

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

November 22, 2016

HUD Case No.:

Claimants: John and Mary Agria; Marjorie Andress Bayes; Donald N. Duquette; Wesley David and Lois Hager; and other members of, or applicants for membership in, Bay View Association of the United Methodist Church

v.

Respondents:

The Bay View Association of the United Methodist Church (“Bay View”), a Summer Resort and Assembly Association organized under Act 39 of the Public Acts of 1889, MCL 455.51 et seq.

and

Bay View Real Estate Management, Inc., a corporation and wholly-owned for-profit subsidiary of Bay View, organized under the Business Corporation Act, Act 284 of the Public Acts of 1972, MCL 450.1101 et seq

CLAIMANTS’ MEMORANDUM OF FACTS AND LAW

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Donald N. Duquette is a licensed attorney in Michigan. Arthur I. Anderson is a licensed attorney in Massachusetts. Both are lease-holding members of Bay View. Although this Memorandum of Facts and Law (the “Memorandum”) is submitted in support of the Claimant’s contentions, it is not intended to create an attorney-client relationship between the Claimant and the authors of the Memorandum. By submitting the Memorandum to the HUD, the Claimant expressly acknowledges that there is no attorney-client relationship between the Claimant and the authors of the Memorandum.

CLAIMANTS' MEMORANDUM OF FACTS AND LAW

I.

MATTERS NEW AND DIFFERENT FROM PREVIOUS COMPLAINTS OF RELIGIOUS DISCRIMINATION AGAINST BAY VIEW ASSOCIATION

In 2014 a number of persons filed complaints with the Michigan Department of Civil Rights alleging religious discrimination by the Bay View Association. Those complaints were denied “for insufficient evidence respondent is anything other than a religious organization that is exempt.” (See Attachment 1) This present complaint, and others like it filed in 2016, present new and different facts and arguments from those considered previously. These new developments not only provide additional and separate grounds for finding that the Bay View Association must comply with existing civil rights laws but also present previously considered issues in quite a different light.

1. In its 2014 review MDCR did not fully address whether the Bay View Association is a legislatively authorized entity with government powers (and responsibilities) as delegated by the enabling statute, Act 39 of 1889, MCL 455.51 et. seq. As such the Association is bound by existing civil rights laws, including constitutional and statutory prohibitions against religious discrimination.
2. A Memorandum from U.S. Department of Housing and Urban Development by Courtney Minor, dated April 25, 2014, was not fully considered, if considered at all, by MDCR. (See Attachment 2) That memo concluded that Bay View is *not* a religious organization, such as a church, and narrows the issue by recommending further investigation to determine whether the United Methodist Church “operates, supervises or controls” the Bay View Association and whether the alleged discrimination is ongoing.
3. In 2015 the Michigan Court of Appeals held that Bay View is not organized chiefly for charity. (See Attachment 3) To the contrary, the court held that “petitioner’s primary purpose is to provide an exclusive summer vacation community to those who meet its restrictive membership requirements and have the financial means to purchase a summer

cottage.” *Bay View Association v. Township of Bear Creek and the Department of Treasury*, February 5, 2015, No. 317714.

4. On October 28, 2015, Bay View established a for-profit subsidiary, “Bay View Real Estate Management Inc.” (LARA ID Number: 06721D) that manages the real estate activities for the Association, including those related to the cottages and leaseholds. (See Attachments 4 and 5) A for-profit corporation must comply with U.S. and Michigan civil rights laws.
5. On September 28, 2016, the Michigan Department of Licensing and Regulatory Affairs (LARA) accepted Restated Articles of Association that excluded certain amendments that had been adopted by the Bay View membership (the “Methodist Control Amendments”) because those amendments were inconsistent with the enabling statute. (See Attachment 6: Email from LARA to Bay View dated September 15, 2015, rejecting one of the Methodist Control Amendments.)¹ The Methodist Control Amendments were originally passed in August 2015 and posted on Bay View’s website shortly thereafter in Restated Articles of Association (See Attachment 7)² but were only recently filed with LARA. The Methodist Control Amendments would have given the United Methodist Church control of Bay View’s affairs, including the right to prevent certain amendments of Bay View’s Articles of Association without the Church’s approval. Upon review of the Methodist Control Amendments, LARA found that there is no statutory provision permitting such control by the Church. The LARA action clarifies that the Bay View Association, as a corporation organized under Act 39 of 1889, is an independent entity and is also not an ecclesiastical corporation³.

¹ We are seeking the full correspondence file between LARA and Bay View and will make that available to the HUD if and when we obtain it.

² Also, see Attachment 8: 2015 Proposed Votes including the Methodist Control Amendments. These were circulated to the Bay View membership prior to the 2015 Annual Members Meeting.

³ Bay View and its attorneys have been confused about whether Bay View is an ecclesiastical corporation. Plunkett Cooney in their Response dated April 24, 2014 filed on behalf of Bay View in the 2014 MDCR proceeding reports that Bay View “exists as an ecclesiastical corporation pursuant to Act 327 of the Michigan Public Acts of 1931, as amended.” See Attachment 9. On September 8, 2009, Bay View and Plunkett Cooney mistakenly filed articles of amendment with LARA on an ecclesiastical corporation form. See Attachment 10. Bay View and Plunkett Cooney were also confused about the corporate governance provisions of the 1889 Summer Resort Act which preclude Bay View from turning over control of a summer resort to the Methodist Church. James Murray, a Plunkett Cooney attorney, reportedly worked closely with the Methodist Church on the Methodist Control Amendments rejected by LARA. See Attachment 11. 5.27.16 BV Board minutes.

When these new developments are considered in concert with previously presented materials, it is clear that the Bay View Association's restrictive membership policies violate the U.S. and Michigan Constitutions, the U.S. Federal Fair Housing Act and Michigan's Elliott-Larsen Civil Rights Act and that Bay View is not exempt from complying with these civil rights laws.

