

October 4th, 2023

To the members and friends of Dardenne Presbyterian Church

Brothers & Sisters,

For many years, there has been tension in Dardenne Presbyterian Church's (DPC) relationship with the Presbytery of Giddings-Lovejoy (PGL) and the Presbyterian Church (U.S.A.) (PCUSA). More recently, Session became troubled by statements and actions of PGL. Specifically, Session became acutely concerned that actions of the PGL & PCUSA could impair DPC's ability to faithfully serve out Christ's mission and that our property was at risk. Therefore, the Session believes it is reckless and irresponsible to move forward without the property issue being settled. We hold it not only honors those who have given to the mission of God here at DPC but is also of the utmost importance for our current and future mission.

While the Session is confident that our property deeds and the last 150 years of documented decisions of the congregation are crystal clear about the ownership of DPC's property, we want it to be definitively settled. The ownership of church property with the PCUSA has been a point of contention for many churches across the denomination and we need assurance that the congregation of DPC has full, uncontested, ownership of DPC property.

What Action Was Taken?

On October 3rd, 2023, to preserve and protect the rights of DPC and fulfill Session's obligations to steward the resources of current and past DPC members, the Session initiated a legal action against the PGL and the PCUSA. On behalf of DPC, we have asked the St. Charles County Circuit Court to 1) issue a declaratory judgment verifying that DPC's property is not subject to a trust in favor of the PCUSA (or otherwise held "for" the PCUSA), and 2) issue a temporary restraining order (TRO) to protect the functioning and property of DPC until the court determines who controls DPC's property. This decision was made to ensure DPC's property remains in the possession and control of the congregation to be used to fulfill the ministry of Jesus Christ. Because it involves legal action, it was initially necessary to avoid public discussion. The decision to file this court action came after many hours of prayer, discussion, and consultation.

Background

On July 25th, 2023, the Session voted to engage the law firm of Taylor Porter to conduct an evaluation of DPC's property rights, to advise the Session concerning such, and to, if needed, represent DPC in judicial proceedings or negotiations related to such rights. [Taylor Porter](#) is a Louisiana law firm that has a [Church Property Law Practice](#) that has represented churches throughout the United States in defending against the trust claims of national denominations. The Church Property Law practice at Taylor Porter is nationally renowned and recognized, with attorney Lloyd Lunceford serving as the general editor of an authoritative resource on the subject, [A Guide to Church Property Law](#).

Key Considerations

Importantly, Session voted to proceed with the referenced legal action only because it is quite clear that PGL and PCUSA do not have a valid basis to claim DPC's property. Moreover, it is also quite clear that to try and confirm DPC's property rights in any other manner would place DPC's property at substantial risk. The specific facts considered significant by Session include the following:

- DPC and its members have paid for **all** DPC property and DPC has **never** received money from PCUSA.
- Several of DPC's property deeds, dating back to the Bates deed for the Rock Church in 1873, specifically declare that the property "**shall in no way or manner be subject to the control, interference or meddling of any Presbytery, Synod, General Assembly or other ecclesiastical body**".
- In 1984, DPC's Session and Congregation voted to be exempt from the provisions of PCUSA dealing with selling, encumbering, or leasing DPC property. The results of the congregational vote were communicated in writing to The Presbytery of Southeast Missouri, predecessor to PGL.
- The PCUSA requests that local churches include language in their deeds and corporate documents that specifically recognize the PCUSA's right to control local church property. However, DPC has **never** adopted any of the "suggested" language, nor has DPC's congregation ever voted to approve any such language.
- DPC has never taken any of the steps necessary, under Missouri law, to create a trust or to transfer control of its property to another party.
- PGL has a history of filing lawsuits seeking control of church property while engaging in mediation.
- The PCUSA has published a memorandum that instructs local presbyteries, faced with a property title claim by a local church, to attempt to seize the church's property and orchestrate a hostile takeover of the church's governing board.
- The PCUSA has published a memorandum regarding churches in disagreement with the governance of the denomination, which instructs the Presbytery to protect **its** claim to local church property by, if necessary:
 - replacing the Session with appointees of PGL leadership
 - dissolving pastoral relationships
 - freezing the assets of the church (real and liquid)

