

IN THE COURT OF COMMON PLEAS
OF THE 49th JUDICIAL DISTRICT OF PENNSYLVANIA
CENTRE COUNTY
CIVIL DIVISION – ORPHANS’ COURT

MINISTRY A. BASTON
REGISTERED MAIL
DEPT. OF REVENUE
CIVIL DIVISION

2013 APR 22 P 4:42

FILED FOR RECORD

**In Re: The Second Mile;
Motion to Lift Stay and Amended Petition
for Limited Distribution of Assets and
Incremental Program Transfer of The
Second Mile Pending Dissolution**

NO. 14-12-0255 of 2011

MEMORANDUM OPINION

This matter is before the Court on the Petitioner’s “Motion to Lift Stay and Amended Petition for Limited Distribution of Assets and Incremental Program Transfer of The Second Mile Pending Dissolution” (hereinafter, “Amended Petition”).

At issue is a proposed transfer from The Second Mile to Arrow Child & Family Ministries and its affiliate, Arrow Family & Child Ministries of Pennsylvania (hereinafter, collectively “Arrow”) of Two-Hundred Thousand Dollars (\$200,000.00), The Second Mile participant, donor and program databases and information, and various small assets including a seven-year-old van, a sixteen-year-old van, and various office supplies and equipment.

The Court finds the proposed transfers to be *de minimis*, constituting less than 5 per cent (5%) of the total assets of The Second Mile. Furthermore, the Court recognizes that The Second Mile has continued to operate as a charity pursuant to the stipulation of the parties entered as an Order of Court on September 4, 2012. To that end, The Second Mile has operated its programs in its normal course of business, incurring costs and expenses. If the Court did not approve this transfer, The Second Mile would continue to run its programs until the available cash would be depleted and therefore the cash at issue would not be available to the plaintiffs in pending tort

actions regardless of the Court's resolution of the transfer petition. There will be essentially no net loss to the prospective plaintiffs by the approval of this transfer. The transfer of funds and program information that benefits at-risk and deprived children prevents the extremely effective programs from being denied to those in need. The transfer of the Two-Hundred Thousand Dollars (\$200,000.00), database information, and various office equipment and supplies will permit programs to continue that are of immense benefit to children and their families.

Furthermore, the Court notes that no objections were filed to the transfer itself within thirty (30) days of the filing of this petition. A Response was filed, but not to the proposed distribution. Rather, John Doe B's proposed that the Court take jurisdiction over Arrow. However, oversight of charitable organizations in Pennsylvania is reserved to the Attorney General. Moreover, there is no need to bring Arrow into the action as a party. Only a proposed transfer is currently before the Court. Thus, the objections proffered in the Response do not create a substantial impediment to the proposed transfer of assets.

Finally, it is noted that counsel for John Doe B, the lone party who filed a response to the Amended Petition, agreed that the proposed order signed today by the Court was appropriate. *See* "Petitioner's Reply to John Doe B New Matter to Motion to Lift Stay and Amended Petition for Limited Distribution of Assets," Exhibit C.

Attorney for the Petitioner is hereby ORDERED to serve a copy of this Order on the Attorney General and all parties of interest who have been previously served with a copy of the Amended Petition.

For the foregoing reasons, the Court enters the following Order:

IN THE COURT OF COMMON PLEAS
OF THE 49th JUDICIAL DISTRICT OF PENNSYLVANIA
CENTRE COUNTY
CIVIL DIVISION – ORPHANS’ COURT

RECEIVED AT BARTON
REGISTER OF WILL &
ESTATE MATTERS
CENTRE COUNTY PA

2013 APR 22 P 4:12

FILED FOR RECORD

IN RE: THE SECOND MILE
Petition for Limited
Distribution of Assets

No. 14-12-0255 of 2012

ORDER

AND NOW, this 17th day of April, 2013, upon consideration of the Motion to Lift Stay and Amended Petition for Limited Distribution of Assets filed by The Second Mile, and any and all responses thereto, it is hereby ORDERED that the Petition is GRANTED as follows:

- a. The Court’s September 4, 2012 stay of proceedings is lifted to the extent required by the Order;
- b. The Second Mile’s Plan for the transfer of intellectual property and the sum of \$200,000 to Arrow and Arrow – PA is approved.
- c. All remaining assets of The Second Mile shall be retained by The Second Mile, subject to regular and necessary business expenses as more fully set forth in this Amended Petition, pending final disposition of all litigation, claims or related matters and further Order of this Court.

BY THE COURT


WILLIAM F. MORGAN, S.J.
Specially Presiding