

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.