

Presbytery of the Peaks: Gracious Dismissal Policy

1 INTRODUCTION

2

3 The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) approved
4 Commissioners' Resolution Item 04-28 that urged: "...that presbyteries and synods develop
5 and make available to lower governing bodies and local congregations a process that
6 exercises the responsibility and power 'to divide, dismiss, or dissolve congregations in
7 consultation with their members' (Book of Order, G-3.0301a) with consistency, pastoral
8 responsibility, accountability, gracious witness, openness, and transparency." Believing that
9 trying to exercise this responsibility and power through litigation is damaging to the cause of
10 Christ, impacting the local church, other parts of the Body of Christ and ecumenical
11 relationships, and our witness to Christ in the world around us, the General Assembly urges
12 congregations that consider leaving the denomination, presbyteries and synods to implement
13 a process using the following principles:

- 14 • **Consistency:** The local authority delegated to presbyteries is guided and shaped by
15 our shared faith, service and witness to Jesus Christ.
- 16 • **Pastoral responsibility:** The requirement in G-3.0301a to consult with the members
17 of a church seeking dismissal highlights the presbytery's pastoral responsibility that
18 must not be submerged beneath other responsibilities.
- 19 • **Accountability:** For a governing body, accountability rightly dictates fiduciary and
20 connectional concerns, raising general issues of property (G-4.02) and specific issues
21 of schism within a congregation (G-4.0207). But full accountability also requires
22 preeminent concern with "caring for the flock".
- 23 • **Gracious witness:** Scripture and the Holy Spirit require a gracious witness from us
24 rather than a harsh legalism.
- 25 • **Openness and transparency:** Early, open communication and transparency about
26 principles and process of dismissal necessarily serve truth, order and goodness, and
27 work against seeking civil litigation as a solution.

28 The rationale supporting this resolution stated that it is tempting to "emphasize the property
29 trust responsibilities of presbytery/synod oversight to the exclusion of the pastoral
30 responsibility of caring for the congregations (members staying and leaving) and the
31 responsibility of public witness to Christ with the larger body of Christ and the community
32 and world." Secondly, it was suggested that presbyteries should strive for consistency in their
33 response to congregations seeking dismissal and that all parties should engage in a grace-
34 filled exchange.

35

36 PRINCIPLES AND PROCESS

37

38 As followers of Jesus, we are called to live lives that glorify God; that advance the work of
39 the Kingdom of God, that show forth his love in how we honor and relate to one another as
40 colleagues and friends in service to the Lord. While we desire to preserve the peace, unity
41 and purity of the PC(USA), we realize that in days of controversy, friends and colleagues
42 may differ. Yet Jesus calls us to exercise his love even in the midst of disagreement.

43

44 This love may be tested when some of us come to the place where we sense that faithfulness

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45 to our understanding of Jesus' call and to our denomination seems at odds. We may even hold
46 to the conviction that continued shared ministry within the boundaries of the PC(USA) has
47 become untenable.

48

49 We do not believe it is proper to divide congregations and denominations if it is avoidable.
50 Separation should not be done lightly. But we believe that when it becomes clear that friends
51 and colleagues can no longer walk together, it is not conducive to the larger mission of the
52 presbytery or the PC(USA) to engage in protracted disputes with a church desiring to depart.
53 Thus, we have sought to create a clear and respectful process by which these sad waters may
54 be navigated; one that even in the midst of painful disagreement can still proclaim the love of
55 Christ that binds us together.

56

57 STATEMENT OF VALUES

58

59 **A. Unity**

60

61 The congregations and members of the Presbytery of the Peaks ("the Presbytery") seek to
62 uphold one another, respect each other's integrity and affirm freedom of conscience, even as
63 we acknowledge significant differences in our views of what the Bible teaches about a
64 number of issues. We desire to encourage peace and unity, while minimizing confrontation
65 between our congregations and members, as we seek together to find and represent the will
66 of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of
67 Christ, a church made up of many different parts, all of which are necessary "for its mission
68 in the world, for its sanctification, and for its service to God"(F-1.0202). Our spiritual unity
69 is derived from the grace of the Lord Jesus Christ, the love of God and the fellowship of the
70 Holy Spirit (2 Corinthians 13:14).

