

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SPIRIT & TRUTH CHURCH, et al.,)	No. ED100421
Plaintiffs/Respondents,)	
)	Appeal from the Circuit Court
vs.)	of St. Louis County
)	
MARK BARNABY, et al.,)	Hon. Richard C. Bresnahan
Defendants/Appellants.)	Filed: April 29, 2014

This is an appeal from the trial court's summary judgment declaring the status and positions of various members of the Spirit and Truth Church. Mark Barnaby, who was pastor and president of the Church's board of directors, purported to remove from membership in the Church the other two directors on the board, thereby disqualifying them from service on the board, and then appointed two new directors. The trial court concluded that those actions were void and of no force and effect. The court held that the ousted members retained their status as Church members and directors and that their subsequent removal of Barnaby as pastor and board president was valid. Barnaby and the directors he appointed appeal.

REVERSED.

Division Two holds: Because the issue in this case—whether Church bylaws are inconsistent with the Missouri Nonprofit Act—requires only the application of religiously neutral principles of civil law, this Court has subject matter jurisdiction over the case without infringing on the parties' First Amendment rights. The bylaw giving Barnaby unilateral authority to remove members is not inconsistent with the Act. The Act expressly exempts churches from the one provision therein that regulates member expulsion. Moreover, the Act expressly allows for bylaws that give an individual the authority to appoint and remove directors without board action. Barnaby had such authority under the bylaws. Therefore, the fact that Barnaby's unilateral removal of members resulted in their removal from the board cannot be deemed inconsistent with the Act.

Opinion by: Robert G. Dowd, Jr., J
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: James A. Beckemeier

Attorneys for Respondent: Mark E. Goodman, Amy Lynn Fehr

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