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FILED  
BY Jimmy Clarke  
JUN 13 2021

KENNETH D. ROBERTS  
CLERK OF DISTRICT COURT - 3RD JUDICIAL DISTRICT  
LINCOLN COUNTY, STATE OF WYOMING

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT  
LINCOLN COUNTY, WYOMING

|  |   |                                 |
|--|---|---------------------------------|
| TIM TEICHERT on behalf of THE ESTATE   | ) |                                 |
| OF HERMAN TEICHERT and THE             | ) |                                 |
| ESTATE OF MINERVA TEICHERT,            | ) | Docket No. <u>CV-2021-87-DC</u> |
|  | ) |                                 |
| Plaintiffs,                            | ) |                                 |
|  | ) |                                 |
| vs.                                    | ) |                                 |
|  | ) |                                 |
| THE CHURCH OF JESUS CHRIST OF          | ) |                                 |
| LATTER-DAY SAINTS, a Utah corporation; | ) |                                 |
| CORPORATION OF THE PRESIDING           | ) |                                 |
| BISHOP OF THE CHURCH OF JESUS          | ) |                                 |
| CHRIST OF LATTER-DAY SAINTS; and the   | ) |                                 |
| CORPORATION OF THE PRESIDENT OF        | ) |                                 |
| THE CHURCH OF JESUS CHRIST OF          | ) |                                 |
| LATTER-DAY SAINTS;                     | ) |                                 |
| Defendants.                            | ) |                                 |

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COMPLAINT

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Plaintiffs, by and through their counsel, and for their claim against Defendants, allege as follows:

**PARTIES**

1. Minerva Teichert (“Teichert”) died intestate on May 3, 1976 and was survived by her husband, Herman Teichert, to whom all ownership and other rights in her property passed by operation of law.

2. Herman Adolph Teichert died intestate on November 25, 1982 in Bear Lake County, Idaho.

3. Tim Teichert, grandson of Minerva and Herman Teichert, was appointed Administrator of the Estate of Herman Teichert on March 7, 2018 by the District Court, Third Judicial District, County of Lincoln, State of Wyoming.

4. As Administrator of the Estate of Minerva Teichert and the Estate of Herman Teichert, Tim Teichert is authorized to act on behalf of the estates and to investigate, pursue and enforce rights in property owned by the Minerva Teichert Estate and/or the Herman Teichert Estate, including paintings, and all related rights, created and acquired by Minerva Teichert during her lifetime.

5. The Church of Jesus Christ of Latter-Day Saints is a non-profit corporation registered with and headquartered in the State of Utah, but authorized to and conducting business in the state of Wyoming. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints and the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints are also Utah Corporations authorized to and conducting business in the state of Wyoming. Collectively, these institutions and organizations will be referred to herein as “Defendants” or “Church.”

6. The facts and circumstances giving rise to Plaintiff’s complaint arose or occurred in the state of Wyoming.

7. The amount in controversy is sufficient to invoke the jurisdiction of the district court and venue is proper in the district court for the Third Judicial District.

### **GENERAL ALLEGATIONS OF FACT**

8. Minerva Teichert (“Teichert”) is a renowned American artist who is known for her paintings of the American west and depicting various events and individuals within Church theology.

9. Her paintings are prominently displayed in art galleries throughout the western United States and in numerous Church buildings and properties, including in Brigham Young University, the Joseph Smith Memorial Building, and numerous ward houses and stake centers.

10. During her lifetime, Teichert loaned or placed many of her paintings to local Church buildings in Wyoming, Idaho, and Utah.

11. Her generosity allowed myriad Church members and other visitors to enjoy—free of charge—her artistic renditions of significant and spiritual moments in Church history.

12. Although Teichert did exchange a series of paintings to cover tuition costs for her descendants attending Brigham Young University<sup>1</sup> and sold a few others, many of her paintings that ended up in the Church’s possession were conditional gifts, placed in specific Church buildings or loaned to the Church for a specific purpose and not intended as outright unconditional gifts conveying title to the Church.

