

**JUDICIAL
APPLICATION**

RAY H. JENKINS

BPR 019113

**6th Judicial District
(Knox County)
Circuit Court, Division III
(Third Circuit)**

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

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INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question, and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney in solo private practice in Knox County, Tennessee and as Sr. Program Manager for Computer Sciences Corporation.

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

1998, BPR# 019113

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee, BPR# 019113; 1998; Active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

I voluntarily took inactive status in 2002 after the death of my grandmother and during a period of illness of my father. I was reactivated in 2003 after completing the required CLE.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

Private Practice, 2000-Present. I am currently a solo practitioner. My practice is a general civil practice, providing service to individuals, families and small businesses. I have also had the privilege of being associated with John D. Lockridge, Jr. Our practice together was more focused on Family law – assisting with divorce, post-divorce issues, custody disputes, and child support issues.

Computer Sciences Corporation, 2000-Present, Sr. Program Manager. CSC is a multinational provider of computer services. In my capacity as a Program Manager, I lead teams

in evaluating potential client requests for proposals and manage the development of bid packages to provide services.

LightningSource.com (Ingram Industries) 2000, Staff Attorney. LightningSource.com is a leading provider of print-on-demand services for retailers such as Amazon.com and Barnes & Noble.

EdgeNet Media, 1998-2000, COO, General Counsel. EdgeNet Media was a provider of software solutions for client's emerging e-commerce solutions. I was the sole in-house attorney.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not Applicable

7. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

My practice is a general civil practice, providing services to individuals, families, and small businesses. I would characterize the current split of my practice as Contracts/Business 50%, Family/Divorce/Custody 30%, Personal Injury 10%, Wills & Estates 10%.

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Private Practice. I am currently in private practice. I focus my practice in civil matters. I represent families and small businesses in real estate transactions, insurance disputes, and partnership disputes. My practice includes representation of both Plaintiffs and Defendants in these disputes. I have purposely chosen not to be dedicated as a "plaintiff's" or "defendant's"

attorney. In this manner, I have benefited from understanding the challenges of both sides.

I also represent individuals and families through divorces, child custody, and child support disputes. In this capacity, I have practiced in all civil courts in Knox County and in courts throughout East Tennessee. I have also represented many Petitioners and Respondents involved in Orders of Protection in Knox County's Fourth Circuit.

In addition, much of my practice has been transactional in nature. I have crafted contracts for clients' relationships with such Fortune 500 companies, as Lowe's, The Home Depot, Amazon.com, as well as with several industry leaders and manufacturers.

Computer Sciences Corporation (CSC), Program Manager. CSC is a Fortune 500 company that provides computer services to companies and governments globally. My responsibilities with CSC are related to my transactional work in the area of technology licensing and contract compliance. I am also responsible for writing and reviewing proposals in response to bids from government agencies such as Homeland Security and the Department of Defense. I am currently drafting contract proposals for Customs and Border Patrol and the U.S. Navy.

LightningSource.com, Staff Attorney. LightningSource.com is a subsidiary of Ingram Content Group specializing in print on demand services. My responsibilities included drafting licensing agreements with writers, publishers and fulfillment companies. Of note, I assisted in the negotiations with Amazon.com and Penguin Publishing. These agreements detailed the parameters for use of content as well as provisions for the then-emerging technology of e-commerce.

EdgeNet Media, COO & General Counsel. I had significant work experience with the Navy and Air Force prior to graduating from law school and passing the bar. In my capacity as a program manager, I wrote and managed contracts for professional services and equipment procurements that totaled \$100M annually. I capitalized on that experience when I went to work for EdgeNet Media. At that time, EdgeNet Media was an Internet company providing software, programming services, and internet connectivity. I became their Chief Operating Officer and General Counsel. In that capacity, I was the sole in-house provider of legal services to the company. These services included the development and implementation of the company's employee handbook, drafting of all software end user license, as well as software development and services contracts. In that capacity, I was directly responsible for developing and negotiating agreements with major retailers and manufacturers such as Pella Windows, and Anderson Windows and Doors. I also coordinated outside counsel's work on these efforts as well as the company's intellectual property.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

One recent case provided interesting challenges in both legal strategy and trial tactics.

The plaintiff sued my client, his married daughter, for breach of contract. He claimed she owed

him the money he had lent her to qualify for a mortgage loan. The loaned money was used to pay off a mortgage on a previous house. My client and her husband still owned that house. The only evidence of promises to repay was some vaguely worded e-mails from my client to her father that the loan would be repaid when the previous house sold. There were also claims from the father/plaintiff that my client's husband had verbally promised to repay as well- "when the house sold."

At trial, plaintiff's counsel called my client, her client, and a few other witnesses. She did not call my client's husband. When she rested, I called no witnesses. With no direct evidence that my client's husband made any promises, the court ruled that my client was responsible for the repayment of the loan. But based on the language in the e-mails, the repayment was secured only by her interest in the original house. My client's husband was absolved of any responsibility.

The matter of executing on the judgment then became the issue. With the judgment against my client but not her husband, Tennessee's Tenancy by the Entireties was now the figurative key to equity in the old house.

Lengthy negotiations and return trips to the courthouse ensued to determine how to extract my client's interest without disturbing her husband's interest. We prevailed and the plaintiff now awaits either his daughter's divorce or her husband's death to collect on his Pyrrhic Victory.

This case demonstrated how a relatively simple and straightforward case can become a labyrinth of several interrelated legal theories and strategies.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

I was listed as a Rule 31 mediator for general civil and family matters from 2007-2011. During that time, I was assigned by the Fourth Circuit Court in Knox county to mediate divorce cases. These cases involved property settlements, child custody, and support issues.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I have been appointed guardian ad litem by Knox County Chancery Court in conservatorship cases. As a guardian ad litem, I am charged with investigating the need for the proposed conservatorship and the needs of the Respondent. In this capacity, I have investigated the financial holdings of Respondents as well as their physical and mental capacities and made

recommendations to the Court. I have been entrusted by the courts to guard and protect the best interests of my clients and ensure their physical and fiduciary needs are protected.

I also served as Trustee of Riverdale Baptist Church. As a Trustee, I was responsible for the financial dealings of the Church. These include but are not limited to budgets, money management, contractual matters, protection from waste of property, and ensuring that the assets of the Church are used effectively. During my tenure as Trustee, we liquidated the parsonage, leveraged addition capital and thus made major improvements to the capital facilities of the church. I had primary responsibility to protect the expenditures of funds.

12. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

I provided estate planning seminars for families at Riverdale Baptist Church, focusing on basic needs such as living wills, general Powers of Attorney, and Powers of Attorney for healthcare decisions. These seminars included advice to families and individuals. These services were provided at no cost to the members. I aided over fifty families and individuals in preparing these documents.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

Not Applicable

EDUCATION

14. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Nashville School of Law; 1989 – 1997; Juris Doctor

Tennessee Technological University; 1980 – 1983; Bachelor of Science, Major: Computer Science, Minors: Mathematics and Business Management

Walters State Community College; 1979-1980; Transferred to TTU to pursue degree in Computer Science

University of Tennessee; 1978-1979; Transferred to WSCC to pursue a change in major

PERSONAL INFORMATION

15. State your age and date of birth.

52 years of age; February 29, 1960

16. How long have you lived continuously in the State of Tennessee?

1998-Present – Fourteen (14) years

17. How long have you lived continuously in the county where you are now living?

2001-Present; Twelve (12) years

18. State the county in which you are registered to vote.

Knox

19. Describe your military Service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

I was not active duty military, but for the fifteen (15) years prior to and during my attendance at law school, I was a civilian employee of the US Navy and the US Air Force. During this time, I developed contracts for technical services to support the worlds' largest collection of wind tunnels and engine test facilities in support of critical defense missions.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No

21. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

No

23. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No

25. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

I was divorced in Circuit Court in Coffee County, Tennessee in 1995.

26. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Riverdale Baptist Church; I served as Trustee from 2005-2008. I also taught Sunday School in 2008 for the Married Couples Class

Mason, F&AM Bright Hope Lodge; Entered Apprentice; 2007 – Present

Angelic Ministries, Int.; Board Of Directors, 2008 – Present

Christian Men's Job Corp , 2010, Mentor

Chairman, Knox County Republican Party; 2009-2012

Panelist in the Edward R. Murrow Program; 2010, 2012. The Edward R. Murrow program brings 150 emerging leaders from around the world to examine journalistic practices in the United States. The program is an innovative public-private partnership between the Department of State and several top U.S. schools of journalism. The UT journalism school designs specialized curriculum for their international counterparts to examine journalistic principles and practices, both in the United States and around the world.

27. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

a. If so, list such organizations and describe the basis of the membership limitation.

b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No.

ACHIEVEMENTS

28. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee Bar Association, 2008-Present, Past member of In-House Counsel section, Family Law section

Knoxville Bar Association, 2008-2009, 2011-Present; Member of Legislative Committee which works with State Legislature and Governor to enact laws to improve the service of lawyers and judges to the public.

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

In 2001, I volunteered to lead the effort to provide over 10,000 American Express employees with alternate office space and technical connectivity who were affected by the terrorist attacks of September 11. I flew into New York on September 16 and did not return home until mid-December. I led three teams of technicians and managers totaling over 100 professionals to provision office space, computers, and telephones in three separate locations in New Jersey and Connecticut.

For volunteering and succeeding in this mission, I was given a Special Employee award by CSC.

30. List the citations of any legal articles or books you have published.

Not Applicable

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

Not Applicable

32. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

Chairman, Knox County Republican Party; 2009-2012. In 2009, I was elected by the delegates to the Knox County Republican Party convention. I was likewise re-elected by acclamation in 2011. The Knox County Republican Party consists of over 1,200 delegates and alternates in over eighty-five precincts in a county with over 430,000 residents and some 265,000 registered voters. As Chairman, I was responsible for all Party activities, meetings, budgeting and finances. I was ultimately responsible for candidate recruitment as well as managing the Party's ticket in county-wide elections. During my tenure as Chairman, over fifty candidates were elected or re-elected to office, including Knox County Mayor, Criminal Court Judge, Sheriff, Register of Deeds, Trustee, Law Director, County Clerk, Criminal Court Clerk, Circuit Court Clerk, and Property Assessor. Also elected or re-elected were all Republican State Representatives and State Senators, as well as the U.S. Representative from the Second District.

As Chairman of the Knox County Republican Party, it was my responsibility to recruit candidates and raise money for the Party. Having been very successful at both of these endeavors, there may be a perception that I am too "political" or too "partisan" to be a fair judge. I submit just the opposite.

During my tenure as Chairman, I demonstrated that I was willing to make difficult and even unpopular decisions. I made decisions and took actions that disappointed friends who may have expected me to be deferential to them based on our relationship. This, I could not, and would

not, do. As judge, one is expected to impartially assess the facts, apply the applicable law, and render a fair and just decision - regardless of political expediency or popular opinion. While politics may not stop at the courthouse steps, it will stop at my courtroom doors.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

Please see attached. I am responsible for the research and writing.

ESSAYS/PERSONAL STATEMENTS

35. What are your reasons for seeking this position? *(150 words or less)*

The primary reason I am seeking this position is to continue to serve the public. I have seen the examples of my parents and grandparents, and I know firsthand how public service can change lives. I have been taught, and I believe, that I have a duty to serve others. Whether through church, civic organizations, or public office, there are many ways to give back to the community and to help others.

The position of Judge of the Third Circuit has tremendous impact on the people and businesses of Knox County. My accumulation of experiences - as a lawyer, a volunteer, and a politician - serves to educate and enlighten me in ways that uniquely prepare me for this position.

There are ways – big and small, public and private – to help people and to make a difference in their lives. My desire is to continue to do that as judge of the Third Circuit.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

Over the course of my practice, I have provided pro bono services to many who needed help. From assisting some in obtaining a divorce to helping others with regulatory matters, I regularly offer my service to individuals and families who need assistance but cannot afford legal representation.

I provide much of my pro bono work in conjunction with Angelic Ministries. Angelic Ministries provides counseling, food, clothing, and furniture to people who are homeless, who have difficulties staying in their homes, and who are recovering from addictions. I help the ministry with its legal needs as well as provide counseling for some of the individuals and families who seek help from the ministry. My assistance takes the form of regulatory advice, liability risk assessment, and lease contracts for the ministry as well as advice on family law, renter's issues, and misdemeanor representation for the families and individuals.

I choose not to report any of this activity to the Bar to get credit for pro bono work. It is my personal belief that taking credit for this activity defeats the purpose of the volunteer work itself.

37. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

Knox County's Circuit Court is the civil court of record in Tennessee's Sixth Judicial District. In Knox County there are four divisions of Circuit Court. There is one judge assigned to each division. This application is for the vacancy in the Third division.