II. FACTS

Bay View is "organized under the Summer Resort and Assembly Associations Act (SRAAA), MCL 455.51 et seq. Its property consists of 337 acres of land on which sits 444 summer cottages, two privately owned inns, a privately-owned bed and breakfast, and various administrative buildings owned by [Bay View]. The property also contains a wooded area known as the "Bay View Woods." All of the cottages are privately owned by [Bay View's] lease-holding members. However, [Bay View] itself owns all the land on which the cottages are situated and merely leases the land to the respective cottage owner. An individual cannot purchase a cottage without first being granted membership status by petitioner. Petitioner restricts membership to practicing Christians and requires prospective members to obtain letters of recommendation from current members and achieve approval by petitioner's Board of Trustees." (Fact statement is excerpted from Michigan Court of Appeals Decision, *Bay View Association v. Township of Bear Creek and the Department of Treasury*, February 5, 2015, No. 317714, page 1.)

Bay View is a summer Chautauqua program with four distinct pillars – recreation, education, performing arts and religion. It is also a summer homeowners' association with delegated government powers. To be eligible to purchase a leasehold and an attached cottage an applicant must satisfy the conditions of membership as currently described in Article 1-d of the 2016 Bay View By-Laws. (See Attachment 12) The conditions of membership include, among other things, that the applicant:

- Is of Christian persuasion
- Provides a reference letter from the pastor or designated leader of the church of which the applicant is a member or attends;

Since 2011 the community has conducted three votes to modify the membership requirements, but because Bay View By-Laws require a 2/3 vote quantum to amend By-Laws, each vote failed. The 2011 vote garnered 48% for a change; in 2013, 52% of members voted to change; and in 2016, 57% voted to change the membership rules. By-Law 1-d is inconsistent with and arguably invalid under Article XI of Bay View's Articles of Organization which requires that applicants for membership be of good moral character and makes no reference to Christian persuasion. (See Attachment 13, Article IX. p. 4) For many years, good moral character was the only requirement for admission to membership, but in 1947 a proviso was added to the By-Laws that the new member had to be "of the Caucasian race and Christian persuasion." (See Attachment 14) The Caucasian race requirement was eventually dropped and is no longer a membership requirement, but the Christian persuasion requirement has been augmented over the years, and in 1986 the requirement of a minister's letter was added to By-Law 1-d, excluding "unchurched" Christians from cottage ownership in Bay View for the first time in Bay View's then 111 years of existence.⁴ The resulting "tyranny of the minority" not only imposes a religious test in a real estate context that should be religion neutral, but also imposes a narrow exclusive view of Christianity on the majority. Many of the complainants believe, consistent with the slogan of the United Methodist Church, that the teachings of Jesus Christ require an inclusive "Open Hearts, Open Minds, Open Doors"⁵ approach to being a Christian presence in the modern world. The exclusive and narrow approach to Bay View membership not only violates secular laws but also violates the closely held religious views of the complainants. The complainants seek to hold the Bay View Association to a non-religious, secularist rule of law. But this is also a disagreement between differing views of Christianity; it is a Christian versus Christian dispute. The exclusive approach to Christianity imposed by the Bay View Association membership policy deprives a large number of Christian persons from their free exercise of Christianity as they see it.

⁴ See Membership By-Law from 1982 without the minister letter requirement and the 1986 version with it. (See Attachments 15 and 16) Bay View is the successor entity to another corporation founded in 1875, Michigan Campground Association of the Methodist Episcopal Church.

⁵ See <http://www.umc.org/news-and-media/united-methodist-open-hearts-tagline-wins-award>; <http://www.umc.org/what-we-believe>

This position was reiterated in 2013 when fifteen clergy members of Bay View endorsed a By-Law amendment that would have eliminated the religious test for the sale of cottages in Bay View saying, “This inclusive amendment respects our heritage of Christian values and insures a continuation of the vital Bay View community that we all love and respect.” (See Attachment 17: Clergy letter 2013)

III. ARGUMENT

A. Claimants are victims of religious discrimination because they and other members of the community cannot sell or bequeath their Bay View cottages to any person who is not a member of, or active in, a Christian church.

Complainants are deprived individually and collectively of a fully diverse community free from unlawful religious discrimination.

In a community that celebrates continuity and tradition and where cottages are commonly passed on over three and four generations of families, complainants are unable to bequeath their cottages to their children and grandchildren where the heirs are not active in a Christian church. Many children and grandchildren who otherwise support the Association’s purpose and objectives have continued their religious journey in traditions other than Christianity or remain identified as “Christian” but without membership in an organized church. The consequences of these strict rules are quite severe considering that fewer than half of persons identifying as Christian in the United States regularly attend a Christian church.⁶

The restrictive membership rules also limit the number of potential buyers for cottages. The market is narrowed from people who might be attracted to the unique character of Bay View and who have the financial means to afford a summer-only home, to the extremely narrow band of people who also meet the criteria of being active in a Christian church. Consequently, there have been about forty cottages for sale each of the past recent summers and the prices have been depressed. (See offerings by the two authorized real estate agencies at www.mccune-

⁶ <http://www.pewresearch.org/fact-tank/2013/09/13/what-surveys-say-about-worship-attendance-and-why-some-stay-home/>

smithrealestate.com and www.grahamre.com) Some complainants face negative financial consequences either now or at the point they wish to sell their cottages.

B. Bay View is a public corporation invested with powers and duties of government and as such is bound by U.S. and Michigan Constitutional prohibitions against religious discrimination.

1. Bay View is a state actor with legislatively delegated governmental powers.

Summer resort associations like the Bay View Association, organized under the 1889 Summer Resort Act, have government powers delegated to them by the legislature including power to: appoint a marshal (MCL 455.61 and 62); enforce laws including the power of arrest (MCL 455.68); have a board of assessors (MCL 455.68-71); levy and collect taxes (MCL 455.67) and control their lands (MCL 455.58). The trustees have “the management and control of the business, finances, rights, interests, buildings and all property, real and personal, of the association. (MCL 455.58) The resort association property is subject to taxation “except houses of worship and also all school buildings...” (MCL 455.64)

Any person violating by-laws may be “deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days...” (MCL 455.60). The express language of several sections of the 1889 Summer Resort Act clearly provides for the delegation of government powers to a Bay View type entity. MCL 455.65 makes a complementary point when it provides that should a summer resort come within the corporate limits of any city or village, the government powers delegated to the summer resort may be limited as they conflict with the *public or municipal powers* of the city or village:

.....And provided, That at the time of organization or whenever during the existence of any such corporation the lands of such association shall be embraced within the corporate limits of any city or village, that then the powers and obligations herein conferred upon such association and its officers partaking of a *public or municipal nature*, so far as the same shall conflict or interfere with the powers and duties of such city or village, those of said association shall to that extent be suspended and the provisions of this act are and shall be limited in their operation in that regard. *Emphasis added.* MCL 455.65

Although the Bay View Association pays property taxes to Bear Creek Township, its lands have never been “embraced within the corporate limits of any city or village”, so that Bay View’s powers of a “public or municipal nature” are fully intact.