71

72 **B. Decision-making**

73

74 Presbyterians have always recognized significant differences of opinion on issues that matter.
75 This ethos is currently noted in the historic language found at F-3.0105: ... "We also believe
76 that there are truths and forms with respect to which men of good characters and principles
77 may differ. And in all these we think it the duty both of private Christians and societies to
78 exercise mutual forbearance toward each other." Our covenant demands that we strive to
79 work together in peace and unity, even in the midst of our diversity. Through our theology,
80 we understand that "Presbyters are not simply to reflect the will of the people, but rather to
81 seek together to find and represent the will of Christ." "Decisions shall be reached in councils
82 by vote, following opportunity for discussion and discernment, and a majority shall govern"
83 (F-3.0204 and F-3.0205). At the same time, the church is committed to being open to voices
84 sharing minority opinions. At some points in our history, minority views eventually became
85 those of the majority. Thus, the Constitution of the Presbyterian Church (U.S.A.) recognizes
86 "The church reformed, always to be reformed according to the Word of God in the power of
87 the Spirit" (F-2.02).

88

89 There are times when members find they cannot in good conscience go along with the
90 majority. The Presbytery encourages all presbyters and congregations to "...concur with or

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91 passively submit to" the vote and wisdom of the majority (G-2.0105, footnote 1). If their
92 consciences will permit neither, the Presbytery will be gracious **in considering requests by**
93 **allowing** congregations and presbyters with strong issues of conscience to pursue peaceable
94 withdrawal through dismissal to another Reformed body.

95
96 A congregation that is convinced that to be faithful to the Lord Jesus, it must disassociate
97 from the PC(USA) and the Presbytery, should do so in strict accordance with the book of
98 Order and in a way that seeks to promote the unity of that congregation. Closely divided
99 congregations should remain as they are and where they are as a consensus has not yet been
100 achieved.

101 102 C. Dialogue and Reconciliation

103
104 The goal of this Presbytery will always be reconciliation and continued relationship with all
105 congregations in the Presbytery, without the threat of isolation, estrangement or blame. The
106 Presbytery is to be a servant to the congregations God has entrusted to us, encouraging and
107 supporting them toward becoming healthy, growing congregations. This is especially true for
108 those congregations for whom the bonds of unity are stretched and ecclesiastical connections
109 are frayed over issues of conscience to the point of considering disaffiliation.

110
111 1 John 4:18 states: *"There is no fear in love, but perfect love drives out fear. For fear has to*
112 *do with punishment, and he who fears is not perfected in love."*

113
114 The Presbytery's commitment to this passage means that we are to engage the leaders of a
115 congregation, or the congregation as a whole, without threat of punishment. It is likewise
116 incumbent upon the leaders of congregations wrestling with issues of conscience to share
117 their concerns with Presbytery leadership in a timely manner, being assured that the response
118 will not be hostile, but instead one of prayerful dialogue and a commitment to act in love and
119 in the best interests of the congregation as well as the Presbytery's mission.

120 121 D. The Property Provisions

122
123 **The Form of Government ("FOG") section of the Book of Order contains several**
124 **provisions which establish that all real and personal property (regardless of legal or**
125 **record title) held by a congregation or its trustees belongs to the PC(USA) and the**
126 **denomination's respective presbyteries. For instance, a** According to the Book of Order
127 (G-4.0203): *"All property held by or for a congregation, a presbytery, a synod, the General*
128 *Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a*
129 *corporation, a trustee or trustees, or an unincorporated association, and whether the*
130 *property is used in programs of a congregation or of a higher council or retained for the*
131 *production of income, is held in trust nevertheless for the use and benefit of the Presbyterian*
132 *Church (U.S.A.)."*