My experience as an attorney with a diversity of experience and practice areas as well as my experience in business - essentially a consumer of judicial services - has uniquely prepared me to serve as judge of the Third Circuit. Throughout my professional life, I have maintained a temperament and an ability to manage strong personalities, to follow the law, and to apply sound legal principles to the facts at hand.

As judge, I will dedicate myself to continue to study the law, provide fair and impartial decisions, and improve upon the outstanding example of service set by the current judges of the circuit.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

As I mentioned previously, I am on the Board of Directors for Angelic Ministries, Int. This organization is dedicated to helping those individuals and families who many would characterize as having fallen "through the cracks." In volunteering there, I have been involved in preparing and serving food, leading the singing in the worship services, and mentoring individuals through jobs training courses that teaches basic interview and jobs skills.

As a Mentor for the Christian Men's Job Corps, the man I was assigned to work with was very quiet and very wary of talking to me. I knew he had been in prison, and I assumed he had basic trust issues from that experience. After we got to know each other a little better, he confided that my father had been "his judge." I had no idea. The thought that my father had presided over his trial and sentenced him and that now I was going to help him get back into productive society

was profound.

It was a vivid reminder that cases that travel through the court system are not just docket numbers and files, but real people with real problems.

I intend to continue my relationship with Angelic Ministries and the Christian Men's Job Corps and provide whatever help and support I can.

As judge of the Third Circuit, this experience would be a constant reminder of the humanity behind the docket and the need to treat those people with the dignity and respect they deserve.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

With a practice that has taken me from corporate attorney to country lawyer and everything in between, I have amassed a breadth of experience like no other candidate. This diversity of experience gives me a unique understanding of the corporations, families, and individuals who will come before me.

From negotiating multimillion dollar deals with Fortune 500 companies to writing a Living Will for a widow going to the hospital, I have represented the widest possible range of clients in all imaginable stations of life.

I spent 15 years supporting the Air Force and the Navy, managing contracts and scores of people. I have negotiated contracts with Homeland Security's Customs and Border Protection and Immigration and Customs Enforcement divisions. I have lived a full life outside the courthouse.

My father, Ray L. Jenkins, was a criminal court judge for 25 years and my grandfather, Erby L. Jenkins, was a Special Justice of the Tennessee Supreme Court. I learned from them and understand that everyone who comes before the court deserves a full hearing and just treatment under the law. I have seen firsthand how a judge's decisions impact people's lives. I have also seen what it takes to be that judge and fairly and impartially apply the law.

I have been blessed with a life full of experiences most lawyers never see. I am able and willing to continue in public service. As judge of the Third Circuit, I will draw upon my experiences and my love of the law to administer its application through the notion of traditional fair play and substantial justice.

40. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. (250 words or less)

Yes. The role of a judge is to follow the law, not create it.

The constitutions of both the State of Tennessee and the United States are clear in the separation of powers. The judicial branch, at the trial level, has the responsibility to find the facts, apply the applicable law, and render a fair and impartial judgment.

As a judge, I would work with the legislature to adjust laws that I might see working hardships or injustice, but I would not undertake to “legislate from the bench.”

I have aided many families through the difficulties of divorce and in post-divorce issues. I have seen some individuals severely impacted by one-sided child support orders – the issue in many cases being whether the child support is being spent for the benefit of the children. Currently, there is no provision to compel the parent receiving the support to provide an accounting of how that money is spent.

Although I believe the paying parent has a right to ensure child support is being used to support the minor children, that position is not the law in Tennessee. As a judge, if this issue came before me, I could not put down an Order which would be counter to state law.

A judge must always follow the law.

REFERENCES

41. List five (5) persons and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. John D. Lockridge, Jr., Attorney at Law, 1306 Papermill Pointe Way, Knoxville, Tennessee 37909: (865) 522-4194

B. Tony Earl, Executive Director, Angelic Ministries, Int. 1218 N. Central Street Knoxville, Tennessee 37917: (865) 523-8884

C. Richard B. Armstrong, Jr., Knox County Law Director, 400 Main Street, Suite 612, Knoxville, Tennessee 37902: (865) 215-2327

D. Gerald Turner, Owner DACO Asphalt Paving, 5812 Tazewell Pike, Knoxville, Tennessee 37918: (865) 216-5672

E. W. Gary Bryant, Director, Computer Sciences Corporation, 9531 Gadwell Terrace,

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Third Circuit court of the Sixth Judicial District (Knox County) of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: November 6, 2012.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



TENNESSEE JUDICIAL NOMINATING COMMISSION

511 UNION STREET, SUITE 600

NASHVILLE CITY CENTER

NASHVILLE, TN 37219

TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY

TENNESSEE COURT OF JUDICIARY

AND OTHER LICENSING BOARDS

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Court of Judiciary and any other licensing board, whether within or outside the state of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Ray Hal Jenkins



Signature

November 6, 2012

Date

019113

BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.

Question 34

Attachments

1. JOHN THOMAS AMMONS v. WILLIAM C. LONGWORTH & TAMARA LONGWORTH, 178387-3, Summary Judgment Motion
2. Riverdale Baptist Church, Constitution and Bylaws

IN THE CHANCERY COURT FOR KNOX COUNTY, TENNESSEE

JOHN THOMAS AMMONS)	
)	
Plaintiff,)	
)	
Vs.)	No. <u>178387-3</u>
)	
WILLIAM C. LONGWORTH,)	
TAMARA LONGWORTH)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT

DEFENDANTS, WILLIAM C. LONGWORTH and TAMARA LONGWORTH, by and through counsel, pursuant to Rule 56.02 of the Tennessee Rules of Civil Procedure, hereby Move this Honorable Court for a **SUMMARY JUDGMENT**, and in support thereof state the following:

I. FACTS NOT IN DISPUTE

The Defendants assert that the following Facts are not in dispute:

1. Prior to and during 2008, Defendants resided at 8015 Wilnoty Drive, Knoxville, Tennessee, a single-family dwelling encumbered with a mortgage. Defendants wished to sell that house and purchase a new home. In order to qualify for the new mortgage loan, Defendants' mortgage company required certain outstanding debts be satisfied.

2. On January 6, 2009, Plaintiff John Thomas Ammons (Plaintiff) signed a check for \$193,000.00 made out to himself and to his daughter, Defendant Tamara Longworth. Defendant Tamara Longworth used these funds to pay various debts, including car loan(s), an existing mortgage, and various other household indebtedness. The owners of the account upon which the

\$193,000.00 check was drawn were Plaintiff and Defendant Tamara Longworth.