Bay View’s By-Laws take full advantage of the delegation of public functions to summer resorts by the Michigan legislature under the 1889 Summer Resort Act. The municipal type powers delegated by the Act are incorporated into a number of different provisions of the Bay View By-Laws, including but not limited to:

- By-Law 3 references the powers of boards of trustees under the 1889 Summer Resort Act.
- By-Laws 23 through 27 describe the functioning of the Bay View Association’s Board of Assessors.
- By-Law 28 provides that the Bay View Association’s Board may appoint marshals who “shall have the power of arrest and enforcement as provided by law”.
- By-Laws 40-a through 40-e govern building permits and architectural review of cottage modifications.
- By-Laws 57 and 58 regulate commercial activity
- By-Laws 59 through 64 regulate personal conduct including prohibition of gambling, alcoholic beverages in public buildings, use of firearms, regulation of dogs and other pets.
- By-Laws 65 and 66 make Michigan traffic laws applicable in Bay View.
- Finally, consistent with MCL 455.60, By-Law 67 authorizes fines and imprisonment for violations of the Bay View Association’s By-Laws.

The Michigan Supreme Court in *Baldwin v. North Shore Estates Association* (384 Mich 42 (1970)) recognized the governmental authority of a summer resort with delegated state powers similar to Bay View’s and, because of these delegated state powers, required the summer resort to provide the same constitutional protections to citizens as any other governmental body would. In *Baldwin* the Court required equal protection of the laws when it came to voting. In Bay View’s case, these delegated governmental powers and responsibilities mean that the Association should be held to the Michigan Constitutional requirement not to extend a benefit or a liability to

persons because of their religious beliefs, i.e., membership may not be granted or denied based on religion.

Recent cases decided in the Michigan Court of Appeals have favorably cited *Baldwin* concerning the governmental powers of summer resorts. See *Whitman v. Lake Diane Corporation*, 704 N.W.2d 468 (2005), 267 Mich. App. 176; *Prose v. Clough* (MI Court of Appeals, June 10, 2014. Unpublished).

The Michigan attorney general (OAG, 1997, No 6942) had the following to say about a summer resort with delegated governmental powers under a very similar 1929 statute:

..... I am constrained to conclude that the summer resort owners' corporation act does confer upon summer resort corporations substantial authority which is governmental in character and which clearly may affect the rights of the public. Coupled with the fact that section 4 of the summer resort owners' corporation act defines the corporation as a "municipal corporation" and a "local governing body," it must be concluded that a summer resort corporation constitutes a "public body" for purposes of both the Freedom of Information Act and the Open Meetings Act.

As a corporation authorized by the 1889 Summer Resort and Assembly Act, the Bay View Association has delegated governmental powers that it employs regularly. Bay View has never been incorporated into another city or village so that the delegated governmental powers are not diminished. Michigan courts and the Attorney General have concluded that summer resorts such as Bay View Association are public bodies.

2. Since Bay View is a state actor with delegated governmental powers, restrictive membership requirements violate the civil and religious rights of Claimants and the establishment clauses of the United States Constitution and the Michigan Constitution.

Since the Bay View Association enjoys delegated governmental powers, those delegated state powers require the Association to provide the same constitutional protections to persons as

would any other governmental body. Those responsibilities include respect for the constitutional guarantee of religious freedom. The Michigan Constitution says, “The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.”

The Michigan courts have ruled that Const. 1963, art 1, Sec. 4 and the establishment and free exercise clauses of the First Amendment are subject to similar interpretation. *Alexander v Bartlett*, 14 Mich App 177, 182; 165 NW2d 445, 448 (1968); Advisory Opinion re Constitutionality of PA 1970, No 100, 384 Mich 82, 105; 180 NW2d 265, 274 (1970).

A 2010 overview of the Establishment Clause says:

The Establishment Clause is the constitutional provision most frequently invoked to challenge government actions regarding religion Obviously, this clause has been read to prohibit more than a formal recognition by government of a particular sect. Since its crystallization in *Lemon v. Kurtzman*, 403 U.S. 602, 29 L.Ed.2d 745, 91 S.Ct. 2105 (1971), the courts have most commonly used a three-pronged test for analysis under this clause, each prong of which must be satisfied for the government action to be constitutional. First, the government action must have a secular purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; and third, the action must not foster an excessive government entanglement with religion. The parts can be referred to as the “purpose,” “effect,” and “entanglement” prongs of the Establishment Clause test.

The *purpose* prong is the most easily satisfied. Usually, the courts look to the legislative articulation of a statute’s purpose and defer to this pronouncement. A secular purpose is lacking only when there is no question that the action was motivated wholly by religious considerations. Legislative history is often reviewed to determine the legislative purpose. ...The *effect* prong does not bar every benefit to religion. Rather, it requires that any non-secular effect be remote, indirect, and incidental. Most often, this is the part of *Lemon* that is determinative.There are three factors to be considered in determining whether an impermissibly high degree of government administrative surveillance [*entanglement*] exists: (a) the character and purposes of the benefitted

institutions; (b) the nature of the aid provided; and (c) the resulting relationship between the state and the religious authority.⁷

It is clear that the Christian persuasion requirement of Bay View's By-Law 1-d fails all three of the Lemon Establishment Clause tests. The requirement serves no secular purpose. The non-secular effect of the requirement, that is, excluding all but church-going Christians from membership and cottage ownership, is direct, not remote. Finally, Bay View, an entity with delegated governmental powers, engages in a truly remarkable level of "government administrative surveillance" of religious matters. Some applicants are asked to disclose and discuss personal of religious beliefs as part of the membership process. In the language of Michigan Const. 1963, art 1, Sec. 4, Bay View Association is engaged in "diminishing civil and political rights, privileges and capacities" of persons "on account of... religious belief".

