

The Presbytery of Northumberland  
**Gracious Separation Policy**  
*APPROVED: 05/08/2013*

## Opening Letter

In 2008, the 218<sup>th</sup> General Assembly of the Presbyterian Church (U.S.A.) approved a commissioner's resolution that:

1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power "to divide, dismiss, or dissolve churches in consultation with their members" (Book of Order, G-11.0103i, 2007-2009 edition)<sup>1</sup> with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.

2. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations considering leaving the denomination, presbyteries, and synods to implement a process using the following principles:

- **Consistency:** The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- **Pastoral Responsibility:** The requirement in G-11.0103i to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.
- **Accountability:** For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-8.0000) and specific issues of schism within a congregation (G-8.0600). However, full accountability also requires preeminent concern with "caring for the flock."
- **Gracious Witness:** It is our belief that Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- **Openness and Transparency:** Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness and work against seeking civil litigation as a solution.

In response to this resolution and realizing the need to have a definitive policy and process when churches within our bounds request dismissal from the Presbyterian Church (U.S.A.), The Council of the Presbytery of Northumberland established a special task force to, among other things, recommend to Council and then Presbytery a Gracious Separation Policy.

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<sup>1</sup> Please note that the Book of Order - 2007-2009 edition was the constitution in use during the 218<sup>th</sup> General Assembly and all references to the Book of Order in this opening letter refer to this edition.

This policy draft is a result of that effort. Our recommendation to council is to share your comments, changes, concerns and suggestions to this policy and then either approve it or reject it.

The results of this policy will involve the Council, the Nominating Committee, the Committee on the Preparation for Ministry and the Committee on Ministry. If this policy is approved, a new group called the Presbytery Response Commission (PRC) will need to be formed. Within our presbytery structure, there are groups created for specific tasks. It is our recommendation that a Presbytery Response Commissions be formed. The PRC shall consist of five people, be nominated by the Presbytery Nominating Committee, elected by the presbytery to serve a three-year term, and be trained for their responsibilities. The presbytery may form additional PRC's as needed. Candidates for this team need to be able to communicate well, listen well, stay calm and neutral in all situations and be very familiar with this policy and the basic policies of the Presbytery of Northumberland and the Presbyterian Church (U.S.A.).

It is our hope that this policy will provide a fair and comprehensive process that addresses the concerns at hand, provides opportunities for care to all parties, and helps both a congregation and presbytery stay faithful to our mission and our Lord.

If approved, the policy would then go to Presbytery for a first reading in March. We would also recommend that the finalized draft be made available in advance to the Presbytery ruling and teaching elders. Then, the morning session of the March presbytery meeting would be a discussion of the policy. We would rather have an open discussion than a myriad of amendments and debate on the floor.

After the review and discussion, the policy would come up for final vote at the March presbytery meeting.

Thank you for your consideration of this policy.

Task Force members:

Rev. Jim King, Chair (Member of Council)  
Elder Joanna Miller, Vice-Chair (Member of Council)  
Rev. Steve Cureton (Member of Council)  
Elder George Wagner IV (Member at Large from Presbytery)  
Elder Ruth Hague (Member at Large from Presbytery)

Resource Persons (Voice but no vote):

Jim Gates, 2012 Moderator  
William Knudsen, EP  
Bob Shandry, Stated Clerk  
Peter Wallace, Treasurer  
Glen Hallead, Northern Tier Solemn Assembly Convener  
David Smith, Central Tier Solemn Assembly Convener  
Robert Reich, Southern Tier Solemn Assembly Convener (January through October)

## Prologue

We, the Presbytery of Northumberland, believe that "All power in heaven and earth is given to Jesus Christ by Almighty God," that "Christ calls the Church into being, giving it all that is necessary for its mission to the world, for its building up, and for its service to God" and that "Christ gives to his Church its faith and life, its unity and mission, its officers and ordinances." (Book of Order F 1.01) We also understand and support Paul's words when he writes:

"I, therefore, the prisoner in the Lord, beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace." (Ephesians 4:1-3)

Though we have for many years sought to be the Church of Jesus Christ together, there comes a time when a congregation feels it needs to continue to walk in the path of the Lord apart from their brothers and sisters in the Presbyterian Church (U.S.A.). When that happens, though grieved, the presbytery and the congregation need to seek a path of discernment and possible separation that is responsible, accountable, gracious, and open to both parties.