3. On January 9, 2009, Plaintiff and Defendants executed a “Gift Letter” stating the \$193,000.00 check was a gift and there was no expectation of repayment. Gift Letter is attached as EXHIBIT A.
4. In various communications, oral and via electronic mail, between Plaintiff and Defendants, Defendants made representations that they would be willing to repay the \$193,000.00 to Plaintiff. Terms of any proposed repayment – interest rate, payment amounts, length of time for repayment – were never discussed and never agreed to by either Plaintiff or Defendant. Defendants did represent that they would be willing to repay Plaintiff “when the house is sold.”
5. There is no written contract or promissory note by and between the Plaintiff and Defendants regarding the repayment of any monies in any amount.

II. FACT IN DISPUTE

1. Plaintiff asserted in his deposition at page 7, line 13 that Defendants made a vague promise prior to the transfer of the money from Plaintiff to Defendants to repay the \$193,000.00. Defendants dispute the timing of this promise, asserting that it took place after the transfer of money. Plaintiff could not, in detail, specify the date or time of this conversation. (Plaintiff’s Deposition, Page 8, Line 19)

III. ORAL CONTRACT

1. Quoting Jamestowne On Signal, Inc. v. First Federal Savings & Loan Association, 807 S.W. 2d 559 (Tenn. App., 1990) at page 564 (reproduced as EXHIBIT B hereto):

“It is well established in this jurisdiction that a contract can be expressed, implied, written, or oral, but an enforceable contract must, among other elements, result from a meeting of the minds and must be sufficiently definite to be enforced. (Citations omitted). The contemplated mutual assent and meeting of the minds cannot be accomplished by the unilateral

action of one party, nor can it be accomplished by an ambiguous course of dealing between the two parties from which differing inferences regarding continuation or modification of the original contract might reasonably be drawn. (Citations omitted). In addition, a mere expression of intent or a general willingness to do something does not amount to an "offer." Talley v. Curtis, 129 S.W.2d 1099, 23 Tenn. App. 181 (1939).

Even though a manifestation of intention is intended to be understood as an offer, it cannot be accepted so as to form a contract unless the terms of the contract are reasonably certain.

The terms of a contract are reasonably certain if they provide a basis for determining the existence of a breach and for giving an appropriate remedy.

The fact that one or more terms of a proposed bargain are left open or uncertain may show that a manifestation of intention is not intended to be understood as an offer or as an acceptance.

Restatement, Contracts 2d Sec. 33.

The problem with the agreement between Plaintiffs and First Federal stems not from what was agreed upon but from the lack of showing of any agreement which contains the essential ingredients to form an enforceable contract. The agreement was intended to cover the loaning of a substantial amount of additional money. However, there is no showing of any of the essential elements of such a loan, such as the amount to be loaned, the duration of the loan, how it was to be repaid, the rate of interest to be paid and when, what security, if any, was to be given.

2. In the instant case, Plaintiff admitted that there was no promissory note. (Plaintiff's Deposition, Page 7, Line 14). Likewise, Plaintiff has produced no evidence where terms of repayment were agreed to or even discussed.

IV. PROMISSORY ESTOPPEL

1. Plaintiff may assert Promissory Estoppel to defeat Defendant's claim that there was no contract to enforce. Quoting from Rice v. NN, Inc. Ball &

Roller Division, 210 S.W. 3d 536 (Tenn. App., 2006), page 544 (reproduced as EXHIBIT C hereto):

To successfully state a claim for promissory estoppel, the asserting party must first show that a promise was made and that it reasonably relied upon the promise to its detriment. *Calabro v. Calabro*, 15 S.W.3d 873, 879 (Tenn.Ct.App. 1999) (citations omitted). The promise upon which the party relies "must be unambiguous and not unenforceably vague." *Id.* (citing *Amacher*, 826 S.W.2d at 482).

2. Plaintiff cannot meet the *Rice* test for Promissory Estoppel as the promise upon which he seeks reliance is not unambiguous.

3. Further, Promissory Estoppel is an equitable relief. "He who comes into Equity must come with clean hands." Gibson's Suits in Chancery, § 42 (3rd ed). "The Court of Chancery was regarded by the ecclesiastical Chancellors as a Temple into which none could come except those who had 'clean hands and pure hearts.'" *Id.* Assuming Plaintiff is correct that Defendants promised to repay prior to the exchange of money, then his execution of the Gift Letter was an indeed intent to defraud the lending company which required the Gift Letter as a condition for loaning Defendants money for the new home. Such deceit cannot be at home in a "pure heart."

V. CONCLUSION

1. Plaintiff's assertions, if all are assumed to be true and accurate, cannot support or sustain any claim as to a valid contract. There are no agreed terms – interest, payment amounts, length of loan, remedy on breach, or any other essential part of a contract.

2. Plaintiff also fails on a claim of Promissory Estoppel. Even in those situations where a promise to repay is enforceable, the terms of the promise must be unambiguous. Here there is nothing by ambiguity. Also, Plaintiff has come to Equity with unclean hands. His fraudulent act of signing the Gift Letter precludes seeking relief in Equity.

3. For these reasons, Defendants respectfully ask this Honorable Court to grant this MOTION for SUMMARY JUDGMENT.

VI. ATTORNEYS FEES & EXPENSES

1. Plaintiff has brought an action in this case that is perilously close to frivolous in nature. With no foundation in law or equity, Plaintiff has caused the Defendants to defend this action in court at considerable expense.
2. Defendants respectfully request that this Honorable Court require Plaintiff to pay all the reasonable attorneys fees and expenses incurred in the defense of this action.

WHEREFORE, Defendants Pray:

- A. For this MOTION to be filed, the Plaintiff having been served by mailing of a copy of the MOTION to his attorney;
- B. That **SUMMARY JUDGMENT** be entered for Defendants against Plaintiff;
- C. That the Plaintiff's Notice of *Lis Pendens Lien* on the realty at 8015 Wilnoty Drive, Knoxville, Tennessee be expunged and a proper Order of this Honorable Court be filed in the Register of Deeds office for Knox County, Tennessee;
- D. That Plaintiff be required to pay all court costs, filing fees, and Defendants' reasonable attorneys fees;
- E. Any and all further relief to which this Honorable Court may deem the Defendants are entitled.