In *Shelley v. Kraemer*, 334 U.S. 1 (1948), the United States Supreme Court held that judicial enforcement of racially based restrictive covenants constituted discriminatory state action prohibited by the Fourteenth Amendment. The decision is precedent for barring the enforcement of religiously and ethnically based restrictive covenants. Since Bay View is a "body politic and corporate" with delegated government powers from the Michigan legislature under the 1889 Summer Resort Act, the continued enforcement of Bay View's By-Law 1-d by the Bay View Association's Board of Trustees constitutes "discriminatory state action" prohibited by the Fourteenth Amendment under the *Shelley v. Kraemer* decision.⁸

C. Bay View's discriminatory practices violate the Federal Fair Housing Act and Michigan's Elliot-Larsen Civil Rights Act – unless Bay View is deemed to be a "religious organization" AND meets the strict criteria of the statutes.

⁷ Civil Rights Litigation by John M. Izzo, Sraga Hauser, LLC, Flossmoor, IL, Todd K. Hayden, Robbins Schwartz Nicholas Lifton & Taylor, Ltd., Joliet, IL, Patrick J. Broncato, Chief Legal Officer Illinois School District U-46, Elgin, IL, Illinois Institute For Continuing Legal Education, <http://www.iicle.com/links/SchoolLawOFP10-Ch11-Hayden.pdf>

⁸ Id.

The Federal Fair Housing Act⁹ prohibits discrimination in housing on the basis of religious belief¹⁰ but provides an exemption for a religious organization or private club. The Bay View Association bears the burden of proving its eligibility for an exemption. Any exemption is to be construed narrowly in recognition of the important goal of preventing housing discrimination.¹¹ As discussed more fully below, Bay View does not qualify for the Federal Fair Housing religious organization exemption which says:

- (a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. 42 U.S. Code § 3607 (Emphasis added.)

Similarly, the Michigan Elliott-Larsen Civil Rights Act (“Elliott Larsen”), Act 453, of 1976, MCL 37.2101 et seq., prohibits discrimination based on religion.¹² The prohibition against housing discrimination is applicable to Bay View corporately and to any individual person engaging in the real estate transaction. The Elliot Larsen Act definition of “person” includes, among other things: an association, corporation, or a political subdivision of the state, including a special district or authority of the state.¹³ .

⁹ Federal Fair Housing Act (“FHA”), 42 U.S.C. 3601 et seq

¹⁰ 42 USC 3604 As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

¹¹ *Fair Housing Advocates Association v. City of Richmond Heights*, 209 F.3d 626, 634 (6th Cir. Ohio 2000).

¹² MCL 37.2502: Sec. 502. (1) A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of religion, race, color, national origin, age, sex, familial status, or marital status of a person or a person residing with that person: (a) Refuse to engage in a real estate transaction with a person.

¹³ (g) “Person” means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.

The religious exemptions to the Elliot-Larsen requirements are also very narrow, and Bay View does not meet them:

(b) Sec. 505. (1) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, familial status, or marital status is void, *except* a limitation of use as provided in section 503(1)(c) or on the basis of religion relating to real property held by a religious institution or organization, or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, *and used for religious or charitable purposes.* (Emphasis added.)

D. The religious exemptions of Federal Fair Housing and the Elliot-Larsen Civil Rights Act do not apply to Bay View.

Bay View is not exempt as a religious organization because: 1) The dwellings, the cottages at issue, are not owned or operated by Bay View but are privately held; 2) Cottages are used as summer vacation homes and not for religious or charitable purposes. 3) Bay View is primarily a homeowners' association, not a church or a religious organization; 4) Bay View is an independent entity and not under the control or supervision of any church; 5) occupancy of Bay View properties are not limited to persons of the same religion; and 6) the sale and rental of cottages are for commercial, for-profit, purposes. If the HUD finds that any one of the above is true, Bay View's status as a religious organization entitled to discriminate on the basis of religion fails.

1. The dwellings, the cottages at issue, are not owned or operated by Bay View but by private individuals.

(h) "Political subdivision" means a county, city, village, township, school district, or special district or authority of the state.

Bay View Association owns the real property, that is, the land, and leases it to members for 15 year leaseholds. Cottages are personally owned by the individual member.

The enabling statute is clear that “cottages and buildings are owned by the lessees” even though Bear Creek Township sends a single property tax bill to the Bay View Association, which the Association then apportions among its leaseholds:

455.66 Assessment of association.

Sec. 16. Whenever the board of trustees of any such association shall serve upon the assessing officer of the township, city or village in which its real estate is situated a notice in writing, signed by its secretary and under its corporate seal, requesting that all of the *cottages and buildings owned by its lessees*, situate upon the lands of the association, and not exempt from taxation as hereinbefore provided, be assessed to the association as a part of its real estate, the same as if owned by it, then and thereafter all such real estate and cottages, and buildings thereon, shall be assessed to such association as real estate and taxes paid thereon, by the association the same as if in fact the owner thereof, and no lease had been made.

Bay View By-Laws (See Attachment 12) confirm that the Association owns the real property and the leaseholders own the cottages:

32-a The Association as Owner: All real property in Bay View is owned by the Bay View Association. Individual lots are leased to members for fifteen year periods and leases are renewable at the end of each such period.

33. Leaseholding Limitations. A leaseholder may lease up to four lots (i) from the Association by paying the value thereof as determined by the Board, or (ii) by transfer from another leaseholder. No member may own more than two cottages unless authorized by two-thirds vote of the Board for special reasons to be recorded with the lease. Member spouses living together are considered as one for purposes of this rule.

