

**Presbytery of San Joaquin
Property Covenant
Adopted April 12, 2007**

Introduction

The congregations and members of the Presbytery of San Joaquin are seeking to find a positive way to move forward into the future together. One emotional issue that has the potential to keep us from thinking and acting clearly and responsibly is the issue of church property. We too easily become subject to the temptations of suspicion, fear, lack of information, false information, gossip, and rumor. These make it difficult to trust God with the future of our presbytery and our denomination. Because we read about property issues that have been mishandled in other parts of our denomination, we are concerned that the same tragic scenarios may be repeated in our presbytery. For the sake of clarity and true Christian unity, we as a presbytery choose to make this covenant with our churches.

“[Y]ou are no longer foreigners and aliens, but fellow citizens with God’s people and members of God’s household, built on the foundation of the apostles and prophets, with Christ Jesus Himself as the chief cornerstone. In Him the whole building is joined together and rises to become a holy temple in the Lord. And in Him you too are being built together to become a dwelling in which God lives by His Spirit.” Ephesians 2:19-22

“The unity of the Church is a gift of its Lord and finds expression in its faithfulness to the mission to which Christ calls it.” (G-4.0200) We believe our unity, our true connectionalism, comes from Christ, our Chief Cornerstone and that our unity in Christ serves as an essential basis for evangelism. (John 17:20-23) It is our prayer that we would all be one in Christ, just as Christ and the Father are one. We encourage every congregation and every member to stay and renew this denomination. Yet we will exercise forbearance, not coercion, towards any who believe after due consideration and prayer, that they are called to minister in a different Reformed community.

Facts

- The Presbyterian Church (USA) is but one denomination within the Church (G-4.0101).
- Our constitution states that all church property is held in trust for “the use and benefit of the Presbyterian Church (USA)” (G-8.0201).
- A congregation must have written permission from the presbytery before it 1) sells or encumbers any of its property, 2) leases any property for the purposes of worship, or 3) leases any property for more than 5 years (G-8.0500).
- Presbyteries have the express power (a technical term meaning they are the only ones who can take this action) to dismiss a congregation (G-11.0103i).
- Only a presbytery may dismiss a congregation (PCUS, 1976, pp. 92-99, Strong and Bagby v. Synod of Mid-South (No.1-1976)).
- Presbyteries have the authority under G-8.000 and G-11.0103i to evaluate questions concerning church property in light of the particular circumstances presented in each instance and to exercise good judgment in accordance with Authoritative Interpretations of G-11.0103 made by the General Assembly in 1988, 1989 and 1990.
- It is the duty of every church member to follow the biblical model of conciliation and mediation rather than judicial proceedings (D-1.0103 – which says “unless after prayerful deliberation they are determined to be necessary to preserve the purity and purposes of the church”).

Covenant

As a primary means for settling disputes, the presbytery covenants with its members and congregations to settle property disagreements relationally, rather than through judicial proceedings in the courts of the church, or by initiating settlement in civil court thereby violating I Corinthians 6:1-11. In furtherance of this goal, the presbytery covenants to:

- A. refuse the temptation to love church property and assets too much. (These are important ministry tools, but they are not the most important aspect of our ministry.);
- B. be open, honest, and transparent, speaking the truth in love;
- C. exercise pastoral oversight of congregations in the spirit of I Peter 5:1-5, "...shepherd the flock of God among you, exercising oversight not under compulsion, but voluntarily, according to the will of God.... And all of you clothe yourselves with humility toward one another....";
- D. work pastorally with any pastor, session or congregation that seeks dismissal from the Presbyterian Church (USA);
- E. not take any preemptive action against any pastor, session or congregation who considers faithfully following the Great Ends of the Church (G-1.0200) in another Reformed denomination (which includes not secretly filing papers in civil court claiming ownership of church property);
- F. interpret "use and benefit of the Presbyterian Church (USA)" in G-8.0201 to mean solely whatever furthers the Great Ends of the Church (G-1.0200);
- G. interpret its express power "to coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility" (G-11.0103b) to allow that in some cases, after careful and prayerful consideration, a congregation, with its property and any financial assets, may be dismissed from the Presbyterian Church (USA) without penalty.

However, this does not abrogate provisions for judicial proceedings described in D-1.0103 should those be determined to be necessary after prayerful deliberation by the presbytery.

Rationale

First Corinthians 6 is more than a little clear in directing believers to come together instead of going to secular court. The historic principles of the PCUSA are similarly clear stating that "all church power... is only ministerial and declarative" (G-1.0307) and that church discipline "must be purely moral or spiritual in its object, and not attended with any civil affects" (G-1.0308). Further, in I Timothy 6:10, we read that "the love of money is a root of all kinds of evil." As people of faith, as ordained presbyters who are bound together by common vows, we must follow biblical principles for conflict resolution rather than employ tactics that "crucify our Lord afresh."

In John 17:21, Jesus prays that those who believe in Him would be one. The Presbyterian Church (USA), like all Christian denominations, is only one part of the Church for which Christ prayed. The Great Ends of the Church are the proclamation of the gospel for the salvation of humankind; the shelter, nurture, and spiritual fellowship of the children of God; the maintenance of divine worship; the preservation of the truth; the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world (G-1.0200). Therefore any ministry that truly furthers the Great Ends of the Church also benefits the Presbyterian Church (USA).