

Proposed Resolution
Submitted by Board of Trustees (3)
Unlawful Appropriation of Church Property
(replaces Conference Workbook p.169, line 22 through page 170)

WHEREAS, at the 1970 through 2016 & 2019 through 2023 annual meetings of the West Virginia Annual Conference of The United Methodist Church, certain Resolutions were adopted with reference to the unlawful appropriation by former members and Trustees of local church congregations of real and personal property formerly used in the ministry of The United Methodist Church (said Resolutions being 1970 Resolution No. 4; 1973 Resolution Nos. 5 and 12; 1974 Resolution No. 17; 1975 Resolution No. 22; 1976 Resolution No. 23; 1977 Resolution No. 17; 1978, 1979 and 1980 Resolution No. 11; 1981 Resolution No. 2; 1982 Resolution No. 7; 1983 Resolution No. 2; 1984 Resolution No. 2; 1985 Resolution No. 9; 1986 Resolution No. 11; 1987 Resolution No. 7; 1988 Resolution No. 9; 1989 Resolution No. 5; 1990 Resolution No. 1; 1991 Resolution No. 17; 1992 Resolution No. 11; 1993 Resolution No. 3; 1994 Resolution No. 4; 1995 Resolution No. 2; 1996 Resolution No. 5; 1997 Resolution No. 4; 1998 Resolution No. 2; 1999 Resolution No. 7; 2000 Resolution No.2; and 2001 Resolution No. 8; and 2002 Resolution No. 3; 2003 Resolution No. 7; 2004 Resolution No. 7; 2005 Resolution No.7; 2006 Resolution No. 7; 2007 Resolution No.11; 2008 Resolution No.7; 2009 Resolution No. 5; 2010 Resolution No. 5; 2011 Resolution No. 7; 2012 Resolution No. 7; 2013 Resolution No. 4; 2014 Resolution No. 5; 2015 Resolution No. 6; 2016 Resolution No. 6; 2017 & 2018*; 2019 Resolution No. 4; 2020 Resolution No. 4; 2021 Resolution No. 5; 2022 Resolution No. 6 and 2023 Resolution No. 5 (hereinafter sometimes referred to as the “1970 through 2023 Resolutions”); and * (No Resolutions, see 2017 Journal Pages 332-333)

WHEREAS, said 1970 through 2023 Resolutions authorized, empowered and directed the Board of Trustees of the Annual Conference to take such action as might be necessary to establish the legal rights of The United Methodist Church in and to all of the real and personal property formerly used in the ministry of The United Methodist Church or its predecessors, which had been or might thereafter be unlawfully appropriated and made provisions as to the disposition of such property and the proceeds thereof; and

WHEREAS, the Conference has heretofore paid and will be hereafter obligated to pay legal fees, expenses and court costs in connection with litigation instituted and to be instituted by the Board of Trustees pursuant to said Resolutions and it is the opinion of this Annual Conference that the proceeds of any sale, lease or other dispositions of any such real or personal property coming into the hands of said Board of Trustees should be used to reimburse the Conference for any such legal fees, expenses and court costs heretofore or hereafter paid by the Conference and authority for such use of said proceeds was contained in said 1970 through 2023 Resolutions, which use this Conference desires to ratify and confirm by this Resolution, all as hereinafter provided.

NOW THEREFORE BE IT RESOLVED by the West Virginia Annual Conference of The United Methodist Church as follows:

1. That the Board of Trustees of this Annual Conference after establishing and securing its ownership of and title to any real and personal property formerly used in the ministry of The

United Methodist Church, or its predecessors, by any local church as a result of action under and pursuant to any of the above-mentioned Resolutions or this Resolution, shall be authorized to sell any or all of said real or personal property or to enter into appropriate agreements as to the use thereof as in the judgment of said Trustees would best preserve said property from loss, damage or destruction and provide for its use in accordance with the best interests of and subject to the usage and Discipline of The United Methodist Church.

2. That the funds derived from any sale, lease or other disposition of any real or personal property recovered by or coming into the possession of the Board of Trustees as a result of action taken under and pursuant to said 1970 through 2023 Resolutions or this Resolution shall be remitted to the Treasurer of this Annual Conference and be by him deposited in a special account in the name of the Board of Trustees of the West Virginia Annual Conference; and that the Treasurer be and is hereby authorized from time to time to use said funds to the extent necessary to reimburse the Annual Conference for funds heretofore or hereinafter paid by the Conference for legal fees, expenses and court costs in connection with action taken under and pursuant to said 1970 through 2023 Resolutions or this Resolution; that any balance in said special account from time to time in excess of that required to meet anticipated payments shall be invested by the Treasurer in accordance with the direction of the Board of Trustees; and that the Board of Trustees shall report to each Annual Conference hereafter the balance in such special account.

3. That except as heretofore and herein modified, said 1970 through 2023 Resolutions shall be and remain in full force and effect.

4. That if, prior to the next regular meeting of this Annual Conference, any local church within the bounds of this Conference, or any such of the members of the congregations of any such church, should withdraw or declare their intention of withdrawing from The United Methodist Church and retain or seek to retain possession and control of or otherwise appropriate real or personal property formerly used by such local church in the ministry of The United Methodist Church or its predecessors, such local church is hereby declared to no longer serve the purpose for which it was organized, and, therefore, is deemed to be closed (pursuant to the UM Book of Discipline, Paragraph #2549) as a local church in the West Virginia Annual Conference of The United Methodist Church, and the Board of Trustees of this Annual Conference is hereby authorized, empowered and directed to take such action as may be necessary to establish the legal rights of The United Methodist Church in and to such real and personal property, and to eliminate all claims of any and all persons asserting a right of ownership or right of possession adverse to the rights of this Annual Conference including the authority, upon the advice of counsel, to institute legal proceedings and pursue said proceedings to the extent necessary to conclude the issues with finality; and that such real or personal property or the proceeds thereof coming into the possession of said Board of Trustees shall be disposed of, administered, managed and invested as provided in this Resolution.

5. That until the next regular meeting of this Annual Conference, the Cabinet and the Board of Trustees are hereby further authorized, empowered and directed on behalf of this Annual Conference to take any and all such action. In addition to the actions hereby authorized, the Conference Board of Trustees may deem it necessary and appropriate to safeguard and protect the interests and rights of this Annual Conference and The United Methodist Church with respect to any real or personal property now or formerly or hereafter used by any local church within the bounds of this Annual Conference.