133
134 As a Presbytery, we recognize that Chapter Four of the FOG states that except where
135 otherwise provided, *"all property held by or for a congregation, a presbytery, a synod, the*
136 *General Assembly, or the Presbyterian Church (U.S.A.) ... is held in trust nevertheless for*

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137 *the use and benefit of the Presbyterian Church (U.S.A.)*". Presbytery, at its discretion, may
138 dismiss congregations from the PC (USA) in possession of their property (G-3.0303b). We
139 affirm the responsibility of the Presbytery to provide for and insure the mission, **church**
140 **property** and government of the **PC(USA)** ~~church~~ throughout its geographical district (G-
141 3.0301).

142

143 We also affirm to each congregation its right to seek dismissal under chapters three and four,
144 of the Book of Order, and we ask all of our congregations to act with love, forbearance,
145 dignity and discretion in pursuing this right (G-4.02; G-3.0303f).

146

147 It is our hope that as this policy is followed by all involved, litigation in secular courts can be
148 avoided in light of our mutual recognition of these respective rights in this regard, as defined
149 and set forth in the FOG. In the spirit of the Apostle Paul (1 Corinthians 6:1-8), we
150 peacefully seek to resolve any disagreements as brothers and sisters in Christ to avoid the
151 harm that is done to the Gospel and Christ's body when Christians resort to civil litigation
152 and public disputes.

153

INITIAL PROCESS

154

Presbytery Response Team

155

156 Upon adoption of this policy, a Presbytery Response Team ("PRT") of at least 15 people will
157 be nominated by council and elected by the Presbytery to serve for 24 months and work on
158 behalf of the Presbytery with any congregations considering dismissal. At the end of 24
159 months, the PRT will make a recommendation to council as to its continuation and
160 composition.

161

162 The purpose of the PRT is to engage the session and the congregation as a whole in a time of
163 prayer and dialogue aimed at understanding the areas of disagreement. The PRT may request
164 additional members if necessary. The PRT will choose from its members smaller groups of
165 3-5 people to work with individual congregations that desire to follow the process outlined as
166 follows.

167

A. Initial Contact and Exploration

168

169 When a session notifies the Presbytery that a congregation may be in disagreement with
170 Presbytery and/or the denomination to the extent of considering withdrawal from the
171 Presbyterian Church (U.S.A.), this information should be brought immediately to the
172 attention of the General Presbyter or Stated Clerk, who will notify the PRT. The PRT will
173 initiate communication and discussion with that session and church staff.

174

175 If it appears that progress can be made toward reconciliation through continued and
176 constructive dialogue, congregational leadership and the PRT will establish a mutually
177 agreeable timeline for talks to be held, and proceed to engage in such dialogue. If not, then
178 the session will proceed with the steps outlined below.

179

180

181

182

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183 **B. The First Congregational Hearing Meeting**

184

185 The session of a church shall call a congregational ~~hearing~~ **meeting** for the purpose of
186 discussing the question, "Shall our congregation consider being dismissed from the
187 PC(USA)?" Due notice of such Meeting shall be given to all active members of the
188 congregation by mail and orally at regular worship services on four successive Sundays. The
189 PRT will take into consideration the level of participation by the active membership.

190

191 At this meeting, the representatives from the PRT will be present to hear reasons for the
192 request, outline the process and answer questions. These representatives shall have the
193 privilege of the floor ~~with the right to speak. At this meeting, no vote for any purpose shall be~~
194 ~~taken.~~ **The purpose of this meeting is not to "request dismissal" as the congregation has**
195 **no authority to do so (G-1.0503). Rather it allows for a "straw poll" for the purpose of**
196 **giving the Presbytery a sense of the congregation's desire regarding dismissal. After**
197 **discussion and prayer, further guidance on this question may be sought by a secret**
198 **written ballot - the only choices being "Continue to consider being dismissed" or "Do**
199 **not consider being dismissed."**

200

201 Following this meeting, the session may elect to hold a second congregational meeting no
202 sooner than three months from the date of the first congregational meeting held for
203 consideration of dismissal and the details of the process of the Gracious Dismissal Policy.