The purpose of this policy is to guide both parties through the process and assist as they seek to determine God's purpose for them and their future. This policy was created in light of the request from the 218<sup>th</sup> General Assembly<sup>2</sup> to create such a policy.

This process will take the time and energy such a difficult and serious matter deserves.

## Part I: Initial Request

When a Session wishes to separate their congregation from the Presbyterian Church (U.S.A.), if, after voting on this issue, two-thirds of the members of the entire Board of Session approves, the Clerk of Session will notify the Stated Clerk of the Presbytery of Northumberland of this action in writing. Within one week of receiving the written notification, the Stated Clerk will notify the Executive Presbyter, the Moderator of the Presbytery, and the members of the Presbytery Response Commission (PRC). The Stated Clerk would then send the Clerk of Session a written response, acknowledging the reception of the request.

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<sup>2</sup> See Appendix 1

Within one month of the request, the PRC will meet with the Session to discuss this policy and listen to the reasons for the request. If possible, all teaching and ruling elders in active service on the Session should be present at this meeting. During this meeting, which will be a closed meeting of only the PRC and Session, the PRC will meet with the ruling elders apart from the teaching elder(s) and meet with the teaching elder(s) apart from the ruling elders, thus encouraging open discussion and discouraging any appearance of misunderstanding, manipulation or coercion.

During this meeting, a time of prayer will be held, after which key questions will be asked:

1. Is leaving the denomination the best course of action for this congregation? What options are available? What avenues of exploration, study, questioning and/or healing are available? What will be gained by leaving and what will be lost?
2. If, after careful reflection, the Session feels God is calling them to remain a part of the Presbyterian Church (U.S.A.) how can the congregation and the Presbytery engage in ministry together that will strengthen both parties and build the Church of Jesus Christ?
3. If, after careful reflection, the Session feels God is calling the congregation to separate from the Presbyterian Church (U.S.A.), how can the congregation depart in a way that is gracious to the presbytery, honors God and upholds the integrity, history, and mission of that particular church?

At the end of this discussion, the Session may request additional meetings with the PRC or with the Executive Presbyter, if desired. At the end of the discussion, the PRC will be excused, and the Session will continue its time of discussion and prayer.

At the conclusion of the Session's time of discussion and prayer, the Session will vote on the issue. A supermajority of two-thirds of the entire Session in favor of separation needs to be recorded in order for the church to proceed in that direction.

If the Session wishes to remain with the Presbyterian Church (U.S.A.), the Clerk of Session will notify their PRC representative of their intentions. The PRC representative will notify the Executive Presbyter, Moderator, and Presbytery Council of the Session's decision. A formula for healing and for future ministry between the congregation and presbytery shall be designed. The Executive Presbyter will assist the Session and the PRC in this process.

If the Session wishes to separate from the Presbyterian Church (U.S.A.), the Clerk of Session will notify their PRC representative of their intentions. The PRC representative will notify the Executive Presbyter, the Moderator, and Presbytery Council of the Session's decision. At that point a congregational meeting shall be called.

The PRC will provide a written report to the next Presbytery Council meeting and keep the Executive Presbyter, the Stated Clerk, and the Moderator informed of all findings. If the PRC concludes and the Presbytery Council concurs that there is misunderstanding, manipulation or coercion, the Council will refer the matter to the Committee on Ministry.

## **Part II: Congregational Meeting**

Once a Session decides to proceed with the separation, they will call a congregational meeting to ask the question, "Shall our congregation begin the process of graciously separating from the Presbyterian Church (U.S.A.)?" Notice of such a meeting will be given at least four weeks prior to the date of the meeting to all active members of the congregation by mail and by all other established forms of congregational communication (newsletter, website, bulletin, announcements in worship, etc.). Prior to the meeting, the Session will make available to the congregation information explaining the process up to that point as well as details of the discussions, the options, and the decisions.

