

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

JACK PELHAM, and )  
KAY PELHAM, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 05-2259-III  
 )  
THE NASHVILLE CHURCH, INC., )  
INTERNATIONAL CHURCHES OF )  
CHRIST, INC., HOPE WORLDWIDE, LTD., )  
and CENTRAL AND SOUTH AMERICA )  
WORLD SECTOR, INC. )  
 )  
Defendants. )

MOTION TO DISMISS FOR FAILURE TO STATE  
A CLAIM UPON WHICH RELIEF CAN BE GRANTED

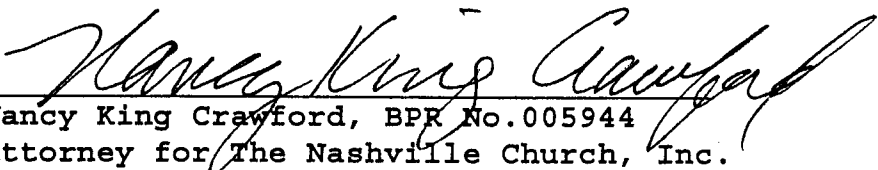
The Nashville Church, Inc., Defendant, pursuant to Tenn. R. Civ. P. 12.02(6), hereby moves to dismiss the Complaint filed by the Plaintiffs, Jack Pelham and Kay Pelham, for the reason that the Complaint fails to state a claim upon which relief can be granted. As grounds for this Motion, the Defendant would show:

1. The Plaintiffs failed to plead with particularity, as required by Rule 9.02 of the Tennessee Rules of Civil Procedure, the allegations of fraud required to support the claims of Fraudulent Misrepresentation (Count I), Civil Conspiracy (Count II) (alleged as fraud), and Negligent Misrepresentation (Count III).

2. Also, the Negligent Misrepresentation (Count III) cause of action fails to state a claim upon which relief may be granted due to lack of requisite allegations of commercial transaction.
3. Furthermore, the Civil Conspiracy (Count II) cause of action should be dismissed because Plaintiffs failed to plead any underlying tort.
4. Lastly, the Constructive Trust (Count IV) cause of action should be dismissed because the Plaintiffs lack standing to assert this claim.

In support of this Motion, the Defendant, The Nashville Church, Inc., submits a Memorandum of Law and Facts and an Affidavit for consideration by this honorable Court.

Respectfully submitted,

  
Nancy King Crawford, BPR No.005944  
Attorney for The Nashville Church, Inc.  
1929 21st Avenue South  
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615-292-2331

This Motion is expected to be heard on Friday, October 7, 2005, at 9:00 A.M. in the Division III Davidson County Chancery Courtroom located at 501 Great Circle Road, Nashville, TN

*If no response is timely filed and personally served, the Motion shall be granted and counsel or pro se litigant need not appear in Court at the time and date scheduled for the hearing.*

CERTIFICATE OF SERVICE

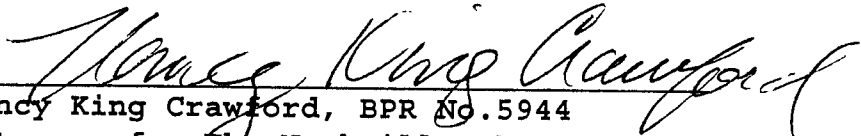
The undersigned hereby certifies that a true and correct copy of the foregoing has been transmitted via United States mail, postage prepaid on this the 21st day of September, 2005, to the following:

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