be selected by the Board of Trustees of Bethany Fellowship, Inc. The Grantee shall have the right to mortgage any portion of the land free of trust without license of Court. Said Grantee shall maintain the principal buildings on said premises in a reasonably good condition at all times. Broadview Farm shall constitute a Memorial to Edward G. Hudson and Sadie L. Hudson, and Piney Heights Farm and the former Rand property a Memorial to Caroline Doane Hudson and the Grantor, with a bronze plaque erected on said properties to this effect.

3. J. Russell Hudson died January 13, 1972, testate, and his will was probated in the Kennebec County Probate Court in Docket #43230.

4. The Plaintiff, Calvary Temple, was named Successor Trustee by order of the Kennebec Superior Court in the Case of Bethany Fellowship et al v. Attorney General of the State of Maine et als, Civil Action Docket No. 80-620 by order dated August 3, 1981, and the trust property was conveyed to Calvary Temple by deed dated August 24, 1981 and recorded in the Kennebec Registry of Deeds in Book 2430, Page 19. A true copy of the Order and the deed are attached hereto as Exhibit B-1 and B-2.

5. The aforesaid Order of Court terminating the responsibilities of Bethany Fellowship as Trustee and appointing Calvary Temple as trustee was

based upon a Joint Petition of Bethany Fellowship and Calvary Temple recognizing that:

- A. Bethany Fellowship had corporate offices outside the State of Maine and found it “inconvenient, expensive and a burden upon its other resources devoted to religious and education purposes to administer the trust property.”
 - B. Calvary Temple is a Maine nonprofit corporation organized and existing under the laws of the State of Maine for religious and education purposes, and is located at Waterville, Maine where it maintains a house of religious worship and conducts programs in religious education.
 - C. The “religious and education purposes” of Bethany Fellowship as defined in Article II of its Constitution and By-Laws are the same as those of Calvary Temple and are as follows:
 - i. To exalt the Lord Jesus Christ by proclaiming the full salvation wrought on Calvary which includes the forgiveness of sins, purity of heart and a fruitful life expressed in obedience to His command ‘Go ye into all the world and preach the gospel to the whole creation.’
 - ii. To establish, maintain and operate a Bible and Missionary Training Institute and other schools for the teaching and training of missionaries and ministers of the gospel and Christian leaders and workers in other professions and occupations of life. And to call, ordain, and send forth such ministers, missionaries and religious leaders and workers.
6. Calvary Temple has operated the trust property under the name of “Bethany Acres” since 1981 as a Christian therapeutic center, initially for adolescent drug addicts, then for adult drug addicts and finally for mentally ill persons. A part of the program included vocational education to prepare the clients for employment opportunities when they

left Bethany Acres. The vocational education program included farming (dairy, vegetable garden, orchard, forest management, hay) catering, printing, and microfilming. For purposes of complying with the Rules and Regulations of the Internal Revenue Service, the Trust Agreement was amended with the consent of the Maine Attorney General on July 6, 1983. A true copy of the Addendum to J. Russell Hudson Trust Agreement and the IRS determination letters dated November 14, 1983 and July 19, 1985 are attached as Exhibits C, D and E respectively.

7. From the date of its assumption of duties as Trustee of the J. Russell Hudson, Trust, Calvary Temple has expended considerable sums of its own funds totaling more than Three Hundred Thousand (\$300,000.00) Dollars to fund the facilities and ministries at Bethany Acres. This sum includes approximately One Hundred and Fifty-Six Thousand (\$156,000.00) Dollars that Calvary Temple expended to fund the facilities at Bethany Acres, including, without limitation, a reimbursement to Bethany Fellowship, Inc. of the sum of Seventy-Five Thousand (\$75,000.00) Dollars which it had invested in improvements to the Bethany Acres property prior to the termination of Bethany Fellowship, Inc.'s trust duties.

8. Calvary Temple now finds that it lacks sufficient funds to further invest in the buildings at Bethany Acres, all of which are in a state of disrepair and for which substantial sums would be required to complete rehabilitation.