204

205 **C. Following the First Congregational Hearing Meeting**

206

207 Upon notice that the session has elected to call a second congregational ~~hearing~~ **meeting**, the
208 PRT shall work with the session to review the terms of possible dismissal, plan any
209 additional meetings with the congregation and review the property and financial records of
210 the congregation.

211

212 The PRT will notify the Presbytery Council, the Division of Church Development and the
213 Presbytery's Trustees who shall engage in a discernment process to identify the Presbytery's
214 mission plan for the area served by the departing congregation.

215

216 The session will provide to the PRT copies of all executed documents concerning the
217 congregation's incorporation and by-laws, real property (including cemeteries and
218 columbariums) and other assets including, but not limited to, current deeds of trust, loan
219 agreements, liens, property and casualty insurance, and statements of tangible and intangible
220 assets.

221

222 Representatives of the session and the PRT will review these documents to determine
223 whether Presbytery, synod or any Presbyterian Church (U.S.A.) body is named therein and/or
224 is exposed to any liability claims that exist or may arise under these documents. Due
225 consideration should be given in cases where the church has received grants from an entity of
226 the PC(USA) within the past 12 years.

227

228 In order for the dismissal process to proceed, steps must be taken to repay in full any

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229 indebtedness owed to or guaranteed by the Presbytery, the synod, or the Presbyterian Church
230 (U.S.A.) or to refinance such indebtedness through an independent creditor without support
231 from the Presbytery, synod, or the Presbyterian Church (U.S.A.).

232

233 Appropriate action must also be taken to amend any organizational documents, as necessary,
234 and to ensure that adequate insurance coverage of all property is maintained until dismissal is
235 completed. Similarly, if the congregation has established a foundation or received grants or
236 endowment(s), related documentation must be examined to identify any terms or restrictions
237 affected by the proposed dismissal involving the Presbytery, synod or the Presbyterian
238 Church (U.S.A.). Action must be taken as appropriate.

239

240 **D. The Second Congregational Hearing Meeting**

241

242 At the second congregational hearing meeting to discuss dismissal the PRT will represent the
243 Presbytery. The PRT will be responsible for working with the church's leadership in ensuring
244 a decent and orderly process by which the wisdom of this request can be discerned as God's
245 call for both this congregation and the larger mission of the Presbytery. As part of this
246 process, the following procedures shall govern ~~guidelines will guide~~ this request for
247 separation:

248

- Due notice of such hearing meeting shall be given to all active members of the congregation by mail, and orally at regular worship services on four successive Sundays.

249

250

251

- Though the Presbytery may not set the quorum, it is hoped that at least one-half of the active membership will be present.

252

253

- The PRT, along with related Presbytery staff, shall be present throughout and shall have the right to speak and to present the separation proposal.

254

255

- The question to be discussed is: "Shall our ~~congregation~~ session request the Presbytery for dismissal to _____ according to the terms agreed upon by the Session and the PRT?"

256

257

258

- Ample time shall be provided for speakers wanting dismissal and speakers wanting to stay with the PC(USA).

259

260

- After discussion and prayer, further guidance on this question shall be sought by a secret written ballot - the only choices being "Request dismissal" or "Do not request dismissal."

261

262

263

- If at least two-thirds (2/3) of those active members present and voting, seek dismissal, the request will ordinarily go first to the session and then to the Presbytery.

264

265

- After reviewing the proposed ~~Subject to acceptable~~ terms of dismissal negotiated between the PRT and session as outlined below, it is expected that the Presbytery may ~~will~~ approve or disapprove the terms of dismissal. Whether to dismiss the congregation is a purely discretionary decision on the part of the Presbytery.

266

267

268

269

- If any member contests the regularity of the congregational meeting, he or she may initiate a complaint pursuant to Chapter VI of the Rules of Discipline.