42-b. Effect of Forfeiture. Upon the giving of final notice of forfeiture, the leaseholders shall immediately vacate their cottage and any other buildings on the leasehold and the cottage, buildings, and remaining personal property immediately become the sole property of the Association. Bear Creek

Township maintains assessment field cards for each Bay View leasehold on which the names of the lease-holding members are included under the heading of “owner” (See Attachment 18)

The Michigan Court of Appeals confirmed the ownership status in *Bay View Association v. Township of Bear Creek and the Department of Treasury*, February 5, 2015, No. 317714:

All of the cottages are *privately owned* by [Bay View’s] lease-holding members.

However, [Bay View] itself owns all the land on which the cottages are situated and merely leases the land to the respective cottage owner.

Therefore, Bay View cottages are private and not dwellings owned or operated by the Association. Bay View By-Law 52 also makes it clear that the lessee is responsible for maintaining the lessee’s cottage. (See Attachment 12) Since the cottages are not owned or operated by Bay View, they are not exempt from the Federal Fair Housing Act which extends a religious exemption to an organization only for “dwellings which it owns or operates”. Similarly, Elliot-Larsen extends a religious exemption to civil rights protections only for “real property held by a religious institution”. The Bay View Association does not own the dwellings, so the religious exemptions do not cover Bay View. The Association is thus subject to federal and state civil rights laws that prohibit a religious test for the transfer of property.

2. Cottages are used as summer vacation homes and not for religious or charitable purposes.

The Elliot-Larsen Act religious exemption requires that the property be used for “religious or charitable purposes”. The recent Michigan Court of Appeals decision, *Bay View Association v. Township of Bear Creek* (Michigan COA; unpublished opinion dated February 5, 2015) leaves no room for doubt regarding whether Bay View’s cottages are used for religious or charitable purposes. The COA on page 6 of its opinion makes the following conclusions about Bay View’s cottages:

In the present case petitioner does engage in a number of charitable endeavors such as allowing the public to attend its events, hosting a Chautauqua program, preserving the Woods in its natural state, allowing the general public to access the Woods, interweaving

religious services through its summer programs, allowing local schools and non-profits to use its facilities for reduced or waived fees, and providing vouchers to its programs to local schools and non-profits for use in their fund raisers. *However, a close examination reveals that it also engages in purchasing and improving land for use as summer vacation homes to members of the public who are practicing Christians, who meet petitioner's membership criteria, and have the financial means to purchase a vacation home.* While the numerous charitable and benevolent activities petitioner engages in are certainly admirable, it appears *petitioner's primary purpose is to provide an exclusive summer vacation community to those who meet its restrictive membership requirements and have the financial means to purchase a summer cottage.* Because petitioner is not organized chiefly, if not solely, for charity, it would not be entitled to the charitable exemption in MCL 211.7o even if it were not specifically limited to those exemptions found in the Summer Resort Act. The tax tribunal did not err in granting summary disposition to Bay View on petitioner's charitable exemption claims. (Emphasis added.)

The non-religious use of Bay View's cottages is further demonstrated by the fact that Bay View's cottages are not exempt from taxation.¹⁴ The Michigan legislature implicitly recognized that Bay View's cottages were not going to be used for religious or charitable purposes when it determined not to exempt them from taxation (MCL 455.64). The Bay View Association's grounds used for religious and educational programs, that is, the Chautauqua Program, are exempt from tax, however.

Bay View acknowledges that its cottages are not used for religious purposes. In a brief filed with MDCR in 2014¹⁵, in response to a contention that cottages are not used for charitable or religious purposes, Bay View responded:

The simple response to this, consistent with the response to the previous contention, is: that is why they are subject to taxation. There is no requirement anywhere in the statutes,

¹⁴ The property of such corporation shall be subject to taxation, except all houses of public worship, and also all school buildings used exclusively for school purposes and the lot upon which they stand, and the furniture therein, which shall be exempt therefrom. MCL 455.64

¹⁵ Respondent's Reply To Claimants' Rebuttal Answer To Response To Complaints Of Discrimination dated September 5, 2014 included in the FOIA File. Attachment 19.

regulations or case law that 100% of an entity's property must be used for religious purposes in order for the entity to qualify as a religious organization. The very suggestion is absurd and belied by all legal authority. *The fact the cottages are not used for religious, purposes is irrelevant.* (Emphasis added.)

The secular, non-religious use of Bay View cottages is exactly the issue. The cottages are not used for religious or charitable purposes but, as discussed below, are in fact administered under a separate, clearly non-religious, for-profit corporation.

3. Bay View is primarily a homeowners' association, not a church or a "religious organization".

Although Bay View's signage and publicity often refer to "The Bay View Association of the United Methodist Church" and its mission statement refers to providing "a Christian perspective in a changing world," Bay View is not a church or a "religious organization." Bay View has basically two components: The summer cottages discussed above and a rich Chautauqua Program which includes a summer music festival, educational courses, worship services, lectures and recreational activities for adults and children. The content of the Chautauqua Program has changed over the years based on available resources and membership tastes. What has not significantly changed since the late 1800s is the use of the cottages as summer homes.

Religion is one of the four pillars of Bay View's Chautauqua Program, but it is only one. The other three - education, performing arts and recreation - are secular. Bay View is justifiably proud of its Chautauqua Program and its Christian heritage, but these things do not make it a religious organization. The Bay View Association with its 444 cottages, beach, tennis courts, sailing program and day camp is fundamentally a homeowners' association, and as such it may not discriminate based on religious beliefs.

The enabling statute, Act 39 of 1889, sets out the purposes of such summer resort organizations. The first one mentioned is "summer homes":

An Act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for *summer homes*, for camp-meetings, for meetings of

assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes;... MCL 455.51

The reference to “religion” does not mean the promotion of any specific religion or a narrow interpretation of any particular religious doctrine or sect. Article VIII Section 1 of the Michigan Constitution recognizes the legitimacy of using government power to promote religion and morality but Article I Section 2 of the Constitution prohibits an entity with delegated government powers like Bay View from promoting any specific religion.¹⁶ In fact both the 1889 Summer Resort Act and Bay View’s original 1890 Articles of Association on file with LARA (See Attachment 20, Article III) do not promote a specific religion. It was only in 1945 that Bay View revised its Articles to say that Bay View was henceforth organized to promote the “Christian religion and morality” (See Attachment 21) rather than simply “religion and morality”. The latter is permissible for an entity with delegated government powers—the former is not.