Respectfully submitted, this 3rd day of
December, 2010.

Ray H. Jenkins, BPR #019113
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9114 Brownlow Newman LN
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Constitution and Bylaws of Riverdale Baptist Church

“Projecting Christ Into All Nations”

Article I Preamble

For the more certain preservation and security of the principles of our faith and to the end that this body may be governed in an orderly manner consistent with the accepted tenants of the Southern Baptist Denomination and for the purpose of preserving the liberties inherent in each individual member of this church and the freedom of action of this body with respect to it's relation to other churches of the same faith, we do declare this constitution.

Article II Name

The name of this church shall be Riverdale Baptist Church of Knoxville.

Article III Membership

The membership of this church shall consist of persons who have made a profession of their faith in Jesus as their personal Savior and Lord; who have been baptized by immersion by this church or by a church of like faith and order; who desire to be numbered among His disciples; and who are in sympathy with the faith and practices of this church.

Article IV Covenant

God established a covenant relationship, first with His people – Israel, and then a new covenant with His people – the church.ⁱ Therefore, as members of God's covenant family known as Riverdale Baptist Church, we commit ourselves to God and to one another to be Christ likeⁱⁱ in our lives and relationships through the presence, guidance, and power of God's Holy Spirit.

We will love one another as Christ loved us,ⁱⁱⁱ honor one another above ourselves,^{iv} be kind and compassionate to one another,^v encourage and build up one another,^{vi} comfort one another,^{vii} and offer hospitality to one another.^{viii}

We will have a spirit of unity based on our common bond in Christ,^{ix} be united in mind and convictions,^x meet together regularly,^{xi} have equal concern for each other, suffer when one suffers and rejoice when another is honored,^{xii} and consider others more important than ourselves.^{xiii}

We will use our God-given knowledge to instruct one another,^{xiv} use our spiritual gifts to bless one another,^{xv} use the Word of Christ to teach and admonish one another,^{xvi} and nurture one another toward spiritual maturity measured by the life and ministry of Jesus.^{xvii}

We will confess our sins to one another, pray for each other^{xviii} warn those who are idle, encourage the discouraged, help the weak, be patient with one another,^{xix} forgive one another as the Lord forgave us,^{xx} and gently restore those who sin.^{xxi}

We will not talk negatively about one another,^{xxii} not pass judgment on one another, not put any stumbling block in one another's way,^{xxiii} not be morally impure, not use obscenities, not be greedy,^{xxiv} but we will be filled with the Spirit.^{xxv} We will let the light of godly lives shine together to bring glory to God.^{xxvi}

Article V Statement of Basic Beliefs

We affirm the Holy Bible as the inspired word of God and the basis for our beliefs. This church subscribes to the doctrinal statement of the "Baptist Faith and Message" as adopted by the Southern Baptist Convention, and any amendments, modifications, substitutions and supplements thereto. We voluntarily band ourselves together as a body of baptized believers in Jesus Christ personally committed to sharing the good news of salvation to lost mankind. The ordinances of the church are believer's baptism and the Lord's Supper.

Article VI Purpose and Mission Statement

Riverdale Baptist Church is a family of believers called together for a common purpose of bringing people to Jesus and to membership in His family, to develop them to Christ like maturity and to equip them for their ministry in the church and mission in the world in order to glorify God's name.

Mission Statement: Riverdale Baptist Church exists for the purpose of "Projecting Christ into all nations" so that the hearts and lives of people might be changed through the love of God, using the Word of God so they can experience and proclaim the transforming Grace of God.

Article VII

Character

The government of this church is vested in a body of baptized believers who compose it. It is subject to the control of no other ecclesiastical body, but it recognizes and sustains the obligation of mutual counsel and cooperation which are common among Southern Baptist churches.

This church shall be a cooperating member of the Knox County Association of Baptists, the Tennessee Baptist Convention, and of the Southern Baptist Convention.

This church receives the Bible as the Word of God and as its authority on matters of faith and practice. Its understanding of Christian truth as contained therein is in essential accord with the belief of the Southern Baptist churches.

Article IX Offices

The principal office of the church shall be located at 7124 Thorn Grove Pike, Knoxville, Tennessee 37914 or such other places as the members of the church may from time to time appoint or as the business of the church may require.

Article X Finance

The fiscal year of the corporation shall begin on the first day of September in each year unless otherwise provided by the members of church.

The means, assets, income or other property of the corporation shall not be employed, directly or indirectly, for any other purpose whatever than to accomplish the legitimate objects of the creation of the corporation.

Article XI Membership

This church reserves the right to determine who shall be eligible for membership and the conditions for remaining a member. A person may offer himself/herself as a candidate for membership into the fellowship of this body. Before becoming a member, a member must be received by the church in one of the three following ways:

- (a) By profession of faith in Jesus Christ as Lord and Savior, followed by Christian baptism by immersion.
- (b) By promise of a church letter from a sister Southern Baptist Church or a church of like faith or order.

- (c) By statement of faith when a church letter cannot be obtained because of (1) destruction or loss of church records, (2) a church that has ceased to exist, or (3) any other valid reason, provided the candidate for membership has been baptized by immersion and the Pastor and the church has satisfied that the New Testament rules governing baptism have been observed.

A candidate shall become a member upon the majority vote of the members of the church present at either a Sunday or Wednesday worship service or a regularly scheduled or specially-called business meeting.

Membership Termination. Membership in Riverdale Baptist Church may be terminated in one of the following ways:

- (a) By death.
- (b) By transfer of membership by letter to another Southern Baptist Church.
- (c) By transfer of membership to a church other than Southern Baptist, in which case Riverdale Baptist Church will send a letter stating we will remove the name from our rolls.
- (d) By removal of a name from the church roll upon written request of the particular member(s) involved.
- (e) By removal of the name from the church roll upon sure and certain evidence (i.e. verification from another church or upon recommendation of the Deacons and ratified by the church at a regular business meeting) that the person(s) involved has united with some other church and has not requested a letter of recommendation or dismissal.
- (f) Discipline – The basic purpose of this church shall be to emphasize to its members that every reasonable measure will be taken to assist any troubled member. The pastor, other ministerial staff members, and deacons are available for counsel and guidance. Redemptive rather than punitive action will be the primary attitude governing the relationships between members.