13. Moreover, Teichert never entered into any written agreements with the Church that transferred over legal title or any other rights.

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<sup>1</sup> Teichert’s contributions to Brigham Young University (BYU) were intended to cover tuition costs and/or establish future scholarship assistance for her children and grandchildren that attended the University. BYU officials readily agreed and promised that her children and grandchildren would receive scholarships or generous financial assistance in exchange for the paintings. Those promises—at least with respect to Teichert’s grandchildren—were not honored.

14. Indeed, Teichert never gave the Church or the local Church buildings/congregations authorization to do anything other than display her paintings, with certain conditions, and those conditions required the display of particular paintings at locations specified by Teichert.

15. For much of her life, Minerva Teichert lived in Cokeville, Wyoming and attended services and activities at the Church ward house located at or near 725 E. Main Street, Cokeville, Wyoming 83114 (the “Cokeville Ward House”).<sup>2</sup>

16. Several of Teichert’s children and grandchildren established firm roots in Cokeville, and many of them stayed even after Teichert herself was relocated by her family to a nursing home in Provo, Utah. A number of her descendants still attend Church services the same chapel where Teichert herself attended.

17. Because Teichert wanted to ensure that her posterity would be able to enjoy a collection of her paintings each and every time they attended Church services or other functions at the Cokeville Ward House, in 1955, Teichert entered into an oral agreement with the Cokeville ward bishop, Herman K. Teichert, whereby Teichert agreed that the Church would be allowed to display four (4) original paintings, namely (i) *The Song of Quetzalcoatl*, (ii) *Relief Society Quilting* (iii) *Cast Your Nets on the Other Side* and (iv) *Handcart Pioneers* (all collectively, the “Cokeville Paintings”).

18. The Estate of Minerva Teichert owns the copyright interests in *Relief Society Quilting*, *Cast Your Nets on the Other Side*, and *Handcart Pioneers*. Certificates of Registration from the United States Copyright Office are attached hereto and incorporated by this reference.

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<sup>2</sup> The Church’s Cokeville Ward was housed at two separate locations during Teichert’s time in the ward. The second location—725 E. Main Street—is the same location where the Cokeville Ward meets today.

19. The placement of the Cokeville Paintings was conditioned upon the fact that if the Church or the local Church leadership ever decided to replace or remove the Cokeville Paintings, the *conditional gift* or loan would end and the paintings would immediately revert back to Teichert, or her heir(s).

20. Furthermore, the conditional gift or loan expressly precluded anyone from moving the Cokeville Paintings to any other location—be it a ward house, temple, or other Church property. *See id.*

21. The sole purpose of allowing the display of Minerva Teichert’s works of art in the Cokeville Ward House was that it would be particularly significant to Teichert and her family, and members of the Cokeville community.

22. No ownership changed hands, and Teichert never authorized the Church to relocate the Cokeville Paintings. They were at all times conditional gifts or loans under Wyoming law.

23. In accordance with the mutual promises and understanding Minerva Teichert had with Bishop Teichert, Teichert entrusted the Cokeville Paintings to the Cokeville Ward House.

24. From 1955 until 2014, the paintings were continuously displayed in the Cokeville Ward House without event.

25. Minerva Teichert, her family, and many other church members and visitors took great pride in the paintings and enjoyed them each Sunday when they attended church.

26. Sometime in 2014, however, the Church informed members of the Teichert family that it would soon be relocating *The Song of Quetzalcoatl*, after which it would relocate the other Cokeville Paintings to temples or other Church facilities.

27. The Church claimed that its primary rationale for the impending relocations was a concern for preserving the paintings.

28. This was the first time in sixty years that the Church had expressed concerns about maintaining the paintings' integrity, and this preservation concern was expressed for the first time as construction on the new Star Valley, Wyoming temple was beginning.

