

# **MBC seeks to reopen Windermere case in Camden County**

May 8, 2009

CAMDENTON, Mo. (ABP)— The Missouri Baptist Convention will try once again to reclaim land at Windermere Baptist Conference Center and property it once owned by refiling a case recently dismissed in Camden County.

On May 6, MBC attorneys filed a request to submit an amended version of legal action the convention took against the center in Camden County Circuit Court on Nov. 1, 2006. Judge Kenneth Hayden dismissed that case on April 9.

Under the state's court rules, the convention had two options — to appeal to the Missouri Appeals Court or to ask the lower court for permission to file an amended petition.

A hearing to determine whether the Camden County case will continue in a restated form is set for 9 a.m. May 12 at the Camden County Courthouse.

The amended petition in Camden County seeks return of 1,300 acres, which includes 943 acres Windermere transferred to National City Bank of Cincinnati in late 2005 as part of a debt restructuring plan. The bank sold the property to Windermere Development Co. Inc., owned by William R. Jester of Springfield.

It also requests damages from former MBC executive director Jim Hill for breach of fiduciary duty. The convention claims Hill facilitated transfer of the Windermere property from the convention to the Windermere

corporation in 2001 when the conference center became an agency. In the past, the center was governed by an MBC committee.

The revised case also requests a jury trial.

When he dismissed the Camden County action in April, Judge Hayden ruled that the issues included in that case mirror legal action the MBC took in Cole County against Windermere, the Missouri Baptist Foundation, Missouri Baptist University, *Word&Way* and The Baptist Home in 2002. The convention filed suit against the five in an effort to rescind changes in each entity's articles of incorporation to allow each to elect its own trustees.

Cole County Circuit Court Judge Richard Callahan ruled March 4, 2008, that Windermere acted legally when it changed its articles of incorporation. A three-judge appellate panel upheld Callahan's ruling Feb. 3. The Missouri Supreme Court decided not to consider the case.

Hearings for the other four institutions were put on hold pending the outcome of the appeal in the Cole County case against Windermere.

The petition lists the MBC Executive Board as the plaintiff in the case. Defendants include Jester and six of his companies — Windermere Development Co., Jester Capital Management, the Estates at Windermere, the Lodges at Windermere, the Villas at Windermere and Resource Development Inc. Resource Development employee Jerald Hill is also named.

Jim Hill and his firm, RDI, and the conference center are listed as well.

Several financial institutions involved in Windermere's restructuring plan are also listed. They are: California Plan of Church Finance Inc., Reliance Trust Co., First Centennial Bank, National City Bank of the Midwest, Consolidated Mortgage Inc. and First American Title Missouri Agency Inc.

***Vicki Brown is a correspondent for Word&Way.***