

Docket 1023-6
North Carolina Annual Conference

IN RE: Review of a Bishop's Ruling on Questions Raised during the North Carolina Annual Conference Relating to ¶¶ 2549 and 2553 and the Annual Conference's Adoption of the "Resolution for Closure of Fifth Avenue United Methodist Church"

Questions Submitted

I request that you make a decision of law by responding to the following five questions of law on the March 26, 2023 closure of Fifth Avenue United Methodist Church in Wilmington.

1. Does the initiation of the disaffiliation process by a local church under Par. 2553 prevent the bishop, district superintendents, and district board of church location and building from declaring exigent circumstances for that church under Par. 2549.3.b? That is, which takes precedence — the local church's limited right to disaffiliate under Par. 2553 or the ability to declare exigent circumstances and seize church property under Par. 2549.3.b?
2. Can the local church's intent to initiate, or initiation of, the process of disaffiliation under Par. 2553 be considered an exigent circumstance under Par. 2549.3.b?
3. Where title to local church property vests in the conference board of trustees under Par. 2549.3.b, because of a declaration of exigent circumstances, does due process require that the local church be given the opportunity to challenge the declaration of exigent circumstances in an appropriate forum?
4. Did the bishop violate Par. 414.2, and the district superintendent violate Par. 419.4, by the way they announced exigent circumstances at, and seized the property of, Fifth Avenue United Methodist Church under Par. 2549.3.b? If so, does such violation render the declaration of exigent circumstances null and void?
5. Does the seizure of Fifth Avenue United Methodist Church's property under Par. 2549.3.b and that congregation's closure violate the plain reading of Pars. 414.2, 419.4, 2549.3.b, and 2553 of The Book of Discipline?

DECISION IN RESPONSE TO THE REV. PAUL STALLSWORTH'S REQUEST FOR A DECISION OF LAW IN FIVE (5) PARTS AT THE NORTH CAROLINA ANNUAL CONFERENCE, JUNE 15, 2023.

The Rev. Paul Stallsworth made a request for a decision of law responding to five (5) questions on the March 26, 2023 closure of Fifth Avenue United Methodist Church in Wilmington, North Carolina (the "Church"). These questions were presented in writing at the time of the delegate body's consideration of whether to ratify the decision to close the Church and were proper questions of law under the requirements of JCD 799 and JCD 1329 except as otherwise set forth herein. The questions and my responses to them, as well as my decision of law, are below:

1. Does the initiation of the disaffiliation process by a local church under Par. 2553 prevent the bishop, district superintendents, and district board of church location and building from declaring exigent circumstances for that church under Par. 2549.3(b)? That is, which takes precedence—the local church's limited right to disaffiliate under Par. 2553 or the ability to declare exigent circumstances and seize church property under Par. 2549.3(b)?

The Effective Date of the Resolution for Closure of Fifth Avenue United Methodist Church (the "Resolution," a copy of which is included as an exhibit to this Decision) was March 24, 2023. At that time the Church had submitted its Disaffiliation Inquiry Form and was requesting a church council meeting to vote on disaffiliation, but no meeting had been scheduled or vote held. Paragraph 2549.3(b) of The Book of Discipline 2016 clearly states (*italics added*) that "At any time between sessions of annual conference, if the presiding bishop, the majority of the district superintendents, and the appropriate district board of church location and building all consent, they may, *in their sole discretion*, declare that exigent circumstances exist that require immediate protection of the local church's property . . ." The Book of Discipline plainly establishes that the existence of exigent circumstances allows the presiding bishop, the Cabinet, and the appropriate district committee of church location and building to act at any time, regardless of what other circumstances or options a local church is addressing.

2. Can the local church's intent to initiate, or initiation of, the process of disaffiliation under Par. 2553 be considered an exigent circumstance under Par. 2549.3(b)?

The question is moot and hypothetical as the annual conference delegates were tasked with deciding whether to close the church, not whether the interim decision to declare exigent circumstances was correct.