The finding of the Michigan Court of Appeals confirms that the Bay View Association is basically a homeowners’ association:

[Bay View’s] primary purpose is to provide an exclusive summer vacation community to those who meet its restrictive membership requirements and have the financial means to purchase a summer cottage. (*Bay View Association v. Township of Bear Creek and the Department of Treasury*, February 5, 2015, No. 317714)

The separation between Bay View’s Chautauqua Program, including the religious pillar, and its homeowners’ association is made clear from recent developments.

¹⁶ Michigan Constitution. Section VIII, § 1 Encouragement of education. Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. Article I, § 2 Equal protection; discrimination. Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

On October 28, 2015, Bay View established a wholly-owned for-profit subsidiary, the “Bay View Real Estate Management Inc.” (LARA ID Number: 06721D) to manage the Association’s real estate activities, including the cottages and leaseholds. (See Attachments 4 and 5) This is a substantial responsibility since, according to Bear Creek Township’s Assessor’s Office, the fair market value of these taxable properties, including the two private inns and the private bed and breakfast, totals \$143,000,000.

The for-profit real estate subsidiary collects the rents and taxes due to Bay View from individual cottage owners and passes on tax payments due on individual cottages to Bear Creek Township according to the assessment done by the Bay View assessors. Chautauqua fees are still paid directly to Bay View Association.

This financial structure further demonstrates the distinction that must be drawn between the Chautauqua, the not-for-profit program activities of Bay View, and its homeowner functions. A for-profit homeowners’ corporation must comply with U.S. and Michigan civil rights laws.

In Terpening v. Gull Lake Assembly of Michigan Conference of Methodist Protestant Church, 298 Mich 510 (1940), the Michigan Supreme Court was asked to recognize the religious nature of an association organized under the same enabling statute as Bay View, Act 39 of 1889. The Methodist group wanted the Gull Lake Assembly's corporate existence to be extended in perpetuity, as is available to churches, rather than being limited to 30 years as provided by the 1889 Summer Resort Act. The Supreme Court did not recognize the Assembly as a religious organization: The court held: "The Assembly was a summer resort association with mundane and pecuniary considerations so predominant as to bar holding it a religious adjunct, with right of corporate existence in perpetuity under Art. 12, § 3, of the Michigan Constitution, and the provisions of § 9973, Comp. Laws 1929, Stat. Ann. § 21.64, or § 64, Act No. 327, Pub. Acts 1931."

The extent to which the Bay View Association is involved with “mundane and pecuniary considerations” can readily be understood by looking at the Association’s plat map provided on the Graham Real Estate web site which shows the 444 cottages surrounding a few central facilities. (See Attachment 22) Bay View’s focus is clearly the cottages; it is a summer resort

community. The comparative importance of the real estate and the Chautauqua activities is also illustrated by reviewing the Association's 2015 operating budget. It demonstrates that a relatively small part of the Association's expenditures and revenues are related to the Chautauqua's religious programming. The expense line item for "worship" was \$152,398 out of total expenses of \$4,674,485 or 3.26%. Most of the budget deals with collecting and paying property taxes and collecting and expending fees to maintain the infrastructure and common facilities. (See Attachment 23)

It is clear that the Bay View Association is not a religious organization but a homeowners' association that must follow the anti-discrimination laws of Michigan and the United States.

4. Bay View is an independent entity and not under the control or supervision of any church.

The FHA religious exemption applies only to "a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society". The Elliot Larsen religious exemption applies to "real property held by a religious institution or organization, or by a religious or charitable organization *operated, supervised, or controlled by* a religious institution or organization...". (Emphasis added.)

The HUD legal memo from Courtney Minor, HUD Regional Counsel (April 25, 2014; obtained through FOIA request, Attachment 2) concludes that Bay View is not a private club or religious organization. However, if other requirements of the religious exemption are met, the religious exemption could still apply depending on the extent to which the United Methodist Church "operates, supervises or controls" the Bay View Association or if Bay View operates "in conjunction with" the United Methodist Church. (HUD Memo, page 8). In reaching its conclusion that Bay View is probably not a religious organization, the HUD Memo took into consideration many of the same factors as the MDCR did in reaching the opposite conclusion in its Final Investigative Report (November 3, 2014- Case Number 05-14-0885-8 MDCR# 451691) obtained through a FOIA request. See Attachment 24. Those factors included that a majority of

the Trustees must belong to the United Methodist Church¹⁷ and that Bay View is under the umbrella of the United Methodist Church's federal group tax exemption under section 501(c)(3) of the Internal Revenue Code. One difference in the factors considered by the HUD Memo and the MDCR Final Report is that the MDCR mistakenly characterizes Bay View as an ecclesiastical corporation pursuant to Act 327 of the Michigan Public Acts of 1931, as amended. Bay View's attorney had mischaracterized Bay View as an ecclesiastical corporation in their response dated April 24, 2014. (See Footnote 1)

The Michigan Department of Licensing and Regulatory Affairs (LARA) has made it clear that Bay View is not a church and not under the control of any church.

On September 28, 2016, the Michigan Department of Licensing and Regulatory Affairs (LARA) accepted Restated Articles of Association that excluded certain amendments that had been adopted by the Bay View membership (the "Methodist Control Amendments") because those amendments were inconsistent with the enabling statute. (See Attachment 6: Email from LARA to Bay View dated September 15, 2015, rejecting one of the Methodist Control Amendments.) The Methodist Control Amendments were originally passed in August 2015 and posted on Bay View's website shortly thereafter in Restated Articles of Association (See Attachment 7) but were only recently filed with LARA. The Methodist Control Amendments would have given the United Methodist Church control of Bay View's affairs, including the right to prevent certain amendments of Bay View's Articles of Association without the Church's approval. Materials dated July 28, 2015 (See Attachment 25) presented by the Bay View Board to the membership indicated that the amendments were necessary to maintain Bay View under the umbrella of the Methodist Church's federal group tax exemption. The May 27, 2016 Bay

¹⁷ Since Bay View does have delegated government powers, the requirement that a majority of the Board members are required to be Methodists violates the Michigan Constitution, Article XI § 1 Oath of public officers. Sec. 1. "No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust."