Should some serious condition arise which would cause a member to become a detriment to the general welfare of the church, every reasonable measure will be taken by the pastor and by the deacons to resolve the problem, in keeping with Matthew 18. All such proceedings shall be pervaded by a Christian kindness and forbearance. But, finding that the welfare of the church will best be served by the exclusion of the member, the church may take this action by two-thirds (2/3) vote of the members present at a meeting called for this purpose; and the church may proceed to declare the person to be no longer in the membership.

Any persons whose memberships have been terminated for any condition, which made it necessary for the church to exclude them, may, upon their request, be restored to the membership by a vote of the church upon evidence of sincerity and conformity to the ideals of the church.

Duties: Members are expected to be faithful to all aspects of the church.

Article XII
Church Government and Meetings

Worship. Worship services shall be held each Sunday, both morning and evening. Prayer service shall be held each Wednesday evening.

Instruction.

(a) For the study and instruction of God's Word, there shall be a Sunday School, divided into departments for all ages and needs, to be conducted under the supervision of a Sunday School Director each morning of the Lord's Day.

(b) There shall be Training classes divided into departments of all ages and needs, to be conducted under the supervision of a Discipleship/Training Union Director.

(c) Evangelism Revivals and special worship services shall be held as recommended by the Pastor, with the approval of the Deacons.

Suspension of Services.

(a) Upon recommendation of the Pastor and with the approval of the church, occasional worship services may be suspended in order for this church to cooperate with some association, convention-wide or community service in this area.

(b) Emergency suspension of services may be called by the ministerial staff and the chairman of the Deacons.

Business Meetings.

(a) This church shall be governed by the congregational form of government. All actions of the church are not delegated to an individual or group under the provisions of these Bylaws must be approved by a majority of the members of the church present at either a regularly scheduled business meeting or a specially-called business meeting, unless otherwise provided by these Bylaws.

(b) The regular business meeting of the church shall be held on the Wednesday night after the second Sunday of the month.

(c) The church may conduct specially-called business meetings to consider matters of special nature and significance. No less than one-week notice must be given for specially-called business meetings by way of pulpit and bulletin announcements, unless extreme urgency renders such notice impractical. The notice shall include the subject, date, time, and place.

- (d) All members of the church shall be entitled to vote in church business meetings, each member being entitled to one vote.
- (e) Manner of Conducting Business Meetings.
- (1) The Pastor shall be the Moderator of the church and shall preside at all business meetings of the church.
 - (2) The Chairman of the Deacons of the church shall, in the absence of the moderator, act for and preside at business meetings of the church for him. In the absence of the Moderator and Chairman of the Deacons, one of the other Deacons shall call the church to order and preside.
 - (3) All business meetings and/or conferences shall be opened and closed with prayer.
 - (4) Other than herein modified, all meetings shall be conducted in accordance with Robert's Rules of Order (latest revision).
 - (5) Except as provided in these Bylaws, all questions shall be decided by a simple majority of the votes cast.
- (f) Required Annual Meeting.
- (1) To Comply with Title 48 of the Tennessee Code Annotated, the regularly scheduled monthly meeting in August of each year shall serve as the statutory Annual Meeting of Riverdale Baptist Church of Knoxville.
 - (2) All required annual elections shall be conducted at this Annual Meeting.

ARTICLE XIII CHURCH STAFF

Executive Staff.

- (a) Executive Staff Offices.
- (1) Pastor. The Pastor is responsible for the spiritual welfare of the church; to preach the Gospel; to teach and exemplify the principles of Bible-based Christianity; Pastoral care of the people in the church and community; visitation and evangelism to advance the church, the Southern Baptist Denomination and the Kingdom of Christ.
 - i. Recommended scriptures as guidance for selection and retention
 - He is a student of the word
 - I Tim. 4:6, 12-16

- He is an evangelist
 - A messenger of good – II Tim. 4:1-5; Eph. 4:11.
 - A herald of good news - Rom. 10:15.
 - He is a preacher; He forth-tells - 2Tim. 1:10-11; Rom. 10:13-14; 1Tim. 2:5-7.
 - He is a prompter - 1Tim. 4:6; 2Tim. 2:2; Titus 2:15; 3:8, 14

- He is the lord's bond servant
 - 1. Gal. 1:10; Phil 1:1; 2Tim. 2:23-25

- He is a minister
 - Servant - all Christians are God's workmen - Eph. 2:10.
 - The area of service for a preacher is the gospel.
 - Eph. 3:6-8; 1Cor. 3:5-6
 - Ministers to spiritual things - 1Cor. 9:1
 - Point of definition that the religious world stumbles.

- He is a man of God
 - I Tim. 6:11 (Used in Old Testament to describe spokesmen of the will of God.)

- He is commissioned
 - One who was sent out to preach (also the definition of apostle).
 - Acts 14:4, 14; 13:4; 1Thes. 1:1, 2:6
 - Anyone sent out - Phil. 2:25; 1Cor. 8:23.

- (2) Minister of Music. The Minister of Music shall be responsible for the total music ministry of the church. All music programs must be planned and carried out in consultation with and approval of the Pastor.
- (3) Minister of Youth (i.e. Youth Director). The Minister of Youth is responsible to the church and the Pastor for the leading of the spiritual growth and development of the youth of the church in grades 7 through 12.
- (4) Children's Ministry Director. The Children's Ministry Director is responsible to the church and the Pastor for the leading of the spiritual growth and development of the children of the church from birth through grade 6.
- (5) Other Executive Church Staff. The church shall employ other such executive staff members as the church shall need.

- (b) Membership. All members of the executive staff and their spouses will be expected to become members of the church when they assume their duties.
- (c) Stewardship. All members of the executive staff will be expected to be faithful stewards in all areas of their life.
- (d) Salaries. All salaries will be made available to church members upon request to the Finance Committee and shall be presented at the Annual Meeting for approval as part of the Budget approval.

Other Church Staff.

- (a) This church shall employ such other church staff members as the church shall need.
- (b) Employment. The Trustees have the authority to employ other church staff personnel, within approved budget constraints
- (c) Dismissal. The Trustees have the authority to dismiss staff personnel.

ARTICLE XIV
CHURCH OFFICERS

Corporate Officers. The church shall have a corporate President and a corporate Secretary.

- (a) President. The Chairman of the Trustees shall serve as the corporate President of the church, and unless otherwise provided by the church, he shall be the church's representative in the execution of legal documents; provided however that the President shall take no action on behalf of the church as President not explicitly authorized by the church.
- (b) Secretary. The Chairman of the Finance Committee shall serve as the corporate Secretary of the church and, as such, shall perform such duties as are normally incident to that office.