270

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271

272 TERMS OF DISMISSAL

273

274 A. Status of Minister Members of Presbytery

275

276 If a congregation is to be dismissed by Presbytery, one of the paramount concerns of this
277 process is to ensure that the rights and status of minister members are considered and
278 handled according to the constitution

279

280 Ministers may request transfer to the Reformed body to which the congregation is requesting
281 dismissal, or they may remain as members of the Presbytery. If transfer is not requested and
282 their call at the church ends, the minister may request to be granted member-at-large status
283 that will allow the minister to seek calls within the PC(USA) and to receive a severance
284 package negotiated among the congregation, the PRT, and the Committee on Ministry and
285 approved by the Presbytery. Transfers may be requested concurrently with the
286 congregation's request or they may occur separately. If the transfer is not requested or
287 granted concurrently, the minister may request to labor outside the bounds of the Presbytery
288 to serve the church which has been dismissed for a period of up to 12 months following the
289 dismissal of the congregation (G-2.0503). This service will ordinarily be designated as a
290 validated ministry of the Presbytery and is understood as a gracious means for facilitating
291 continuity in ministry during a limited period of transition.

292

293 Transfers to another Reformed body will normally be approved unless the minister is the
294 subject of a pending judicial or investigative action (per D-10.0105). The reasons for not
295 granting transfer may be communicated by the Presbytery's Stated Clerk to appropriate
296 persons.

297

298 B. Status of Members Under Care of Presbytery

299

300 Special attention should be given to members of the congregation who are preparing for
301 ministry and are under the care of Presbytery. Each member under care, together with his/her
302 liaison from the Committee on Preparation for Ministry ("CPM"), should be advised
303 immediately of the congregation's desire to seek dismissal. The member under care will be
304 given the option of being dismissed with the congregation or transferring their membership
305 to another congregation within Presbytery and/or the PC(USA) (G-2.06). If a transfer to
306 another congregation within Presbytery and/or the PC(USA) is requested, the PRT and the
307 CPM liaison will assist the member in seeking a waiver of the usual six-month requirement
308 for church membership in order to maintain care status.

309

310 C. Status of Members of the Congregation

311

312 It is important that, throughout the dismissal process, both the session and the PRT
313 communicate carefully so that divisiveness is minimized between those in the congregation
314 who wish to withdraw and those members who want to remain in the PC(USA). Upon
315 Presbytery's approving a congregation's dismissal, the Stated Clerk in consultation with the
316 Clerk of Session shall contact all members as to their desired membership status. The PRT,

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317 on behalf of the Presbytery, will follow up with those wishing to remain with the PC(USA).

318

319 **D. Issues of Property**

320

321 The issue of property should not be a means by which order and discipline are to be
322 maintained, but the interests of the various constituencies must be guarded in a fair and
323 equitable way. In making its recommendations on property, the PRT will assess the needs of
324 the congregation, those wishing to continue in the PC(USA), and the overall needs and
325 mission of the Presbytery.

326

327 If the PRT in its process of consulting with members of the congregation decides that they
328 are united in their conviction to disassociate from the PC(USA), the PRT may recommend to
329 the presbytery that the congregation be allowed to depart **with the real and personal**
330 **property the congregation or its trustees then hold** ~~their property~~ under such conditions as
331 have been negotiated.

332

333 The ~~congregation~~ **session** and the PRT must negotiate any terms of dismissal based on God's
334 call to mission to **the faction within** the congregation desiring to be dismissed; God's call to
335 **the faction within** the congregation desiring to remain in the PC(USA) and God's call to the
336 Presbytery regarding ministry in the geographic location in which the congregation is
337 located.

338

339 The PRT may recommend that the congregation be dismissed with all of its property with the
340 following provisions:

341 • In consideration of the ongoing work, ministry and life of the presbytery the departing
342 congregation will agree to pay for a period of **at least** three years an amount equal to
343 its most recent requested Presbytery Mission Challenge. This will give the
344 Presbytery time to make necessary adjustments going forward. Full payment may be
345 made prior to the **third year or other specified payment completion date** ~~three-year~~
346 ~~time line~~. For any congregation that makes such financial contributions to the
347 Presbytery subsequent to the adoption of these policies, such action shall be
348 memorialized in a written binding agreement between that congregation and the
349 Presbytery.