- securing the building, grounds and property for the use and benefit of PCUSA
- Missouri courts have found in similar cases sufficient evidence that PCUSA presbyteries have the means at their disposal, either on their own or in concert with others, to cause immediate and irreparable harm to local churches.
- Attorneys have advised Session that, because DPC is a Missouri corporation, Session has certain obligations to protect the corporation's property, including initiating a legal action in a case where there is no safe alternative.

Session is Seeking Quick Resolution

Session does not desire to engage in any unjustified legal action, and if PGL promptly confirms that neither it nor the PCUSA has any right to the property of DPC, upon the proper legal documentation of the DPC's property rights, DPC's property action will be dismissed, and a payment of \$5,000.00 will be made to PGL to compensate it for any legal fees unnecessarily incurred.

How does this action affect our church?

Generally, the Session believes this action will cause minimal to no disruption to our day-to-day activities. One of the purposes of the TRO is to protect our staff and session so they can continue to lead and operate the church normally and without disruption to worship services, activities, ministries, and programs.

How is this legal action being funded?

The total costs of the action cannot be known at this time as much depends on how quickly the case can be resolved. If PGL promptly confirms neither it nor the PCUSA has any right to DPC's property, the costs will be minimal. If PGL decides to claim to have control of DPC's property, it might take as long as 18-24 months to get a final resolution. Whatever happens, Session believes the cost can be funded by DPC's operating funds and reserves.

What happens next?

On Sunday, October 8th, 2023, at 11:30 a.m. there will be a Q&A session in the sanctuary. At the meeting, copies of the documents referenced above will be made available. We encourage everyone to read them carefully so each of you can develop a well-informed opinion.

On Sunday, October 22nd, 2023, there will be a Congregational Meeting. The purpose of the meeting is to hold a congregational vote so that **DPC's members** can vote on the following items;

1. To approve a revocation of any PCUSA trust should any claim of a trust be brought by PGL or PCUSA;
2. To confirm the congregation's understanding that DPC can be associated with the PCUSA while also maintaining control of its own property;
3. to approve new by-laws removing any reference to PCUSA, PGL, or the Book of Order;
4. to confirm and/or reaffirm the elected position and appointment of the current Session members; Jessica Fouse, Nick Giannakis, Bonnie Gilmore, Karen Harvey, Kathy Holtkamp, Stuart Huddleston, Jennie Kimmel, Kevin Mullins, Bob Pflaum, Marty Provin, Allen Sebaugh, Frank Schuman, Tom Stevener, and Jeff Woods;
5. If PGL asserts that anyone is a member of Session other than the Session members named above, to officially remove any such persons from Session;
6. If PGL and PCUSA decline to agree that they have no claim to DPC's property, to vote upon whether to approve of and to continue to pursue a legal declaration of DPC's full property rights.

Note that the October congregational meeting is **not** being held to vote on whether to disaffiliate from the PCUSA denomination. The purpose of the proposed resolutions is to confirm DPC's property rights and to ensure that any document that could be argued to tie DPC's property to the PCUSA is amended properly. DPC will accordingly continue its association with the PCUSA until such time as the Session and church members have had time to explore the matter, undertake a discernment period, and, if desired, properly vote to make a change.

Dardenne Presbyterian Church's Future

Once we have the ownership of property and other assets clarified, DPC can put its full energies and resources towards pursuing its mission in making disciples of Jesus Christ and discerning our next faithful steps.

Please pray for the Session, DPC congregation and PGL leadership that our actions may be wise and honoring to our Lord and Savior.

In Christ,

The Session of DPC