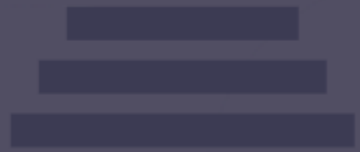




ARCHDIOCESE OF CINCINNATI



BEACONS  of LIGHT

Pastoral Planning for Our Third Century

Agenda

1:30p

Welcome, Prayer, Intros

1:35p

Property Sale Process Information

2:10p

Questions & Answers

2:25p

Announcements, Closing Prayer



Alienation of Property

Alienation: loss of stable patrimony of a public juridic person, most often applies to selling property

Canon 1295 notes that in addition to that which is strictly alienation, the same canonical norms apply and are to be followed in any other transactions which can jeopardize the patrimonial condition of the public juridic person (e.g. granting an easement, mortgaging property, leases, contracting some debts, turning over administration of goods to another entity).

Stable patrimony: those goods which constitute the minimum secure financial basis to enable the juridical person to subsist autonomously and to attend to the purposes and services proper to it (contrasted with moveable goods)



BEACONS *of* LIGHT

Alienation of Property

Primary canons relegating the process: 1291-1294

Canon 1291: The permission of the authority competent by law is required for the valid alienation of goods which, by lawful assignment, constitute the stable patrimony of a public juridic person, whenever their value exceeds the sum determined by law.

What?



BEACONS *of* LIGHT

Alienation of Property

Canon 1292: defines who the competent authority is in various cases

- Minimum and maximum sums are determined by the **conference of bishops**
- When value is between those numbers, the **diocesan bishop** is competent authority, acting only with consent of the college of consultors and the finance council (archdiocesan)
- If value exceeds the maximum sum, the additional permission of the **Holy See** is required (Holy See's permission is also required if it concerns something given to the juridic person by vow or if it concerns objects which are precious by reason of artistic or historical significance)
- Value below the minimum sum? **Pastor**



BEACONS *of* LIGHT
Alienation of Property

Minimum and Maximum Sums: \$25,000 and \$3,500,000

Complementary Norms

Divisible goods: "When a request is made to alienate goods which are divisible, the request must state what parts have already been alienated; otherwise, the permission is invalid."

Prevents avoiding the canonical controls by parceling out goods and the subsequent lowering of the value of each part alienated.



BEACONS *of* LIGHT

Alienation of Property

[ABOUT](#) [RESOURCES](#) [CONTACT](#)

Index of Complementary Norms

Canon 230, §1 - Installed Lay Ministries	+
Canon 276, §2, 3° - Permanent Deacons and the Liturgy of the Hours	+
Canon 284 - Clerical Garb	+
Canon 496 - Statutes of the Presbyteral Council	+
Canon 522 - Stability of Office of Pastor	+
Canon 538, §3 - Cessation of Office of Pastor	+
Canon 766 - Lay Preaching	+
Canon 772, §2 - Radio or TV Talks on Christian Doctrine	+
Canon 788, §3 - National Statutes for the Christian Initiation of Adults	+
Canon 831, §2 - Clerics, Members of Religious Institutes on Radio, Television	+
Canon 877, §3 - Recording the Baptism of Adopted Children	+



Alienation of Property

Canon 1293: requirements to alienate when value exceeds the minimum sum

- A just cause (such as urgent necessity, evident advantage, or a religious, charitable or other grave pastoral reason)
- An evaluation in writing by experts of the goods to be alienated (two appraisals)

Canon 1294: normally goods must not be alienated for a price lower than that given in valuation

- Allows circumstances to be judged by the competent authority if permission is to be granted to alienate for a lower price



Alienation of Property

N.B. Unless a church will remain in use as a place for Catholic divine worship to which the faithful have a continued rite of access (e.g. if it is to be sold to a different ritual Church *sui iuris*), it is to be relegated to profane use prior to alienation.

If it becomes necessary to alienate the edifice, various options, in decreasing order of preference are:

- continued use as a place of Catholic worship
- use as a place for the exercise of other Catholic apostolates or ministries
- for profane but not sordid use in keeping with the dignity of the edifice as a former church
- demolition of the edifice, recovering the land

Prior to alienation all of the sacred goods of the church must be removed for use in other sacred edifices or to be stored in ecclesiastical custody. Altars can never be relegated to profane use; therefore, if they cannot be removed, they must be destroyed.



Alienation of Property

Step one: Send the following documentation to the AoC Property Management Office:

- Two appraisals for the property that include photos of the outside and inside of the property. Appraisals should be completed such that valuation is determined according to the highest and best use of the property.
- A letter from and signed by the pastor, including documentation of the approval of a majority of the members of both the Parish Pastoral and Finance Councils consenting to the proposed sale.
- The letter should clearly state the requested the minimum selling price for which permission is sought.
- Include, as well, a short history of the property and the reasons the parish wishes to sell the property. Also explain the current use of the property (occupied for parish use, vacant, occupied and in use by a tenant, etc).



Alienation of Property

When you have all of the documentation needed above please send for review by the **Director of Property Management** who will then move it forward to the **Chancellor**, who will present it to the Archdiocesan Finance Council and the College of Consulters.

These two councils meet separately and at different times of the months. Documentation is needed two weeks prior to the scheduled council meeting in order for it to be added to the agenda. **Dates of upcoming meetings are run in every month's *Clergy Communications*.**



Alienation of Property

Step Two: The Chancellor will contact you back whether the council(s) have consented to the sale and permission has been granted. A letter from the Archbishop granting the permission to alienate as proposed will be sent to the pastor.

Step Three: If you get permission to sell, any proposed realtor contract must be sent to the Archdiocesan Finance Office for review and approval prior to contracting with the realtor. When a potential buyer is identified, the Director of Property Management will assist you in working with the Archdiocesan Real Estate Attorney, whom he will put you in contact with, to guide you through all the legal documentation.





EXHORTATION

Deferred Maintenance: understand your needs
now and plan to address them!



ARCHDIOCESE OF
CINCINNATI



QUESTIONS

What questions of clarification about the
Property Sale process do you have?





Mary, Mother of the Church and our Mother,
present our prayer of thanksgiving to your Son.
Beg from Him the graces we need to be faithful disciples
who follow Him with enthusiasm and joy.
May our witness to the love of God bear fruit
in our archdiocese, parishes, homes and hearts.
Teach us to be God's joyful witnesses,
to radiate Christ in all we do,
so that all people might know, love and follow your Son
through this life and into the next.
Amen.