The PRC and the Executive Presbyter will be invited to the meeting, which will open and close with prayer, and be given the privilege of the floor with the right to speak. At this meeting, the process up to that point will be reviewed, as will the reasons the Session wishes the church to graciously separate from the denomination. At this meeting, the PRC and Executive Presbyter will outline the gracious separation process, explain what the church would gain and lose by such a separation and answer any questions.

At the end of the meeting, the congregation will vote by secret ballot. If the vote **to approve** the gracious separation does not attain a simple majority (more than 50%), the church cannot proceed and the Session must wait at least six months before any action regarding leaving the denomination can be considered again. The PRC will report the results to council and an inquiry may commence to determine the reasons for the disparity between the Session and the congregation.

If a simple majority (more than 50%) of those present approve the gracious separation, then a time of congregational discernment will begin.

### **Part III: Time of Discernment**

If the congregation votes to continue the process of gracious separation, a time of discernment will commence.

The PRC will normally meet with the Session and any other members of the congregation at least four times within a six-month period. During this time, the PRC will continually inform the Executive Presbyter, the Moderator and the council of the meetings, discussions and progress and the Session will continually inform the congregation of the meetings, discussions and progress. The PRC has the authority to adapt this schedule depending on the situation at hand.

**The First Meeting** will open and close with prayer and be a time of listening and sharing. Those present will introduce themselves. Those present will share their history with the church, their faith journeys, and their theological understandings in general and the specific concerns they have regarding the spiritual and theological issues at stake with remaining in the Presbyterian Church (U.S.A.).

**The Second Meeting** will open and close with prayer and will be a guided discussion on key theological understandings led by both the PRC and the pastor. The purpose of such an exchange is to identify the beliefs and issues the congregation and the denomination share and the beliefs and issues that bring conflict. Are the differences based on specific issues that might be resolved in time or do the theological or ecclesiological rifts run deep?

**The Third Meeting** will open and close with prayer and will include the congregation. This will resemble a “town hall” gathering in which the process up to that point will be reviewed, highlights of the discussions will be given and the next steps will be explained. The congregation members will have an opportunity to ask any questions or share thoughts they have on the issues and concerns that divide the congregation and denomination. They will also discuss the gains and losses that would come from a gracious separation and any other pertinent issues facing their church.

**The Fourth Meeting** will open and close with prayer and will focus on financial and legal matters. At this meeting, the PRC will share with the Session their observations of the process to this point.

At this meeting, the Session will inform the PRC of which denomination they wish to join, if not done previously. Please note that a congregation of the Presbyterian Church (U.S.A.) may be dismissed only to another presbytery approved Reformed body.

At this meeting, the Session will provide the PRC with copies of all pertinent documentation, including membership statistics, all executed documents concerning the congregation's incorporation and by-laws, real property (including cemeteries), deeds of trust, loan agreements, liens, property and casualty insurance, statements of tangible and intangible assets, current financial records and endowments. The PRC may invite to this meeting those who might help them evaluate the information (lawyers, insurance agents, etc.).

Prior to this meeting, the Session will provide The Presbytery of Northumberland with a Certificate of Title from a licensed attorney or a title insurance agent showing the status of title for the church's real estate which will show among other things that the title is clear and marketable and free of any liens and/or encumbrances or reservations or conditions affecting the title. The church will provide an appraisal conducted by a qualified third party who is unrelated to the congregation or the Presbytery of Northumberland.

The Session will provide a financial impact statement (see appendix 2). If the PRC or The Presbytery of Northumberland Council does not accept the appraisal as reflective of the fair market value, then it shall have the right, within 60 days, to have another appraisal done by a qualified appraiser. The cost of the 2<sup>nd</sup> appraisal will be split between the presbytery and the congregation. The two appraisals shall then be used to determine the fair market value of the property.

These documents will be reviewed to determine if the presbytery, synod or Presbyterian Church (U.S.A.) is named therein and/or is exposed to any liability claims that exist or may arise.