Board of Directors. The Trustees and the Finance Committee shall form the Board of Directors for Riverdale Baptist Church.

- (a) Election. See sections for Trustees and Finance Committee for Election process.
- (b) Qualifications. See sections for Trustees and Finance Committee for Qualifications.
- (c) Duties. In addition to the duties enumerated in the specific sections for Trustees and Finance Committee members, the Board of Directors shall

perform the duties incumbent on that office as delineated in title 48 of the Tennessee Code Annotated.

Deacons.

(a) Election and Term: Deacons will be replaced or added as need with the recommendation of active Deacons and Pastor. The selection of Deacon prospects will come from recommendations of the church members. After screening the prospects, the Deacons shall present a list of screened prospects to the church for a vote. In case of death, removal or incapacity to serve, the church may elect a deacon to serve. There is no obligation add as an active deacon a person who comes to the church from another church where he has served as deacon. All Deacons shall serve for an indefinite period of time.

(b) Duties:

1. In accordance with the meaning of the work and practice of the New Testament, deacons are to be servants of the church. The task of the deacon is to serve with the pastor in performing pastoral ministries tasks; proclaim the gospel to everyone; care for the church members and other persons in the community; lead the church to engage in a fellowship of worship; witness, education, ministry and lead the church in performing its tasks.
2. The deacons will elect their own officers and notify the church of such
3. The deacons shall be responsible for preparing the elements for the Lord's Supper. The deacons shall assist the pastor with the observance of this ordinance.
4. Shall recommend an interim pastor when necessary to be voted on by the church.

(c) Scriptural Qualifications of a Deacon:

There are two passages of scripture that very clearly lay out the requirements of a man who would serve as a deacon: Acts 6:1 – 7 and I Timothy 3:8 – 13. The office of Deacon is an honorable position, but not a position of honor. These men are called out by the church, which distinguishes them from pastors who are called out by God. The following are requirements, as we understand them from the Word of God.

A. Acts 6:1 - 7

1. The first requirement is that a man should be full of the Holy Spirit and wisdom. The Bible teaches that a wise man is a personal soul winner because the Spirit witnesses to Jesus.
2. Deacons should be (or willing to be) trained to be personal soul winners. The deacon also, unless providentially hindered, agrees to support regularly the visitation and outreach program of the church and be involved in evangelism of the lost and visitation of the sick, shut-ins and indifferent members of the church.
3. They should be men of good reputation, both in and out of the church.
4. They should be willing to assist the pastor in ministries so the pastor can be free to give himself to prayer and preaching of the Word.

B. I Timothy 3:8 – 13

6. The deacon is to be reverent and faithful in all things.
7. The deacon should be consistent – a man of his word, not a gossip and not a slanderer.
8. The deacon should abstain from all substance abuse, including alcohol and drugs and other harmful practices that might defile the temple of the living God.
9. The deacon should not be materialistic, not greedy.
10. He should not be too busy to be a deacon thus allowing him to commit himself to attend regularly, unless providentially hindered, all the services of the church and serve in ministries when needed.
11. The deacon should believe the Bible to be the inerrant, infallible Word of God. He should, therefore, believe in such doctrines as hell, virgin birth, the blood atonement of Jesus, the bodily resurrection, the second coming and the fact that Jesus is the only way to heaven.
12. The deacon should allow himself to be worthy of the confidence of the people. Therefore, he should be a church member at least one year prior to be selected as deacon.
13. He should be beyond reproach.
14. The deacon should be the husband of one wife or single. It is generally accepted in Baptist churches that a man who has two living wives should not be selected as a deacon. Likewise, a man whose wife has been

previously divorced should not be selected. Very often this excludes from the office a good, faithful, Godly man who has “proved” himself before the church in the bonds of a second marriage. The scripture, however, is so positive about it that it is best that the service of the man be directed into other useful channels in the life of his church.

15. The deacon should have a Godly wife who is not a gossip, not negative, but fully committed to the church and to its leadership.

16. He should believe in, and practice “storehouse tithing.” Malachi 3:10

17. He should rule his children and household well.

(d) Ministry Requirements and Expectations.

1. Our Prayer Ministries include “Prayer”...
 - a. Support of our pastor and staff.
 - b. Support of any person praying at the altar.
 - c. Support of each other in our deacon body.
 - d. Support of the Wednesday night prayer meeting.
 - e. Support of the Sunday Services.
 - f. Support of the sick in the hospital.
 - g. Support of our church family.

2. Our Care Ministries include:
 - a. Visiting the sick, widows, orphans and shut-ins
 - b. Care for each other in the deacon body.
 - c. Example of Christ.
 - d. Care of poor and benevolent.
 - e. Counseling the lost, the troubled and people with needs.
 - f. Special effort to welcome visitors at services.
 - g. Accountability that demonstrates we care for one another.

(e) Ordination. Any man elected to serve as a Deacon, who has not been previously ordained a Deacon in a church of like faith and order, shall be ordained in a special ordination service as soon as possible after having been elected by the church.

(f) Meetings. The Body of Deacons shall meet once a month or as needed.

Trustees.

A. Election:

1. Shall be recommended by the Nominating Committee and voted on by the Church at the June business meeting. Each will serve a three (3) year term.
2. 1 member will rotate off each year.

3. Chairman to be elected each year by the Trustees.

B. Qualifications:

1. Be a church member for minimum of 1 year.
2. Shall tithe regularly.

C. Duties:

1. The Chairman of the Trustees shall serve as President of Riverdale Baptist church of Knoxville.
2. Responsible for the care of the church facilities, upkeep of the grounds, and all other real and physical property of the Church.
3. Shall act on all legal matters as instructed by the Church at an official business meeting.
4. Responsible for determining and maintaining adequate insurance coverage for the buildings, personnel, and vehicles.
5. Solicit and review applications all paid staff positions. Recommend salary/benefit package for all paid staff positions.
6. All non-budgeted expenditures shall be discussed among Trustees and any proposed such expenditures over \$5000.00 must be approved by the Church in an open Business Meeting, whether it be regularly scheduled or specially called.
7. Make regular walk through checks as a preventative maintenance program to help prevent unnecessary repairs.
8. Investigate maintenance problems as informed by other church members.
9. Supervise custodial services.

D. Meetings: The Trustees shall meet as needed.

Finance Committee.

A. Election: Committee shall consist of 3 members nominated by the Nominating Committee and approved by the church during the June business meeting. 1 member will rotate off each year. In addition to the 3 members, the Trustees and the Church Treasurer will also serve on the committee.