View Board minutes indicate that the Methodist Control Amendments had been reviewed and approved by the Methodist Church along with Bay View's 2016 By-Laws (See Attachment 10)¹⁸

The crucial elements of the Methodist Control Amendments that LARA rejected are:

In furtherance of its exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, the organization is organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of the United Methodist Church and is operated, supervised or controlled by the United Methodist Church.

At all times, at least sixty percent of the members of the organization's Board of Trustees must be appointed by the West Michigan Conference of the United Methodist Church, an organization required to act in accordance with The Book of Discipline of the United Methodist Church.

Any amendments to the following provisions shall require the approval of the West Michigan Conference of the United Methodist Church: Article III, Section 2; Article VII, Section 2, Article X and Article XII

LARA rejected the Methodist Control Amendments as inconsistent with the act upon which the corporation was formed. Based on the enabling statute, Act 39 of 1889, LARA found that there is no statutory authority permitting delegating such control to the church. (See Attachment 6) LARA's action clarifies that Bay View, as a corporation organized under Act 39 of 1889, is an independent entity and is also not an ecclesiastical corporation. The Bay View Association is properly listed on the State of Michigan website as a corporation formed under Act 39 of 1889.

LARA's rejection of the Methodist Control Amendments limits Bay View's governance to the purpose and scope of the enabling statute, Act 39 of 1889. LARA's action regarding the

¹⁸ It is not clear to us what changed in the Methodist Church's policy that led the Board to propose turning over control of Bay View to the Methodist Church. In a letter dated July 11, 2013 a senior representative of the Church had confirmed to the Secretary of the Bay View Board of Trustees that Bay View's existing By-Laws were satisfactory for Bay View's inclusion in the Church's group tax exemption. (See Attachment 26) The letter makes no reference to needed amendments similar to the Methodist Control Amendments to maintain the exemption.

Articles renders the parallel provisions of the Bay View By-Laws illegal and unenforceable. The illegal and unenforceable By-Laws include:

- By-Law 2 which reads: “Sixty (60%) percent of the Trustees shall be members of The United Methodist Church whose election shall be ratified by the West Michigan Conference of The United Methodist Church.”¹⁹
- By-Law 77-b regarding amending the By-Laws which requires the consent of the United Methodist Church before adopting any amendments to By-Law 2 governing the proportion of Methodists on the Bay View Board of Trustees and By-Law 75-b governing transfer of assets to United Methodist Church conference upon dissolution of the Association.

Bay View is independent and not controlled by any church. Bay View elects its own Trustees, with the exception of a Methodist Bishop who serves *ex officio*, does not have the right to vote, and has rarely attended a Board of Trustees meeting over the 141 years of Bay View’s existence. Bay View selects the Director of Religious Life with no approval required by the United Methodist Church. The Director does not have to be a Methodist. Indeed, two of the past three directors, including the current Director, were from denominations other than United Methodist. Bay View does not pay an apportionment fee as required by all United Methodist Churches. It is not bound by the UMC Book of Discipline.

Although the religious director oversees Bay View’s Worship and Religious Life Department, that department is just one of Bay View’s six principal departments. The six departments are: (1) Buildings and Grounds, (2) Recreation, (3) Performing Arts, (4) Worship

¹⁹ This language was inserted into the 2016 By-Laws although it was never voted on by the membership. Presumably the Board added the language to the By-Laws after the 2015 membership vote in consultation with legal counsel to eliminate a conflict with the By-Laws created by the language of the 2015 Methodist Control Amendments. Since LARA rejected the relevant language in those amendments, the language should now be removed from By-Law 2. Another amendment made to the 2016 Articles was not authorized by the annual meeting votes and the change made should be eliminated. Article VIII should be returned to its former wording, namely: “The board of trustees shall have authority upon such terms as they shall deem just and proper to purchase and acquire the grounds and property of the Michigan Campground Association of the Methodist Episcopal Church and provide the terms upon which members of that association may become members of this association.”

and Religious Life, (5) Education, and (6) Finance. (See Bay View By-Law 13-a) The religious director has no supervisory responsibilities with respect to the other five departments.

5. The occupancy of Bay View properties is not limited to persons of the same religion.

Bay View does not make its housing available only to “persons of the same religion”. The FHA allows limiting *sale, rental or occupancy* "to persons of the same religion". Presumably this is to allow a community of faith to develop and grow. But because Bay View has no screening or control over who is present in cottages or who participates in its various programs, the selection of a community "of the same religion" fails. Some members own more than one cottage and rent them for income or they rent their family cottage for all or part of the season. Cottage renters are not subject to a religious test nor are family and friends screened as visitors. Thus the population of Bay View is not limited to active Christians. Persons of many religions or no religion rent cottages and visit their family and friends. Anyone of any religion, or no religion, can attend or participate in Bay View’s programs – as long as they pay the required fee.

The Bay View Music Festival faculty, including about 50 students and 20 faculty and staff are recruited without regard to religious affiliation. Only membership -- and thus the ability to vote and own property -- is limited to those who pass the religious test.

Bay View claims a religious exemption that would allow it to justify limiting cottage ownership to Christians active in a Christian church. In practice this limitation serves no religious purpose. What Bay View is doing is creating an arbitrary screening for cottage ownership and arguing that that is because it wants to be a "community of Christians" (as opposed to a "Christian community"). The religious test for cottage ownership is totally ineffective as a tool for creating a community of a particular religion. The religious test serves no religious purpose but merely imposes a capricious and ineffective hurdle that potential members must overcome.

6. Cottage sales and rentals are for commercial, for-profit, purposes.

Because of its desirable location on Lake Michigan and its full Chautauqua Program, the sale and rental of cottages is a substantial business in Bay View, one that benefits both the Association and the individual cottage owners.

The Bay View Association By-Laws regulate sales and rentals. By-Law 38-a allows cottage owners to rent or sell their cottages through the Association, through a real estate agency authorized by the Association or directly through a private agreement. Although most cottages are used by their owners for personal summer recreational purposes, on one particularly desirable lakeside street one quarter are rented out in the summer yielding income for their owners. Other members own more than one cottage and rent them for income. Others rent their cottages for a portion of the summer season.