On behalf of the congregation, the Session must agree to defend the Northumberland Presbytery and/or Presbyterian Church (U.S.A.) from all suits and claims made against the congregation and to indemnify and hold harmless the said Northumberland Presbytery and/or Presbyterian Church (U.S.A.) from any loss as a result of the congregation using any of the congregation's property.

At the end of this meeting and the discernment process, the Session will once again vote on whether they wish to request a separation from the Presbyterian Church (U.S.A.). If 2/3 of the Session members vote in favor of separation, the Session will then call a second congregational meeting.

#### **Part IV: Second Congregational Meeting**

After the meetings with the PRC, Session and congregation, a second congregational meeting will be called.

Notice of such a meeting will be given at least four weeks prior to the date of the meeting to all active members of the congregation by mail and by all other established forms of congregational communication (newsletter, website, bulletin, announcements in worship, etc.). Prior to the meeting, the congregation will have access to information explaining the process up to that point as well as details of the discussions, the options, and the decisions.

The PRC and the Executive Presbyter will be invited to the meeting, which will open and close with prayer, and be given the privilege of the floor with the right to speak.

The question will be asked: "Shall the congregation request the Presbytery for dismissal to \_(name of reformed body)\_ according to the terms set by the Session and the PRC at this point?" Sufficient time will be provided for open discussion and questions and will include opportunities to hear from members seeking separation from and members wanting to stay with the Presbyterian Church (U.S.A.).

At the conclusion of the discussion a written ballot form will be provided to all members in attendance. The only choices provided on the ballot will be "Request Dismissal" and "Do Not Request Dismissal." The ballots will then be counted by a select number of members of both the congregation and the PRC. **Due to the importance of this vote, at least two-thirds (2/3) of the active membership need to vote for gracious separation in order for the request to be considered valid and sent to Presbytery Council.** That number will be determined by the congregation's annual report submitted to the Presbyterian Church (U.S.A.) for the calendar year prior to the year of the request for gracious separation. A congregation may petition the Council to lower the percentage for cause.

## **Part V: Restoration of Fellowship**

If the vote **to approve** the request to seek a gracious separation from the Presbyterian Church (U.S.A.) does not attain at least two thirds super majority, then the motion does not carry and restoration of fellowship is deemed to be in order. Hurt feelings and confusion are likely to be present as will the desire to heal wounds between congregation members and between the church and the presbytery.

A formula for healing and for future ministry between the congregation and Presbytery shall be designed. The executive presbyter will assist the Session and the PRC in this process. This formula might include having the Session and PRC work together to conduct a public service of worship and recommitment as well

as extend pastoral care to members who might choose to leave the congregation.

If the pastor chooses to remain with the congregation, the Committee on Ministry will meet with the pastor to determine if a healthy relationship between the church and pastor is possible.

If the pastor chooses to leave the congregation, the minister may request to be granted a member-at-large status allowing the minister time to seek calls either within or outside the Presbyterian Church (U.S.A.). A severance package will be negotiated among the congregation, minister, and the Committee on Ministry and approved by the Presbytery.

## **Part VI: Negotiations for Dismissal**

If the congregation *does* approve the request to seek a gracious separation from the Presbyterian Church (U.S.A.), the PRC will begin the process of creating a set of terms for dismissal. The terms will then be sent to the Session and negotiated. During this process, the PRC may wish to consult with the Executive Presbyter, Presbytery Council or other bodies and/or individuals within or outside the presbytery. These terms shall address the following issues:

### **Status of Minister Members of The Presbytery of Northumberland**

If a church requests a gracious separation, care needs to be extended to the minister members of presbytery working with or associated with that congregation. The minister(s) may request transfer to the Reformed body to which the congregation is requesting dismissal, or they may remain members of the presbytery and request to minister outside the bounds of the Presbyterian Church (U.S.A.). If the minister requests to stay within the presbytery but wishes separation from the congregation, he or she may request to be granted a member-at-large status allowing the minister time to seek a call either within or outside the Presbyterian Church (U.S.A.). A severance package (if applicable) will then be negotiated among the congregation, minister, and the Committee on Ministry and approved by the Presbytery.