3. Where title to local church property vests in the conference board of trustees under Par. 2549.3(b), because of a declaration of exigent circumstances, does due process require that the local church be given the opportunity to challenge the declaration of exigent circumstances in an appropriate forum?

The Church has been afforded all process that is due under United Methodist polity. Title to the Church's property vested *temporarily* in the Conference Board of Trustees upon issuance of the Resolution in order to protect the Church property for the benefit of the denomination before the pending session of annual conference. Thereafter, supporters of the Church exercised the opportunity at annual conference to present arguments that assembled delegates should vote against formally closing the Church. The Church also had the opportunity to challenge the declaration of exigent circumstances by working with a supporter to request the present ruling of law, which is subject to review by the Judicial Council.

4. Did the bishop violate Par. 414.2, and the district superintendent violate Par. 419.4, by the way they announced exigent circumstances at, and seized the property of, Fifth Avenue United Methodist Church under Par. 2549.3(b)? If so, does such violation render the declaration of exigent circumstances null and void?

Neither the bishop nor the district superintendent violated the requirements in the respective disciplinary paragraphs named. Par. 414.2 requires a bishop to build relationships with people of local congregations and to strengthen the local church. Relationship building has been at the heart of my work since I began my ministry here in January 2023, including several visits to Wilmington and the Harbor District. Par. 419.4 requires a district superintendent to “establish working relationships” and to “seek to form creative and effective connections with the local congregations on his or her district.” That work is precisely what the current district superintendent, and her predecessors, have been attempting through contact with this local church. There is no violation of Pars. 414.2 or 419.4.

5. Does the seizure of Fifth Avenue United Methodist Church’s property under Par. 2549.3(b) and that congregation’s closure violate the plain reading of Pars. 414.2, 419.4, 2549.3(b) and 2553 of The Book of Discipline?

The actions of the NC Annual Conference are completely consistent with all disciplinary mandates, including to spread the Gospel and strengthen our witness. There is no violation of the cited paragraphs.

There are no violations of The Book of Discipline.

RESOLUTION FOR CLOSURE OF FIFTH AVENUE UNITED METHODIST CHURCH

Pursuant to the recommendation of Rev. Tara Lain, District Superintendent of the Harbor District of the North Carolina Conference, Southeastern Jurisdiction, of the United Methodist Church, Inc. (the “North Carolina Conference”), the following resolution is adopted by Presiding Bishop Connie Shelton, the District Superintendents of the North Carolina Conference, and the Harbor District Board of Church Location and Building to declare that exigent circumstances exist that require immediate closure of Fifth Avenue United Methodist Church in Wilmington, North Carolina in accordance with Paragraph 2549.3(b) of The Book of Discipline of the United Methodist Church (“The Book of Discipline”):

BE IT RESOLVED:

WHEREAS, under The Book of Discipline local churches are organized to serve the local community in which the Church is located, and church property is held in trust to ensure that the property is used solely for purposes consonant with the mission of the entire denomination for the maintenance of worship, the edification of believers, and the redemption of the world; and

WHEREAS, Fifth Avenue United Methodist Church in Wilmington, North Carolina (the “Church”) was organized in 1847 and has served the Wilmington community as part of the United Methodist denomination (and its predecessors, including the Methodist Episcopal Church South) for more than 170 years; and

WHEREAS, the original property for the Church was donated to the Church trustees by Miles Costin in trust pursuant to a deed which provided that the land was donated for the purpose of constructing a place of worship at which the ministers of the Methodist Episcopal Church South (now the United Methodist Church) would be permitted to preach God’s Holy Word “forever hereafter.” This property and all other properties owned by the Church are held in trust for the benefit of the United Methodist Church and uses of Church property are subject to The Book of Discipline; and

WHEREAS, though the Church has a rich and robust history of serving its membership and the local community as a thriving United Methodist Church, membership and missional activity of the Church has recently declined and the Church has a current membership of 205 and average weekly attendance of approximately 20 members; and