B. Purpose: Prepare the annual church budget and to provide financial guidance related to the utilization of all church funds.

C. Duties:

1. The Chairman of the Finance Committee shall serve as Corporate Secretary of Riverdale Baptist Church of Knoxville.

2. Responsible for compiling a list of all authorized credit card users and authorized purchasers for each vendor. List is to be submitted to the Treasurer.
3. Notify respective Vendors of authorized purchasers.
4. Prepare annual church budget for presentation at the August business meeting.
5. Ensure authorized purchaser signs receipts.
6. Review financial statements monthly to ensure budget is being met.
7. Review and recommend to the church any changes in salaries as included in the budget.

Oversee all Mission accounts

Church Treasurer & Assistant Treasurer.

- A. Election: Treasurer and Assistant Treasurer are nominated by the Nominating Committee and presented to the church for approval at the July Business meeting.
- B. Qualifications: Must meet the requirements for bonding.
- C. Duties:
 1. Ensure timely payment of all bills for the church.
 2. Deposit of the offerings received during Sunday services is to be made by the first of the week immediately following.
 3. Maintain receipts for all payments issued.
 4. Issue payroll checks bi-weekly to salaried staff.
 5. Maintain a record of all withholdings for salaried staff and issue W-2's annually.
 6. Maintain receipts for all items paid out for staff members.
 7. Balance accounts monthly.
 8. Present monthly financial report to church members at regular business meeting. If the Treasurer cannot be present, the report is to be given by the Assistant Treasurer or Chairperson of the Finance Committee.
 9. Make available to any church member all records, except individual contributions, up on request.
 10. Prepare and maintain records of individual contributions.
 11. Recorded amounts of individual contributions for the year are totaled and provided to individual members for tax purposes before January 31 of the following year.
 12. Inform staff and Finance Committee of any trends or changes in fiscal matters.
 13. Any issue that arises involving the Treasurer or Assistant Treasurer should be addressed with the Finance Committee.
 14. The Assistant Treasurer is to fulfill the aforementioned duties should the Treasurer be unable to do so.

Both the Treasurer and Assistant Treasurer serve on the Finance Committee.

Church Clerk & Assistant Clerk.

- A. Election: Nominated by the Nominating Committee and voted on by the Church at the July business meeting.

- B. Duties:
 - 1. Shall attend church business meetings.
 - 2. Shall maintain, in a suitable book, a record of the minutes and actions of the church during the regular and special called church business meetings.
 - 3. Shall see that church letters on new member are secured from previous church affiliation.
 - 4. Shall see that upon church approval, church letters are sent to other Baptist churches as requested.
 - 5. Shall be responsible for keeping an up to date church roll with dates of admission or baptism and dismissing or death.
 - 6. Shall be responsible for keeping a roster of members who are ordained ministers.
 - 7. Shall be responsible for preparing and submitting to the church, the annual letter to the Knox County Association.
 - 8. Assistant Clerk fulfills the stated duties in the absence of the Church Clerk.

Other Officers. The church shall nominate and appoint such other officers as the church shall deem necessary.

ARTICLE XV
COMMITTEES

Nominating Committee.

- A. Purpose: The purpose of the Nominating Committee is to discover, interview, enlist, and nominate to the church for election such persons who are suitable to fill and accept responsible positions as general church officers. The committee shall consist of three (3) appointed individuals in addition to the Sunday School Director and Training Union Director.

- B. Election: The Deacons and Pastor will submit the individuals selected for the nominating committee to the Church for approval.

The selections are to be presented no later than the May business meeting. Approved members will serve a 3 year rotation.

C. Duties:

1. To recruit and nominate individuals to fill positions as outlined in Procedures and Bylaws.
2. To work closely with organizational heads to determine leadership needs and preventing vacancies.
3. Ensure that everyone that has been nominated or elected to a position is notified of their nomination or election.
4. Nominate special committees as requested by the Church.
5. Fill any vacancy that should arise during the church year.
6. Submit 2 weeks prior to August business meeting a list of nominees as set forth in the Bylaws for the new church year.

Other Committees. Other committees may be appointed and elected as needed. If it seems wise to delete, add or combine committees for more efficient operation, such should be done by the nominating committee.

Election of Committee Members and Chairpersons.

- A. Election. Except as otherwise provided (i.e. the Nominating Committee), all committee members shall be nominated by the Nominating Committee and elected by the church in a regular or specially-called business meeting.
- B. Chairpersons. All committees shall elect a chairperson within the first month of the new church year. The name of this chairperson shall be turned into the church office. The church clerk shall type a list of the committees and chairpersons and post this list in two places in the church for all membership to see. This information shall also be posted on the church web site.

ARTICLE XVI
AMENDMENT OF BYLAWS

Amendment or Alteration. Except as provided in section "constitution", these Bylaws, or any provision thereof, may be amended or altered by a 2/3 vote of members present at a regular or specially-called business meeting.

Notice. Any proposed changes to these Bylaws must be given to the Church Clerk in writing, and the Church Clerk must make copies available of the proposed change to the members of the church at least two weeks prior to the date of the business meeting at which the proposed change is to be voted on.

Constitution. Article I through Article VIII of these Bylaws shall be known as the Constitution of Riverdale Baptist Church and shall only be amended or altered by a ¾

vote of members present at a regular business meeting.

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- ⁱ Hebrews 8:7-13; 9:15
 - ⁱⁱ 1 Peter 2:21
 - ⁱⁱⁱ John 13:34
 - ^{iv} Romans 12:10
 - ^v Ephesians 4:32
 - ^{vi} 1 Thessalonians 5:11
 - ^{vii} 2 Corinthians 1:10
 - ^{viii} 1 Peter 4:9
 - ^{ix} Ephesians 4:3-6
 - ^x 1 Corinthians 1:10
 - ^{xi} Hebrews 10:25
 - ^{xii} 1 Corinthians 12:25-26
 - ^{xiii} Philippians 2:3
 - ^{xiv} Romans 15:14
 - ^{xv} 1 Corinthians 12:7
 - ^{xvi} Colossians 3:16
 - ^{xvii} Ephesians 4:13
 - ^{xviii} James 5:16
 - ^{xix} 1 Thessalonians 5:14
 - ^{xx} Colossians 3:13
 - ^{xxi} Galatians 6:1
 - ^{xxii} James 4:11
 - ^{xxiii} Romans 14:13