

RESOLUTION 3

CHURCH PROPERTY AND LITIGATION

WHEREAS Church Canon I.7.4 documents the existing trust interest of The Episcopal Church and its Episcopal Diocese of Fort Worth in all parish and mission property, real and personal, in the Diocese; and

WHEREAS Canon I.7.4 conditionally grants limited authority and power to local parish and mission officials to use and control the property only “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons;” and

WHEREAS since at least November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of certain parishes and missions which, though they are still part of The Episcopal Church and this Diocese, have been adversely held, used and controlled by those who claim not to be subject to The Episcopal Church and its Constitution and Canons and have permitted unauthorized use of the parish or mission property in violation of Church and Diocesan Constitution and Canons, including the conditional authority granted under Church Canon I.7.4; and

WHEREAS such actions constitute a violation of the fiduciary duties imposed on church officials under Church Canon I.17.8, and/or a violation of oaths of ordination to “conform to the Doctrine, Discipline, and Worship of The Episcopal Church” under Church Constitution Article VIII; and

WHEREAS, despite ample opportunity since November 15, 2008, those persons have failed to acknowledge the authority of the Provisional Bishop and other officials of the Diocese or of The Episcopal Church and failed to acknowledge the interest of the Church and the Diocese in the property.

BE IT THEREFORE RESOLVED that the Convention does hereby declare that as of on or about November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of the following parishes and missions of the Diocese have not been held in compliance with the conditional grant of authority to parish and mission leaders to use and control the property under Church Canon I.7.4:

City	Non Compliant
Alvarado	<i>St. Anthony M</i>
Arlington	<i>St. Alban**</i>
Arlington	<i>St. Mark</i>
Arlington	<i>St. Peter/Paul</i>
Arlington	<i>St. Philip M</i>
Bedford	<i>St. Vincent</i>
Bowie	<i>St. Patrick M</i>
Breckenridge	<i>St. Andrew</i>
Brownwood	<i>Good Shepherd</i>
Brownwood	<i>St. John</i>
Burkburnett	<i>St. John the Divine M</i>
Cleburne	<i>Holy Comforter</i>
Comanche	<i>St. Matthew M</i>
Dublin	<i>Trinity M</i>

Eastland	<i>Holy Trinity M</i>
Fort Worth	Christ the King**
Fort Worth	Holy Apostles**
Fort Worth	<i>San Juan Apostol M</i>
Fort Worth	St. Andrew
Fort Worth	St. Anne**
Fort Worth	<i>St. Barnabas M</i>
Fort Worth	St. John
Fort Worth	St. Michael
Fort Worth	<i>San Miguel</i>
Fort Worth	St. Simon Cyrene**
Fort Worth	<i>St. Timothy M</i>
Gainesville	St. Paul
Graford	<i>St. Peter by the Lake M</i>
Graham	<i>Holy Spirit M</i>
Granbury	Good Shepherd**
Grand Prairie	St. Andrew
Grand Prairie	<i>St. Joseph M</i>
Grapevine	St. Laurence
Hamilton	<i>St. Mary M**</i>
Henrietta	<i>Trinity M</i>
<i>Hillsboro</i>	<i>St. Mary M**</i>
<i>Hubbard</i>	<i>St. Alban M</i>
Hurst	St. Stephen**
Jacksboro	<i>St. Thomas the Apostle M</i>
Laguna Park	<i>Our Lady of the Lake M</i>
Mansfield	St. Gregory
Mineral Wells	<i>St. Luke</i>
Weatherford	All Saints**
Wichita Falls	All Saints**
Wichita Falls	Good Shepherd**
Willow Park	St. Francis of Assisi**
Wise County	<i>Ascension/St. Mark M</i>

[** For these congregations the vestry or bishop’s committees have reorganized but are not in possession or control of the real and personal property of the parish or mission that existed as of November 15, 2008.]

BE IT FURTHER RESOLVED that the Convention declares that the persons who are adversely occupying, possessing, and controlling the above-referenced parish and mission property have no authority to do so.

BE IT FURTHER RESOLVED that the Convention ratifies and supports the efforts of Presiding Bishop Katharine Jefforts-Schori and Bishop Edwin F. Gulick, Jr. and other Church and Diocesan leaders for their stewardship and strong leadership to protect and enforce the interest of The Episcopal Church and the Episcopal Diocese of Fort Worth in, and to protect and recover possession of, the diocesan, parish and mission property for the mission, use, and benefit of The Church and its Diocese.

EXPLANATION:

Canon I.7.4 (the “Dennis Canon”) was adopted by General Convention in 1979 before the formation of the Diocese. The Diocese made an unqualified accession as a condition of its formation, with consent of General Convention in 1982, from the Diocese of Dallas in 1983. The Dennis Canon recognizes the long-standing trust interest of The Episcopal Church and

its Episcopal Diocese of Fort Worth in parish and mission property in the Diocese. It provides a condition, however, that the various congregations may exercise authority over the property “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.”

The reality is that since November 15, 2008 in some of the congregations of the Diocese the persons who are currently in possession and control of the property now claim to not to be subject to the Episcopal Church or its Constitution and Canons and instead claim to be subject to the Anglican Province of the Southern Cone. Since November 15, 2008 these persons have also permitted the property to be used for the use and benefit of a church which is not The Episcopal Church, a use not authorized by The Episcopal Church or the Diocese, in violation of the Church and Diocesan Constitution and Canons.

Despite this misuse of the property, these Episcopal congregations and their property are still a part of this Church and the Diocese. In some congregations the loyal Episcopalians who remain have reorganized their vestries and called clergy as they actively continue the mission of the congregation; in others the loyal Episcopalians have not yet reorganized.

This resolution declares that the real and personal property of those congregations, as it existed on November 15, 2008, is not being administered by the persons in control in compliance with the Dennis Canon and thus those persons have and have had no authority to control the property since November 15, 2008. The resolution also ratifies the actions of the Church and Diocese to protect and recover possession and use of this property.

Below are excerpts (emphasis added) of some of the canons related to this resolution:

EPISCOPAL CHURCH CANON I.7.4 (DENNIS CANON)

Sec.4. All real and personal property held by or for the benefit of any Parish, Mission, or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation otherwise existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.

EPISCOPAL CHURCH CANON II.6.4

Sec. 4. Any dedicated and consecrated Church or Chapel shall be subject to the trust declared with respect to real and personal property held by any Parish, Mission, or Congregation as set forth in Canon I.7.4.

DIOCESAN CANON 30

USE OF DEDICATED AND CONSECRATED CHURCHES

Sec. 30.1 The dedicated and consecrated Churches and Chapels of the several Parishes and Missions of the Diocese may be opened only for the services, rites and ceremonies, or other purposes, either authorized or approved by this Church, and for no other use.

Submitted by The Resolutions Committee