WHEREAS, contrary to the expressed intention of the donor of the original property for the Church that the property be used “forever after” as a place for preaching God’s Word by United Methodist ministers, the congregation has initiated a procedure seeking for the Church to disaffiliate from the United Methodist Church; and

WHEREAS, the North Carolina Conference has a clear, present and pressing need to respond to local needs in the community by providing space for, among other things, basic needs for unsheltered people, a gathering space for senior adults and persons with disabilities, space for providing shelter and other assistance following major storms, and a welcoming space for worship and study for one or more new United Methodist faith communities; and

WHEREAS, the current membership of the Church has declined opportunities to collaborate with and participate in important ministries and needs of the North Carolina Conference and the local community; and

WHEREAS, the location of the Church property is well-suited towards meeting these missional needs of the North Carolina Conference;

NOW THEREFORE, the undersigned Bishop Connie Shelton, the District Superintendents of the North Carolina Conference, and members of the Harbor District Board of Church Location and Building hereby declare that exigent circumstances exist that require immediate protection of the property of Fifth Avenue United Methodist Church in Wilmington, North Carolina for the benefit of the United Methodist denomination. Accordingly, Fifth Avenue United Methodist Church is hereby CLOSED in accordance with Paragraph 2549.3 (b) of The Book of Discipline because the Church no longer serves the purpose for which it was organized and incorporated. Title to all the real and personal, tangible and intangible property of the Church shall immediately vest in The Board of Trustees of the North Carolina Conference, Southeastern Jurisdiction, of the United Methodist Church, Inc. (the "North Carolina Conference Board of Trustees"). The North Carolina Conference Board of Trustees is hereby authorized to use or dispose of all properties of Fifth Avenue United Methodist Church under such terms and conditions as such the North Carolina Conference Board of Trustees may deem meet and proper.

Effective this 24th day of March, 2023:

Bishop Connie Shelton

Darin J. Blanton

Chris L. Roney

Michael D. Fries

Dena M. White

Kenneth Jacobson

Jana C. Law

Jamael Ruiz Mellam

Jon E. Strother

Rebecca Black

Rebecca W. Blackmore

M. Linn Dand

Becca Dettelman

Earl P. Pugh

Sa W. Hansen

Richard D. Pugh

Heather W. Weaver

1023-6 North Carolina Annual Conference - Interested Parties

Rev Dr H Gray Southern [2023 Annual Conf Sec'y] < grays@nccumc.org>,
Rev Paul Stallsworth [Asked Q] <paulstallsworth@nccumc.org>,
Bishop Connie M Shelton [Presiding Bishop] <Bishop@nccumc.org>,
Rev Taylor Mills [Bishop's Parliamentarian] <taylormills@nccumc.org>,
Eric Stevens Esq [Chancellor NCAC] <EStevens@poynerspruill.com>,
Bishop Bruce Ough [COB Executive Sec'y] <bishop.ough@umc-cob.org>,

INTERESTED PARTIES

Bishop Connie M. Shelton
The NC Annual Conference
700 Waterfield Ridge Place
Garner, NC 27529

Bishop@nccumc.org
The Rev. Paul Stallsworth
2400 Foxcroft Road, NW
Wilson, NC 27896-1381
paulstallsworth@nccumc.org

The Rev. Dr. H. Gray Southern
Conference Secretary
The NC Annual Conference
700 Waterfield Ridge Place
Garner, NC 27529
grays@nccumc.org

Mr. Eric Stevens
NC Annual Conference Chancellor
Poyner Spruill, Attorneys-at-Law
Raleigh, NC
EStevens@poynerspruill.com

Bishop Bruce R. Ough
Executive Secretary, Council of Bishops
bishop.ough@umc-cob.org

The Rev. Taylor Mills
Parliamentarian
NC Annual Conference
209 E. Nash Street
Southport, NC 28461-3935
taylormills@nccumc.org