350 • Originals of all extant minutes of the Session, Board of Deacons, and congregation, as
351 well as records of baptisms, marriages, burial and membership rolls to the date of
352 dissolution or dismissal, shall be conveyed to the Presbytery's Stated Clerk for
353 appropriate historical repositories prior to the date of dissolution or dismissal.

354 • The name of the PC(USA) congregation is an action of the Presbytery that must be
355 negotiated and/or preserved appropriately. Therefore the future name of the dismissed
356 or dissolved congregation shall be a part of the settlement between the congregation
357 and the PRT.

358

359 • ~~Dismissal will not occur unless and until the terms of the agreement have been~~
360 ~~reduced to writing, approved by the Presbytery and met by the congregation seeking~~

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361 ~~dismissal.~~

362 • ***Dismissal may not occur unless and until the terms of an agreement that includes both the***
363 ***matters set forth above and the retaining by Presbytery of a right of reverter for ten years***
364 ***have been reduced to writing and approved by the Presbytery. Upon such signing and***
365 ***approval the congregation may be dismissed even if the financial terms are not completely***
366 ***fulfilled for a number of years.***

367 Congregations that are divided on the question of dismissal from the PC(USA) must
368 work out a property settlement with the PRT that provides a proportional settlement for
369 the ministry and worship needs of the minority. This may be done through establishment
370 of a designated fund under the auspices of the Presbytery for the minority or by
371 agreement with another congregation of the PC(USA) with which the minority may
372 associate and worship and serve the Lord **or any other means acceptable to the**
373 **Presbytery.**

374 • Once this settlement has been reduced to writing, the PRT may then recommend to
375 the Presbytery approval of the settlement and dismissal of this congregation with **real**
376 **and personal property held by the congregation or its trustees** ~~its property~~ as part
377 of its report at the Presbytery meeting described below.

378 • Originals of all extant minutes of the Session, Board of Deacons, and congregation, as
379 well as records of baptisms, marriages, burial and membership rolls to the date of
380 dissolution or dismissal, shall be conveyed to the Presbytery's Stated Clerk for
381 appropriate historical repositories prior to the date of dissolution or dismissal.

382 • The name of the PC(USA) congregation is an action of the Presbytery that must be
383 negotiated and/or preserved appropriately. Therefore the future name of the dismissed
384 or dissolved congregation shall be a part of the settlement between the congregation
385 and the PRT.

386

387 ~~• Dismissal will not occur unless and until the terms of the agreement have been~~
388 ~~reduced to writing, approved by the Presbytery and met by the congregation seeking~~
389 ~~dismissal.~~

390 ***Dismissal may not occur unless and until the terms of an agreement that includes both the***
391 ***matters set forth above and the retaining by Presbytery of a right of reverter for ten years***
392 ***have been reduced to writing and approved by the Presbytery. Upon such signing and***
393 ***approval the congregation may be dismissed even if the financial terms are not completely***
394 ***fulfilled for a number of years.***

395 THE MEETING OF PRESBYTERY

396

397 At the meeting of Presbytery to consider a request for dismissal, the Presbytery shall hear
398 from the PRT:

- 399 • On the recommendations it brings regarding the request for dismissal, based on the
400 guidelines noted above;
- 401 • On provisions that will be made for those members who wish to remain in the
402 PC(USA);

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- 403 • On provisions that will be made for any Teaching Elders, Christian Educators or
404 Commissioned Ruling Elders for Particular Ministry associated with the
405 congregation;
- 406 • On how the congregation's dismissal will affect the larger mission and ministry of the
407 Presbytery;
- 408 • On any financial contributions to the congregation by the Presbytery, synod or
409 General Assembly.