29. Teichert family members, including Tim Teichert, objected, relying upon the conditional nature of Minerva Teichert's gift or loan and the long standing agreement that the paintings be returned to Teichert or her heir(s) if the Church elected not to display them in the Cokeville Ward House any longer.

30. Over these objections the Church relocated *The Song of Quetzalcoatl* to the Star Valley Temple.

31. During March or April of 2020, during the worldwide Covid-19 pandemic, employees or other agents or representatives of the Church removed the remaining 3 paintings, identified in paragraph 17 above, from the Cokeville Ward House and relocated them elsewhere.

32. Upon information and belief, Minerva Teichert conditionally gifted or loaned numerous other paintings to other local Church buildings and congregations under conditions similar to the Cokeville Paintings.

33. Minerva Teichert placed these other paintings subject to the same condition that they be displayed in a single specific location.

34. Any deviation or attempted deviation from those conditions would invalidate or nullify the conditional gift or loan agreement and obligate the Church to immediately return the subject painting/s to Teichert or her heirs, and more specifically, at this time, to the Estate of Minerva Teichert and/or the Estate of Herman Teichert.

35. These sorts of display-only conditional gifts or loans were made to various ward houses, stake centers, and other buildings spread over Utah, Idaho, and Wyoming, many of which were of particular significance to Minerva Teichert and/or her family.

36. Like the Cokeville Paintings, none of those conditional gifts or loans transferred ownership or other rights to the Church.

37. In the aftermath of the Church's inappropriate removal of *The Song of Quetzalcoatl*, Plaintiffs learned that the Church, acting through its employees or other agents or representatives has relocated several other Minerva Teichert paintings (the "paintings") without authorization, including but not limited to the following:

|    | <b>Title</b>  | <b>Location</b> (as far as it was last known to Plaintiff) |
|----|---|--|
| 1  | Handcart Pioneers   | Cokeville Ward   |
| 2  | Cast your net on the other side                                 | Cokeville Ward   |
| 3  | My Sisters of the Bible (also known as Relief Society Quilters) | Cokeville Ward   |
| 4  | Song of Quetzacoatl   | Cokeville Ward   |
| 5  | Pioneer Handcart  | Montpelier, ID Tabernacle                                  |
| 6  | First Vision  | Montpelier, ID Tabernacle                                  |
| 7  | Angel Moroni gives plates to Joseph                             | Randolph Utah  |
| 8  | Rescue of the Lost Lamb   | Salt Lake City, Bonneville Stake Center                    |
| 9  | Not Alone   | Pocatello Idaho  |
| 10 | Restoration of the Melchizedek Priesthood                       | Provo Utah Tabernacle                                      |
| 11 | Handcart Pioneers   | (Originally) LaCaseta, Chihuahua, Mexico chapel            |
| 12 | Touch Me Not  | Logan Temple baptistery 1939-1949, Now at BYU              |

38. Additionally, Plaintiffs believe other paintings, not listed above and currently unknown to Plaintiffs, were conditionally gifted or loaned to local Church congregations and buildings under similar circumstances and have been inappropriately claimed and relocated by the Church.

**FIRST CLAIM FOR RELIEF- DECLARATORY RELIEF**

39. Plaintiffs hereby incorporate by reference the allegations set forth above as if fully set forth herein.

40. Plaintiffs' claim for relief is brought under W.S. § 1-37-101 et. seq., Wyoming's "Uniform Declaratory Judgments Act," with a request that the court declare the rights, status, and interests these parties have in and to Minerva Teichert's paintings as identified in paragraph 17 under the terms of the conditional gifts and/or loan agreements governing each painting.

41. As alleged herein there is a justiciable controversy between the parties as to who is the rightful owner of the paintings at issue, as well as related copyright interests.

