

The Presbytery of Western New York is a local governing body of 62 member churches and is a member of the Presbyterian Church (U.S.A.), the national governing body. On Sunday, June 15, 2008 the Lancaster Presbyterian Church, a member church of the Presbytery of Western New York voted to withdraw from the Presbyterian Church (U.S.A.) and to affiliate with the Evangelical Presbyterian Church (EPC). An Order to Show Cause seeking a Temporary Restraining Order was served by the Lancaster Church on the Presbytery on Monday, June 16, 2008. The action by the Lancaster Church came as a complete surprise to the Presbytery since there had been no prior conversation or notification by the Lancaster Church.

The Temporary Restraining Order sought to prevent the Presbytery from interfering with the Lancaster Church possession of the church, its property and related facilities. The Lancaster Church sought to block the Presbytery from exercising its right to assume possession of the property once the Lancaster Church left the denomination. This right is based on section of the Book of Order, the constitution of the Presbyterian Church (U.S.A.), which states, in part, that property of a member church is held in trust by that church for the use and benefit of the Presbyterian Church (U.S.A.).

The Presbytery of WNY responded by electing an Administrative Commission consisting of four pastors and three Lay Elders and charged them to reach an amicable solution with the Lancaster Church. 'Administrative Commission' is a general, constitutional term and refers to a committee authorized by the Presbytery to act on its behalf. Administrative Commissions are typically formed to ordain ministers, organize and merge churches, receive candidates and visit churches.

After its formation, the Administrative Commission sought on several occasions to meet with the Lancaster Church, however, the church declined the Commission's entreaties. In October 2008 Hon. John M. Curran, a Justice of the New York State Supreme Court, Erie County, arranged a mediation session between the two sides, however, negotiations failed to reach a compromise.

On December 4, 2008, after oral argument on the Lancaster Church's motion, Justice Curran issued his ruling in favor of the Presbytery of Western NY and the Presbyterian Church (U.S.A.) upholding the trust clause of the denomination. The Book of Order states, "All property held by or for a particular church, whether legal title is lodged in a corporation, a trustee or trustees, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)." (Book of Order G-8.0200) The Book of Order goes on to state, "Whenever property of , or held for, a particular church of the Presbyterian Church (U.S.A.) ceases to be used by that church as a particular church of the Presbyterian Church (U.S.A.) in accordance with this Constitution, such property shall be held, used, applied, transferred, or sold as provided by the presbytery." (Book of Order G-8.0300).

In June 2009, the Lancaster Church appealed to the Fourth Department of the New York State Appellate Division to overturn Justice Curran's decision. The appeal was docketed for October 29, 2009

Between February and June the Administrative Commission and representatives of Lancaster Presbyterian Church met on four occasions to attempt to negotiate an out of court settlement. In

September 2009 the Lancaster Church sent a written settlement proposal to the Administrative Commission. Later that month the Administrative Commission made a counter-offer which was rejected by Lancaster Church.

On October 29, 2009 both sides presented oral argument in Rochester to the appellate court.

On Friday, November 13, 2009 the Fourth Department unanimously affirmed Justice Curran's December 2008 decision "that all properties that are the subject of the Lancaster Presbyterian Church's Complaint are held in trust for the use and benefit of the Presbyterian Church (U.S.A.) with their disposition to be governed by the Constitution of the Presbyterian Church (U.S.A.)."

The Presbytery is gratified that the court has confirmed the historic and traditional position of the denomination regarding church property but is saddened at the significant time and treasure both sides spent over the past 19 months in the civil courts. The Presbytery regrets Lancaster Church's decision to leave the Presbytery of Western NY and the Presbyterian Church (U.S.A.) and is confident that had Lancaster Presbyterian Church met with the Administrative Commission in a timely manner an amicable solution and graceful departure could have been crafted.

The Presbytery of Western NY continues to hope and pray that it can reach an amicable settlement that would allow Lancaster Presbyterian Church to continue to worship in the property they have used for so many years.

Additional information including a time line, court documents, relevant court cases (Oakfield Presbyterian Church vs. Presbytery of Genesee Valley and Episcopal Diocese of Rochester regarding the property held in trust by All Saints Anglican (Harnish) may be found at:

<http://www.pbywny.org/lancasteradministrativecommission.html> Contact: Donald L. Houck, Jr.,

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