### **Status of Members Under Care of The Presbytery of Northumberland**

Any member of the congregation who is preparing for ministry and is either an inquirer or under care of the presbytery, along with the chair of the Committee on Preparation for Ministry, shall be notified of the congregation's desire to separate from the Presbyterian Church (U.S.A.). The inquiry member or member under care will be given the option of being dismissed with the congregation or transferring their membership to a congregation within the bounds of the

Presbytery of Northumberland. If the inquirer or candidate wishes to transfer to another congregation, the Committee on Preparation for Ministry will assist the member in requesting a waiver of the six-month requirement for church membership in order to maintain care status. (G-2.0602)

### **Care for members wishing to stay with the Presbyterian Church (U.S.A.)**

Special pastoral care from both the PRC and the Session needs to extend to those not wishing to follow the congregation seeking gracious separation. Attention needs to be given to identify and listen to those wishing to remain in the Presbyterian Church (U.S.A.). A plan will need to be created to minimize any divisiveness that may arise between those wishing to stay and those wishing separation, to assist members wishing to remain to find a new church within the bounds of the Presbytery of Northumberland and to determine if additional pastoral care will be needed and how to provide appropriate support.

### **Name of Church**

The name of a Presbyterian Church (U.S.A.) congregation is approved through an action of presbytery and is a name often associated with this denomination. Therefore, a congregation needs to decide if it wishes to keep or change its name. A congregation seeking separation may take its name with it, however they may wish to change their name to reflect their new denomination, journey and/or mission.

### **Financial Obligations**

The congregation seeking gracious separation will be required to pay off any loans outstanding to any entity of the Presbyterian Church (U.S.A.), and other financial obligations including all per capita (the congregation has ordinarily been paying) up to the date of dismissal. The Presbytery of Northumberland, the Synod of the Trinity and the Presbyterian Church (U.S.A.) must not be associated with any loans to the congregation held by non-Presbyterian entities. It is the congregation's obligation to legally relieve the presbytery, synod and denomination of any financial responsibility related to all loans, per capita and other financial obligations.

When negotiating separation, due consideration needs to be given in cases where the church has received grants, loans or any financial support from the presbytery, synod or the Presbyterian Church (U.S.A.) especially within the last 10 years.

## **Board of Pensions**

The congregation seeking gracious separation must pay any outstanding dues to the Presbyterian Board of Pensions and clarify with the Board of Pensions the status of all staff or members who are a part of the pension plan.

## **Insurance Policies**

The PRC and Session need to determine if any of the congregation's insurance policies refer to the Presbyterian Church (U.S.A.) and what changes need to be made.

## **Tax Status**

The Session needs to determine if the congregation's corporate status and/or tax status as a 501(c)3 non-profit tax-exempt organization is secure or if it needs to be re-established once it leaves the denomination.

## **Signage**

Upon the church's dismissal, all signage and references to the Presbyterian Church (U.S.A.) and its seal must be removed from the church property's exterior and interior, web site, stationery, etc.

## **Status of Members**

Any members of the church seeking gracious separation who currently serve on a presbytery, synod or GA council, committee, task force or other official body requiring membership in the Presbyterian Church (U.S.A.) will have their service end on the day the Presbytery of Northumberland affirms the vote to dismiss the congregation. Chairs of those bodies should notify these members of their status as soon as possible.

## **Church Records**

Originals or copies of all existing minutes of Session, Board of Deacons, congregation meetings, records of baptisms, marriages, burials and membership roles up to the date of dismissal shall be conveyed to the Stated Clerk of the Presbytery of Northumberland for proper storage.

## **Endowments**

A congregation seeking gracious separation will be required to work with the PRC to determine if the terms of any of their endowments, gifts or bequests require

all or part of the principle be transferred to the Presbytery or other entities of the Presbyterian Church (U.S.A.)

## **Church Property**

One of the most controversial issues that can arise when a congregation seeks to separate from the Presbyterian Church (U.S.A.) is the issue of property. Does a congregation get to keep its property or does it not?

According to the Book of Order of the Presbyterian Church (U.S.A.) (NFOG G-4.0203):

“All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).”