At present two real estate agencies have exclusive rights to market Bay View properties. As of October 2016, their web sites indicated a total of 34 cottages for sale or recently sold and 25 cottages for rent. The asking prices ranged from \$79,000 to \$998,000. The rental prices, which are established by the cottage owners, ranged from \$750 to \$2700 per week.

(www.mccune-smithrealestate.com; www.grahamre.com) The number of rentals is understated because many rentals are handled directly between cottage owners and renters, but every sale must be approved by the Bay View Board of Trustees. (By-Law 34)

As noted above, cottage owners pay Bay View Real Estate Management, Inc. an annual leasehold fee based on the assessed value of each lot to support the Association's infrastructure. Upon sale of any cottage leasehold, Bay View also collects a transfer fee of 4% of the sale price. This year, about 10 cottages were sold. The median asking price of cottages advertised on the two authorized real estate agency web sites in October 2016 was \$285,000, so Bay View would have collected about \$114,000 in transfer fees this year.

The frequency of rentals and sales indicate that at least some of Bay View's cottages are routinely used for commercial purposes, generating revenues for both the cottage owners and the Association. Further evidence of commercial activity are the two hotels that are operated year-round under leaseholds on Bay View property. They pay rentals and fees to the Bay View Association and its Real Estate Management Corporation. The Association advertises their facilities on its web site.

IV. CONCLUSION

That Bay View imposes a religious test for the transfer of property interests is perfectly clear and beyond dispute. It is further beyond dispute that Bay View bears the burden of proving its eligibility for an exemption and that any exemption is to be construed narrowly in recognition of the important goal of preventing religious discrimination.

What it comes down to is that HUD must find that Bay View is guilty of illegal discrimination based on religion in violation of the U.S. Constitution, the Michigan Constitution, Federal Fair Housing Act and the Michigan Elliot-Larsen Civil Rights Act -- *unless it determines that a religious exemption applies.*

Claimants present seven grounds that rule out a religious exemption for Bay View's discriminatory membership practices. If HUD finds that **any one** of these grounds is established, Bay View's claim of a religious exemption fails and the membership policies must be declared illegal violations of Claimants' religious and civil rights.

If HUD determines:

1. Bay View is a state actor, a public body with designated governmental powers.
2. Bay View cottages are privately owned, not owned by the Bay View Association.
3. Bay View's primary purpose is to provide an exclusive summer vacation community.
4. Bay View cottages are part of a homeowner's association now managed by a for-profit subsidiary.
5. Bay View is independent and not controlled by any church.
6. Occupancy of Bay View is not limited to persons of the same religion.
7. Bay View cottage sales and rentals are for commercial, for profit, purposes.

Then Bay View is in violation of the law.

Constitutional and civil rights protections apply. Bay View membership rules violate civil rights laws.

Religious exemption applies only to dwellings or property owned by a religious institution. The Bay View Association's religious test for transfer of cottages violates civil rights laws.

Cottages are not used for religious or charitable purposes and thus not exempt from civil rights laws.

Summer resort associations like Bay View must comply with civil rights laws.

Religious exemption does not apply. Bay View must comply with civil rights laws.

Religious exemption to civil rights laws anticipates occupancy by persons "of the same religion". Bay View's policy fails to screen renters and visitors and staff. The stated goal of achieving an exclusive religious community fails. The test serves no religious purpose but merely imposes a capricious and ineffective hurdle.

The commercial element in rentals and sales excludes Bay View from a religious exemption.

Complainants ask that the U. S. Department of Housing and Urban Development find that the membership policies of Bay View Association violate Federal and Michigan civil rights laws and are therefore null and void and unenforceable.

Respectfully submitted,

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List of Attachments, number and location in document

1. 10.30.14 MDCR Dismissal, p. 2
2. 4.25.14 HUD Letter, p. 2
3. 2.5.15 COA Tax Opinion-BV Primary Purpose-Exclusive Summer Resort, p. 2
4. 10.28.15 BV For-Profit Real Estate Sub Articles of Incorporation, p. 3
5. 11.1.15 Facts about BV For-Profit Real Estate Sub, p.3
6. 9.15.16 LARA Letter Rejecting Methodist Control Amendment, p. 3
7. 2015 BV Articles Including Methodist Control Amendments, p. 3
8. 2015 Proposed Votes including the Methodist Control Amendments, p.3, footnote 3
9. BV Response dated April 24, 2014, p. 3, footnote 3
10. 2009 BV Mistaken Ecclesiastical Corp. Filing, p. 3, footnote 3,
11. 5.27.16 BV Board minutes, p. 3, footnote 3
12. 2016 BV By-Laws, p. 4
13. 2016 BV Articles without Methodist Control Amendments Rejected by LARA, p. 5
14. 1947 BV By-Law adding Caucasian Race and Christian Persuasion Membership Requirement, p. 5
15. 1982 BV Membership By-Law without Minister's Letter, page 5, footnote 4
16. 1986 BV Membership By-Law with Minister's Letter, page 5, footnote 4
17. 7.25.13 Letter from 15 Clergy Supporting Elimination of Christian Persuasion, p. 6
18. Sample Assessor's Field Card Showing BV Does Not Own Cottages, p. 15
19. Respondent's Reply to Claimants' Rebuttal Answer to Response to Complaints of Discrimination dated September 5, 2014, p.16, footnote 15
20. 1890 BV Articles of Association with no Christian Purpose, p. 18
21. 1945 BV Articles Amendment adding Christian Purpose, p.18
22. BV Plat Map, p. 19
23. BV 2015 Operating Budget Showing 3.26% Allocated to Worship, p. 20
24. Final Investigative Report (November 3, 2014- Case Number 05-14-0885-8 MDCR# 451691), p. 20
25. 7.28.15 Materials Sent to Members Reciting Necessity of Methodist Control, p.21
26. 7.11.13 Methodist GCFA Administrative Counsel Letter Confirming BV Tax Exemption and making no reference to needed amendments similar to the Methodist Control Amendments, p.22, footnote 18