42. More specifically, Plaintiffs request this court declare that the Minerva Teichert paintings identified in paragraph 17 were either conditionally gifted as alleged herein [*Van Ewing v. Hladky Constr., Inc.*, 48 P.3d 1086 (Wyo. 2002)] or loaned by agreement such that they would remain where Minerva Teichert placed them or designated that they be placed and that in the event the Church or local Church buildings/congregations no longer wanted the paintings in the local Church buildings where they were originally placed, such event would require the immediate return of the paintings to Plaintiff or her heirs, and under current circumstances, to the Estate of Minerva Teichert and/or the Estate of Herman Teichert.

43. Plaintiffs have repeatedly requested Defendants return the improperly removed paintings to the buildings where Minerva Teichert placed them and the terms of her conditional gifts or loans, or in the alternative that the Defendants deliver the paintings to Plaintiffs, but the Defendants have failed or refused to do so.



44. Plaintiffs therefore request the court declare Plaintiffs are entitled to immediate delivery of the conditionally gifted or loaned paintings to the Estate of Minerva Teichert and/or Herman Teichert.

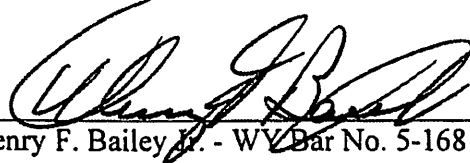
**PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request the court enter judgment in Plaintiffs' favor and against Defendants, declaring that:

- a. Defendants do not have legal title to the subject paintings or related copyright interests; and
- b. Legal title to the subject paintings and all related copyright interests rest with Plaintiffs;
- c. The subject paintings should be immediately delivered to Plaintiffs.

Dated this 9 day of June, 2021.

**BAILEY STOCK HARMON COTTAM LOPEZ LLP**



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# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shira Perlmutter*  
United States Register of Copyrights and Director

Registration Number  
**VAu 1-429-203**  
Effective Date of Registration:  
April 22, 2021  
Registration Decision Date:  
May 03, 2021

## Title

Title of Work: Handcart Pioneers

## Completion/Publication

Year of Completion: 1932

## Author

- Author: Minerva Bernetta Kohlhepp Teichert
- Author Created: 2-D artwork
- Work made for hire: No
- Citizen of: United States
- Year Born: 1888
- Year Died: 1976

## Copyright Claimant

Copyright Claimant: Estate of Minerva Teichert  
P.O. Box 364, Cokeville, WY, 83114

## Rights and Permissions

Organization Name: Estate of Minerva Teichert  
Address: P.O. Box 364  
Cokeville, WY 83114 United States

## Certification

Name: Alexis P. Grilli, Attorney of Record, Nixon Peabody LLP  
Date: April 22, 2021  
Applicant's Tracking Number: 088884-10

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



*Shira Permuter*  
United States Register of Copyrights and Director

Registration Number  
**V Au 1-429-202**  
Effective Date of Registration:  
April 22, 2021  
Registration Decision Date:  
May 03, 2021

Title \_\_\_\_\_

Title of Work: Relief Society Quilting

Completion/Publication \_\_\_\_\_

Year of Completion: 1932

Author \_\_\_\_\_

- Author: Minerva Bernetta Kohlhepp Teichert
- Author Created: 2-D artwork
- Work made for hire: No
- Citizen of: United States
- Year Born: 1888
- Year Died: 1976

Copyright Claimant \_\_\_\_\_

Copyright Claimant: Estate of Minerva Teichert  
P.O. Box 364, Cokeville, WY, 83114

Rights and Permissions \_\_\_\_\_

Organization Name: Estate of Minerva Teichert  
Address: P.O. Box 364  
Cokeville, WY 83114 United States

Certification \_\_\_\_\_

Name: Alexis P. Grilli  
Date: April 22, 2021  
Applicant's Tracking Number: 088884-11

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Shira Perlmutter*  
United States Register of Copyrights and Director

