

Court says breakaway church owns property: United Methodist church in Fresno

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In what could be a landmark case in church property disputes, a California court has ruled that a breakaway Fresno congregation may keep its property after it decided to sever ties with the United Methodist Church.

The decision by the Fifth District Court of Appeals to award St. Luke's Community Church custody over its building and land is contrary to that in most property dispute cases. Courts typically rule that local parishes do not own their property because they are held "in trust" for the denomination.

Two years ago a lower court ruled in favor of the denomination. "We agree with the earlier decision— that's our position," Bishop Beverly Shamana told the *Fresno Bee*. "The courts did what they felt they needed to do. We are considering our options."

Attorneys for the denomination are mulling an appeal to the California Supreme Court. Kevin Smith, the new pastor of the 170-member congregation, hopes they do not push the case. "Enough money has been spent in this case already," he said.

In 2000, St. Luke's voted to leave the denomination and rewrote its articles of incorporation after its liberal-leaning local conference declined to press charges against 88 clergy who performed same-sex union ceremonies. St. Luke's leaders accused the church of ignoring its own constitution. "We agree with St. Luke's contention that it could and in fact did revoke the trust which had existed in favor of the United Methodist Church," said the appeals court in its August 13 ruling.

But Shamana argued properties are held in trust to ensure that the denomination has a presence in local areas. "We are living in stress-filled times, and the United Methodist Church . . . is a spiritual presence we want to see maintained in the Fresno community," she said in a statement.

Bob Shannon, an attorney for the church's California-Nevada Conference, said the decision "is very disruptive to how the United Methodist Church works generally," adding that an appeal is "very likely." -*Religion News Service*