9. Continued operation of Bethany Acres by this Trustee under the present circumstances and for those charitable purposes envisioned by the Grantor, J. Russell Hudson, is unfeasible. However, the purposes of the Trust to support the proclamation of the gospel of Jesus Christ and religious and educational training can be met by the Seacoast Vineyard Christian Fellowship, Inc., a Massachusetts non-profit corporation operating under §501(c)(3) of the Internal Revenue Code, of 22 Main Street, Salisbury, MA 01952 ("Seacoast"), which has entered into a memorandum agreement to carry out the terms of the Trust. This Agreement has received the consent of the Board of Elders and the full congregational vote of Calvary Temple all as set forth in the vote attached hereto as Exhibit F.

10. The religious purposes of Seacoast are the same or substantially similar to those of Calvary Temple and Bethany Fellowship as set forth in Paragraph 5 (C) hereinabove.

11. Seacoast has agreed to accept the transfer of the assets of this Trust and to assume the duties, privileges and responsibilities as Trustee of the Trust, as set forth in the original Deed of Trust. The Letter of Acceptance of Trust Duties of Seacoast is attached hereto as Exhibit G.

12. Evidence of the financial ability of Seacoast to carry out the terms of the Trust as the Trustee is set forth in the Business Plan a true copy of which is attached hereto as Exhibit H (includes 501(c)(3) determination and Articles of Organization).

13. The Attorney General of the State of Maine is named as the Defendant in this proceeding as the party responsible to enforce the due application of funds given or appropriated to public charities within the State and to prevent breaches of trust in the administration thereof under 5 M.R.S.A. §194.

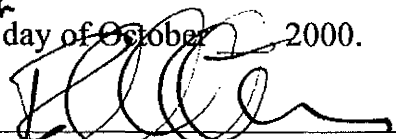
WHEREFORE, the respondent prays for its order as follows:

1. For an Order authorizing the Transfer of assets from Calvary Temple, Trustee of the J. Russell Hudson Trust to Seacoast Vineyard Christian

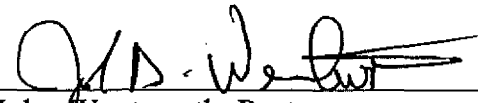
Fellowship, Inc and authorizing Calvary Temple to execute and record a deed conveying said property to Seacoast Vineyard Christian Fellowship, Inc. in the form attached hereto as Exhibit I.

2. For such other and further relief as this Court deems just and equitable.

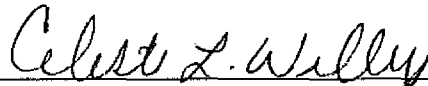
Respectfully submitted this 18th day of ~~October~~ 2000.


Robert B. Gregory, Esq.
PO Box 760
Damariscotta, ME 04543
207-563-8104
Maine Bar #2268
Counsel for Calvary Temple, Trustee

Verification


John Wentworth, Pastor
Calvary Temple
60 West River Road
Waterville, ME 04901

Personally appeared John Wentworth, Senior Pastor and Chairman of the Board of Calvary temple, and made oath to the truth of the allegations set forth in this complaint which the affiant stated are based upon his personal knowledge after examining the records of Calvary Temple concerning it administration of the J. Russell Hudson Charitable Trust.


Notary Public/Attorney at Law

CELESTE L. WILLEY
Notary Public, Maine
My Commission Expires December 11, 2001

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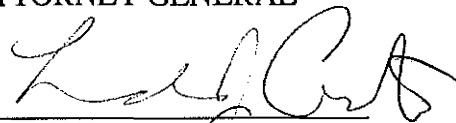
CALVARY TEMPLE,)
)
 Plaintiff)
)
 v.) RESPONSE OF ATTORNEY GENERAL
)
 ATTORNEY GENERAL,)
)
 Defendant)

NOW COMES G. STEVEN ROWE in his capacity as Attorney General of the State of Maine and responds to the Complaint as follows:

1. The Attorney General is a party-in-interest in this matter pursuant to 5 M.R.S.A. § 194 and the powers vested in him by common law.
2. The Attorney General has received and reviewed a copy of the Complaint in this matter.
3. The Attorney General submits to the jurisdiction of this Court and hereby appears in this action, waiving service of process.
4. The Attorney General has no objection to the granting of the relief requested in the Complaint.

Respectfully submitted,

G. STEVEN ROWE
ATTORNEY GENERAL



Linda J. Conti
Me. Bar No. 3638
Assistant Attorney General
State House Station 6
Augusta, Maine 04333
(207) 626-8800

Dated: February 21, 2001