Registration Number  
**V Au 1-429-222**  
Effective Date of Registration:  
April 22, 2021  
Registration Decision Date:  
May 03, 2021



## Title

Title of Work: Cast Your Nets on the Other Side

## Completion/Publication

Year of Completion: 1932

## Author

• Author: Minerva Bernetta Kohlhepp Teichert  
Author Created: 2-D artwork  
Work made for hire: No  
Citizen of: United States  
Year Born: 1888  
Year Died: 1976

## Copyright Claimant

Copyright Claimant: Estate of Minerva Teichert  
P.O. Box 364, Cokeville, WY, 83114

## Rights and Permissions

Organization Name: Estate of Minerva Teichert  
Address: P.O. Box 364  
Cokeville, WY 83114 United States

## Certification

Name: Alexis P. Grilli  
Date: April 22, 2021  
Applicant's Tracking Number: 088884-12

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*Attorney for Plaintiff*

**IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT**

**LINCOLN COUNTY, WYOMING**

|  |   |                          |
|--|---|--------------------------|
| TIM TEICHERT on behalf of THE ESTATE   | ) |                          |
| OF HERMAN TEICHERT and THE             | ) |                          |
| ESTATE OF MINERVA TEICHERT,            | ) | Docket No. CV-2021-87-DC |
|  | ) |                          |
| Plaintiffs,                            | ) |                          |
|  | ) |                          |
| vs.                                    | ) |                          |
|  | ) |                          |
| THE CHURCH OF JESUS CHRIST OF          | ) |                          |
| LATTER-DAY SAINTS, a Utah corporation; | ) |                          |
| CORPORATION OF THE PRESIDING           | ) |                          |
| BISHOP OF THE CHURCH OF JESUS          | ) |                          |
| CHRIST OF LATTER-DAY SAINTS; and the   | ) |                          |
| CORPORATION OF THE PRESIDENT OF        | ) |                          |
| THE CHURCH OF JESUS CHRIST OF          | ) |                          |
| LATTER-DAY SAINTS;                     | ) |                          |
| Defendants.                            | ) |                          |

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**ACCEPTANCE OF SERVICE**

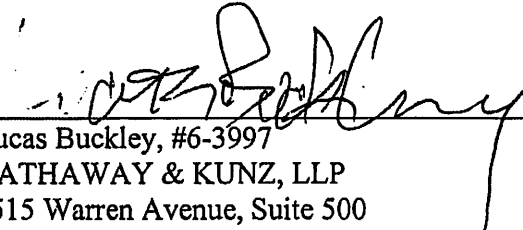
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Pursuant to Rule 4(v) of the Wyoming Rules of Civil Procedure, Defendant, The Church of Jesus Christ of Latter-Day Saints, by and through its counsel, Lucas Buckley, of the firm of Hathaway & Kunz, LLP, hereby accepts service of the Summons and Complaint in the above captioned case, reserving all defenses with the exception of defenses related to sufficiency of

process or service of process.

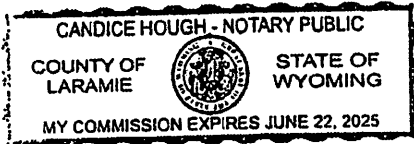
Defendant acknowledges it has forty-five (45) days after the signing of this acceptance to answer or otherwise respond to the Complaint.

Dated this 9<sup>th</sup> day of July, 2021.

  
 Lucas Buckley, #6-3997  
 HATHAWAY & KUNZ, LLP  
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 Cheyenne, WY 82001  
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 307.634.0985 (fax)  
 lbuckley@hkwyolaw.com

STATE OF WYOMING     )  
   ) SS  
 COUNTY OF LARAMIE    )

The foregoing was acknowledged before me by Lucas Buckley this 9<sup>th</sup> day of July, 2021. Witness my hand and official seal.



  
 NOTARY PUBLIC

SEAL

My commission expires: 6/22/2025.