410

411 It should be noted that renegotiation of the terms for dismissal through use of amendments
412 from the floor of Presbytery would invalidate months of work between the PRT and the
413 congregation. The PRT will bring recommendations to the Presbytery concerning the
414 negotiated agreement. The proposal will be presented as a whole with the request that it be
415 accepted and voted on without amendment.

416

417 The effective date of dismissal will occur no earlier than ninety (90) days after the Presbytery
418 vote, **provided the Presbytery is satisfied the congregation has met all agreed upon**
419 **terms and conditions by that date.**

420

421 THE VOTE

422

423 After hearing from the PRT and allowing for discussion and prayer, and if no substantive
424 amendments have been approved, the Presbytery shall then vote by written ballot on this
425 question: "Shall the congregation of _____ be dismissed to
426 _____ according to the terms agreed upon by the PRT, the session, and the
427 congregation?"

428

429 The only choices shall be "Yes" or "No".

430

431 If a majority of those present and voting, votes in favor, the congregation shall be dismissed
432 according to the terms agreed upon.

433

434 ACTUAL DEPARTURE

435

436 A final worship service will be conducted in which representatives of the Presbytery, the
437 congregation and the new Reformed denomination shall **will be invited to** meet, worship and
438 transfer the congregation to its new denominational home. As part of this worship gathering,
439 both representatives of the Presbytery and the departing congregation will offer prayers on
440 each other's behalf, give thanks for the years of ministry shared together, and share words of
441 blessing even as we go separate ways.

442

443 MINISTERIAL CONDUCT

444

445 Following the provisions of our constitution, we affirm that it is our policy not to take action
446 to remove a pastor or session solely as a result of a decision to discuss withdrawal or seek
447 dismissal to another denomination. Elders and pastors engaged in these difficult decisions are

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448 to conduct themselves in a Christ-like manner.

449

450 How we treat one another reflects and impacts directly our witness to Christ in this
451 geographic area. Faithfulness to our witness compels us to conduct ourselves in a way that
452 honors God and one another if we are to expect God's blessing to reside upon our ministries
453 going forward. We should conduct ourselves in such a way as to bring honor upon the
454 Gospel in the eyes of neighbors and potential members from our communities.

455

456 WAIVER OR DEVIATION BY PRESBYTERY

457

458 Presbytery retains the absolute authority and discretion to waive and deviate from any
459 of the terms, conditions and procedures set forth above in the Gracious Dismissal
460 Policy.

461

462

462 AUTHORITATIVE INTERPRETATION

463

464 In response to the ruling of the General Assembly Permanent Judicial Commission in
465 Remedial Case 2012-221-03 (Tom et et al. v San Francisco Presbytery), the Presbytery
466 of the Peaks shall understand and interpret its Gracious Dismissal Policy (adopted
467 5-10-12) as follows:

468

469 To honor the Trust Clause (G-4.0203) of the Constitution of the Presbyterian Church
470 (U.S.A.), exercising its mandated fiduciary duty, the Presbytery of the Peaks shall take
471 into consideration the financial position and the value of property used by any
472 congregation that seeks dismissal with that property, prior to authorizing any transfer
473 of that property or any portion thereof. In determining how such financial position and
474 property value impact the mission of Jesus Christ in its district, the Presbytery shall
475 proceed on an ad hoc basis, not relying on any particular formula to provide the basis
476 for settlement of a request for dismissal. Further, to assure that a congregation
477 dismissed to an approved Reformed denomination is encouraged to settle down in its
478 new denominational home, the Presbytery shall retain a right of reverter* for ten years
479 upon the real property of such congregation, such right to be exercised should the
480 congregation seek to leave its new home for another denomination or independency or
481 should the congregation fail to fulfill all the agreed-to obligations in the separation
482 agreement. This right of reverter may subsequently be waived by vote of the Presbytery
483 in a particular circumstance.

484

485

486

487 *Definition of the Right of Reverter: A right of reverter gives an organization the
488 opportunity to resume ownership of property when that property is not being used in
489 accordance with the requirements laid out upon the transfer of the title of that property.

490