As a presbytery, we recognize that “all property held by or for a particular church...is held in trust...for the use and benefit of the Presbyterian Church (U.S.A.).” We also acknowledge the words of the General Assembly Permanent Judicial Commission which stated that “while a presbytery has broad discretionary authority under the Book of Order to determine property rights...and to dismiss a particular congregation within its geographic region (G3.0301a), the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the PC (U.S.A.) as a beneficiary of the property.”<sup>3</sup>

This clause establishes that a particular congregation is the Presbyterian Church (U.S.A.)’s, and its predecessors, presence in their community. For most churches, their property was established generations ago with that intent in mind. A church’s presence reveals the communion of saints across time, therefore a congregation is responsible for those currently serving the church, those who came before, and those who will follow.

This provision has long been one of the foundational marks of the Presbyterian Church. We are not a federation of congregational churches loosely and informally tied together. We are a connectional church, tightly bound together in faith, in tradition, and in hope for the future of Christ’s church. This clause demonstrates such a connectional relationship as well as our unity in mission.

In addition, the presbytery has long been the fiscal safety net and ally of the

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<sup>3</sup> From Frequently Asked Questions Gracious Dismissal Policies after Tom v. Pby. of San Francisco (GAPJC Remedial Case 221-03).

congregations. These congregations were created by past saints who gave their time, talent, and treasure to establish a congregation of the Presbyterian Church (U.S.A.) or its predecessors. It was and still is common for presbyteries, synods, and/or General Assemblies to provide loans or contribute to the cost of land or other tangible support in a partnership to bring about Christian worship and practice in the Presbyterian tradition.

As part of any discussion of separation, all these aspects need to be taken into consideration and must not be overlooked or taken lightly.

The Presbytery of Northumberland also is painfully aware that congregations and presbyteries in dispute over property issues have often found themselves in secular court and have discovered their separation to be painful, hurtful, unfaithful, and expensive. We are reminded of Paul's words to the Corinthians:

*"When any of you has a grievance against another, do you dare to take it to court...instead of taking it before the saints? ... to have lawsuits at all with one another is already a defeat for you." (1 Corinthians 6: 1,7)*

Therefore we hope and pray that a gracious separation may be possible between congregations wishing dismissal and the presbytery, and neither party will use property, finances or legal action as weapons or threats. We seek for both parties to act with love, understanding, restraint, and dignity.

With this understanding in mind, and after reviewing the congregation's finances and the percentage of members wishing to separate, the PRC may recommend that the congregation be allowed to separate with its property and will negotiate a financial remuneration to help mitigate the financial impact on the Presbytery of that congregation's departure.

### **Financial and Real Property Compensation**

Just as the Presbytery of Northumberland wishes to graciously assist a congregation wishing separation, so too we hope a congregation wishes to graciously assist the presbytery. The presbytery will be mourning the loss of a congregation long a part of its body and it will feel any financial impact such a departure would entail. Therefore it is customary and often a requirement for churches to offer financial recompense to the presbytery.

While each request for gracious separation shall be made on a case-by-case basis, in consideration of the presbytery's ongoing mission and outreach, the departing congregation may be asked to pay a minimum of three year's worth of their per capita either as a whole or in payments that will cover a period of time no longer than three years. That amount will be determined by the congregation's membership listed in their annual report submitted to the Presbyterian Church (U.S.A.) for the calendar year prior to the year of the

request for gracious separation. The payment period will begin once the presbytery approves the dissolution.

If within 10 years of the transfer of the property by Northumberland Presbytery to the congregation, the congregation ceases to conduct regular worship at the premises then the property shall be re-conveyed to the Northumberland Presbytery. Provided further that if the congregation desires to sell the property, it shall pay to the Northumberland Presbytery a sum determined as follows:

- The sale price shall be divided by 10 to determine a yearly amortized figure. That yearly figure shall be multiplied by the number of years remaining in the 10 year period. This sum shall then be paid to the Northumberland Presbytery. By way of example, if the church property is sold at \$500,000, after six years, the congregation shall pay the sum of \$200,000 to the Northumberland Presbytery.

