EXHIBIT V

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SHIRLEY E. FAUST, CLERK
By Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

THE SECOND INTERNATIONAL BAHA'I COUNCIL [sic], Plaintiff, vs. NEAL CHASE, Defendant.	Department No. 3 Cause No DV-02-410 **MOTION TO DISMISS OR ALTERNATIVE MOTIONS FOR DISMISSAL OR SUMMARY JUDGMENT, AND BRIEF IN SUPPORT**

COMES NOW Defendant Neal Chase, by and through counsel of record, and moves the Court, pursuant to Rule 12(b)(1) and (6) of the Montana Rules of Civil Procedure, for an order dismissing this case on the grounds that this Court is without subject matter jurisdiction to hear and decide this case. Adjudication of this case would require the Court to interpret and apply ecclesiastical doctrines and teachings of the Baha'i faith. Such an inquiry would be an impermissible violation of the constitutional requirement of separation of church and state.

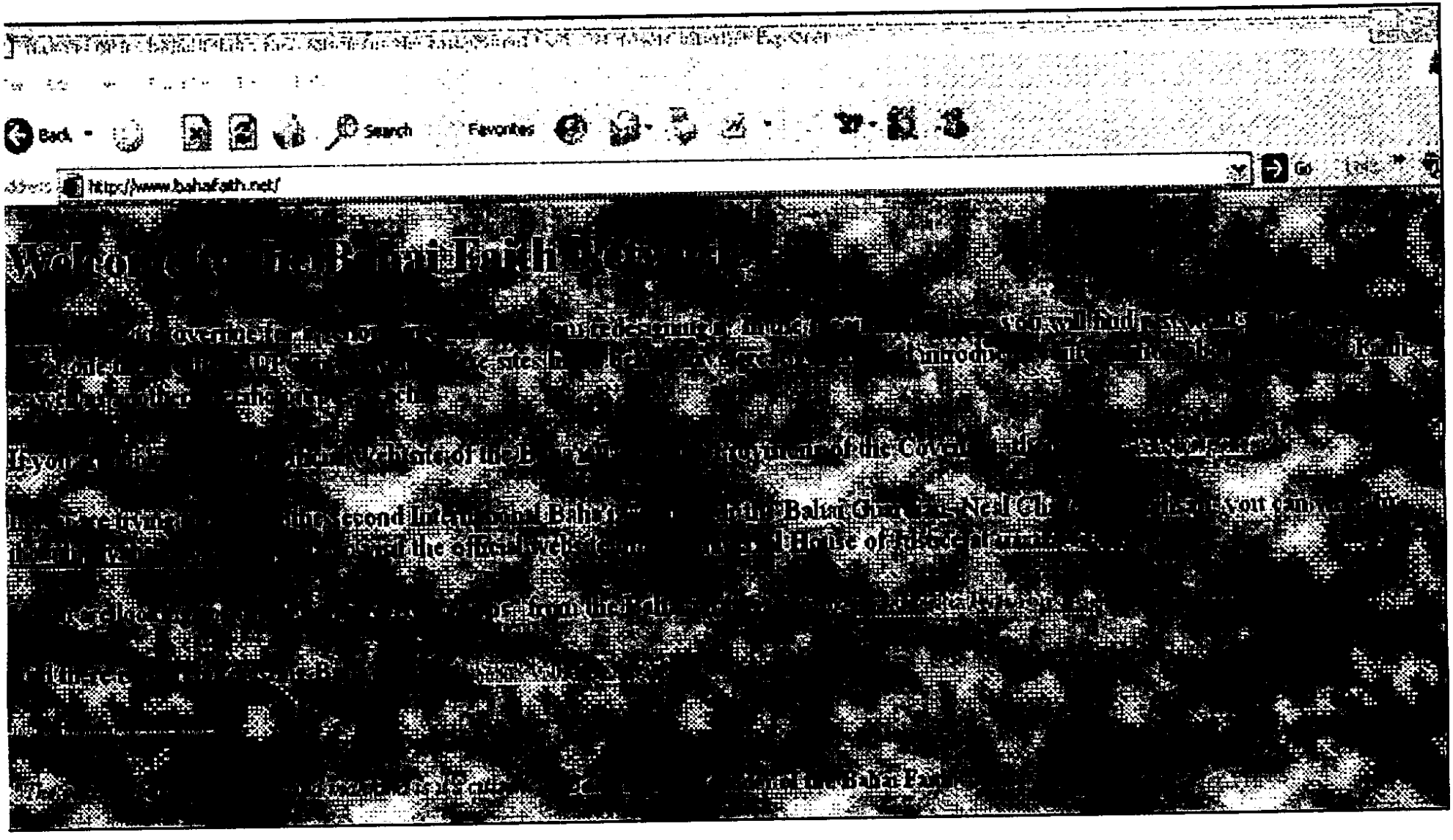
In the alternative, if the Court determines that it does have subject matter jurisdiction

coagulated droplets of Baha'u'llah's sacred blood. (Id.). The hair and blood constituted the "token" that gave further evidence of Mason's adoption by 'Abdul-Baha' as guardian of the Baha'i faith and adopted descendent of the Davidic Kingship. (C. Geesen Depo. 17:21 – 22:5).

The Baha'i faith experienced a split in its membership after Mason was adopted and appointed guardian. Most of the Baha'i members refused to recognize Mason as the guardian, because he was adopted through the simple method of being called "Aghsan,"or "my son," rather than through a court procedure. The largest part of that group split off and now forms a group that is headquartered in Haifa, Israel. The members of the large group that split off are no longer considered by the parties to belong to the true Baha'i faith. (Id. 135:25 – 137:4). The small part of the original group that accepted Mason Remey as guardian followed him, and that group developed into what is now known as the sIBC. (Id. 13:13-25). That group is collectively referenced as the Bahai's Under the Provisions of the Covenant ("BUPC'). (Id. 38:15 – 39:3).

Mason Remey did not have any children. He adopted Pepe Remey through a court procedure after Pepe reached adulthood. (Id. 14:2-7). This time a medallion was the "token" that gave further evidence of Pepe's adoption of Mason and his appointment of Mason as a descendent of the Davidic Kingship. (Id. 25:1-15). Pepe refused during his lifetime to publicly accept the role of guardian. (Id. 14:8-10).

Defendant Neal Chase contends that he is the guardian of the Baha'i faith. (Id. 128:10-18). The plaintiff in this case, who purports to be the second International Baha'i Council, denies that Mr. Chase is the guardian. (Id. 133:3-6). Mr. Chase, in turn, denies that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