Once the PRC and the presbytery's legal council approve the terms of dismissal, it will be made available to the Session of the church. If the Session agrees with the terms, the Session will call a third congregational meeting.

If either PRC or the Session rejects the dismissal terms, the PRC will determine the next steps and will communicate its decisions to the Session and the presbytery.

### **Part VII: The Third Congregational Meeting**

If both the Session and PRC approve the terms for dismissal, the Session will call a third congregational meeting. Notice of such a meeting will be given at least four weeks prior to the date of the meeting to all active members of the congregation by mail and by all other established forms of congregational communication (newsletter, website, bulletin, announcements in worship, etc.). Prior to the meeting, the congregation will have access to the terms of dismissal.

The PRC and the Executive Presbyter will be invited to the meeting, which will open and close with prayer, and be given the privilege of the floor with the right to speak.

At this meeting, the congregation will review the terms of the dismissal and be able to ask questions and offer comments. The congregation will then vote by simple majority of those present on whether to accept the terms of the dismissal. The vote will be in a manner decided by the moderator of the meeting (voice, show of hands, ballot, etc.)

If the congregation rejects the terms of dismissal, the PRC will determine the next steps and will communicate its decision to the Session and the presbytery.

If the congregation accepts the terms of dismissal, the request for gracious separation and terms of dismissal will go before the Presbytery of Northumberland for their vote either at their next stated meeting or at a special meeting of the presbytery.

The Presbytery will be informed of the terms of dismissal and shall vote either yes for dismissal or no. The presbytery needs to understand that any amendments to the terms of dismissal will effectively undermine the work of the PRC, Session, congregation and council up to that point.

If presbytery votes **not** to dismiss the congregation, the presbytery will determine the next steps and communicate this to the Session of the congregation.

If the presbytery votes to dismiss the congregation, the process to complete the dismissal will commence.

### **Part VIII: Completion of Dismissal**

Once presbytery approves the dismissal of the congregation, the Stated Clerk of the Presbytery of Northumberland will notify the congregation's Clerk of Session. All official documentation will be processed. There is to be a legal closing for the transfer of property along with the settlement of financial obligations and execution of the agreed to dismissal agreement. Each party will pay their attorney's fees; the congregation will pay all other closing costs.

The presbytery recommends that a final worship service of blessing be held. Both the Session and Presbytery Council may plan this service and those departing the Presbyterian Church (U.S.A.) would be commissioned by the presbytery to further their mission and ministry for the work of Christ's kingdom. All members of the congregation and presbytery will be invited.

## Appendix 1

In 2008, the 218<sup>th</sup> General Assembly of the Presbyterian Church (U.S.A.) approved a commissioner's resolution that:

1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power "to divide, dismiss, or dissolve churches in consultation with their members" (Book of Order, G-11.0103i) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.

2. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

- Consistency: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- Pastoral Responsibility: The requirement in G-11.0103i to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.
- Accountability: For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with "caring for the flock."
- Gracious Witness: It is our belief that Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- Openness and Transparency: Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution.

## Appendix 2

## Sample Financial Impact Statement

The financial Impact statement is to be presented with other documentation to the Presbytery for a church to be dismissed.

NAME OF CHURCH: \_\_\_\_\_

<b>EVALUATION OF REAL PROPERTY</b>	
Land Value	
Building Value	
Fixed Assets	
<b>FINANCIAL ASSETS</b>	
Current Bank Balances	
Investment Balances	
Other	
<b>FINANCIAL INFORMATION</b>	
Current Year Operating Budget Income	
Current Year Operating Budget Expenses	
Current Year Mission Budget	
Current Year Mission Expenditures	
<b>LIABILITIES</b>	
Outstanding Loans	
Other	
<b>OTHER INFORMATION</b>	
Active members	
Current per capita	
Current Mission Giving	
<b>Check List:</b>	
<input type="checkbox"/> Certified Title obtained by local congregation	
<input type="checkbox"/> Per Capita Paid in Full	
<input type="checkbox"/> Dissolution document reviewed by Presbytery Lawyer	
<input type="checkbox"/> Other	

**AGREEMENT**

This Agreement made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
and between The PRESBYTERY OF NORTHUMBERLAND, hereinafter called “Presbytery”

- AND -

ANY CHURCH, hereinafter called “Church”

**WHEREAS**, the Church, upon approval by its Session and congregation, has requested a gracious separation; and

**WHEREAS**, after meeting with the \_\_\_\_\_ Committee of the Northumberland Presbytery, the Church has reaffirmed its desire to separate;

**WHEREAS**, Northumberland Presbytery is satisfied that the congregation and Session desire to separate;

**NOW THEREFORE**, the parties agree as follows:

1. **Status of minister.**

2. **Status of members:** under care of Presbytery. (Candidates preparing for ministry, if applicable.)

3. **Plan for care of members** wishing to stay with the Presbyterian Church U.S.A.

4. **Name of the Church.**

5. **Financial Obligations.**

**A. All loans and accounts** owed by the Church to the Presbytery, the Synod, or Presbyterian Church (U.S.A.), must be satisfied. The Church represents that there are no such loans and all obligations are current.

**B. Board of Pensions.** The Church will make current all outstanding dues obligations to the Presbyterian Board of Pensions and obtain from the Pastor, in writing, a statement as to the Pastor’s status in the said pension plan.

**C. The Church’s insurance policies** need to be amended to delete the name and/or references to the Presbyterian Church (U.S.A.).

**D. Tax status.** It is agreed that the Church will not use its current 501C3 non-profit tax exempt status without an appropriate amendment or filings be made with the Internal Revenue Service or necessary governmental agencies. Likewise, if there are any Commonwealth of Pennsylvania sales tax or other exemption provisions, they must also be appropriately amended and/or notified.

**E. Signs.** Upon dismissal, all signage and reference to the Presbyterian Church (U.S.A.), as well as any seals or logos, must be removed from the Church’s property (building, websites, stationary, etc.).

**F. Church records.** All originals or copies of all the minutes of the Session, Board of Deacons, congregational meetings, records of baptisms, marriages, burials, and

membership rolls, up to the date of dismissal, shall be conveyed to the Stated Clerk of the Northumberland Presbytery for proper storage.

**G. The Church represents that it is holding no funds or property in trust/ endowment for the local Church and/or Presbytery and/or Synod and/or Presbyterian Church (U.S.A.).**

**H. Per capita.** The Church will pay to the Presbytery, a minimum of three years' worth of its per capita obligation (as determined by the prior year's membership. The Presbytery has in place existing obligations with regard to salaries, staff, rent, and equipment. The three years is necessary in order for the Presbytery to make adjustments to those contractual commitments. Payment of the same shall be made as follows:

## **6. Real Estate.**

**A. The Church agrees to provide the Northumberland Presbytery with a Certificate of Title** from a licensed attorney or a title insurance agent showing the status of title for the Church real estate, which will show among other things, that the title is clear and marketable and free from any liens and/or encumbrances or reservations or conditions affecting the title.

**B. Title to the Church real estate will be transferred to the Church in such name as the Church desires.** The Northumberland Presbytery does not guarantee good, clear, and marketable title to the premises.

**C. If within 10 years of the transfer, the congregation of the Church sells the property, it shall pay to Northumberland Presbytery, a sum determined as follows:**

- The sale price shall be divided by 10 to determine a yearly amortized figure. That yearly figure shall be multiplied by the number of years remaining in the 10 year period. This sum shall then be paid to Northumberland Presbytery. By way of example, if the sales price is \$500,000.00 and the Church sells the property after six years, the congregation shall pay the sum of \$200,000.00 to Northumberland Presbytery. This payment obligation shall be secured by a mortgage lien against the property. Upon request by the Church, Northumberland Presbytery agrees to satisfy that mortgage obligation after the expiration of 10 years or upon payment of the sum due, if the property is sold within 10 years.

**7. Release and Indemnification.** The \_\_\_\_\_ Church agrees to defend the Northumberland Presbytery and/or Presbyterian Church (U.S.A.) from all suits, claims, manners of actions, accounts, and contracts from any loss as a result of the Church receiving any of the Church's property and/or using the same.