



DIOCESE OF BUFFALO
OFFICE OF THE BISHOP

Reverend Daniel J. FAWLS
St. Aloysius Church
190 Franklin Street
Springville, New York 14141

18 September 2024

Dear Rev. Fawls,

On 18 September 2024 I signed the decree merging St. Jude Parish into St. Mary Parish, effective 23 September 2024. The enclosed decree explains the details of this merger including the responsibility of St. Mary Parish over the entire footprint of St. Jude church and other properties. Please make the parishioners at St. Jude Parish aware of this merger by public announcement at Mass this weekend and inclusion in the parish bulletin.

As the future of St. Jude church and related properties is likely headed toward alienation, the proceeds of a future sale of these properties will first be utilized to pay off existing parish debt. Included in the parish debt is anything owed to the Diocese of Buffalo by way of parish assessments, Legacy Retirement Fund contributions, and a future assessment of a contribution to the Catholic Family's portion of our Chapter 11 Federal Bankruptcy settlement. For this reason, the enclosed decree speaks of St. Mary Parish being the recipient of the "net assets and liabilities" of St. Jude Parish.

In order to determine the net assets and liabilities of St. Jude Parish, you are to continue to maintain, as is, the civil corporation of St. Jude Parish including its lay trustees and bank accounts. If you have further questions regarding this instruction, please contact Rev. Peter J. Karalus, Vicar General, at 716.847.5500.

Thank you for your dedication to this important work of Renewal in our diocese. The enclosed decree is for the parish archives at Assumption Parish.

Sincerely in Christ,

Most Reverend Michael W. Fisher
Bishop of Buffalo

Encl: Decree merging St. Jude Parish into St. Mary Parish

CC: Rev. Peter J. Karalus, Vicar General
Melissa Potzler, Chancellor
Rev. Peter Santandreu, Vice Chancellor



HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

**DECREE THE MERGER OF ST. JUDE PARISH, SARDINIA AND ITS TERRITORY
INTO ST. MARY PARISH, ARCADE**

THE FACTS

On the Feast of St. Nicholas in 1953 the first Mass was celebrated by the Reverend Monsignor John J. Neylon in the newly erected St. Jude church. The need for a church in this part of the diocese was discovered after a census revealed that the Catholics of Sardinia, NY were numerous enough to warrant their own community of the faithful. Rev. Msgr. Neylon, who was the head of the Buffalo Missionary Apostolate at that time, was tasked with overseeing the building of this new church. Funds for the project were donated by Mr. Fred Forness and the land on which the church was built was generously handed over by Mr. Sam LaScala. The church was completed in December of 1953 and dedicated on 17 October 1954 by the Most Reverend Leo R. Smith, Titular Bishop of Marida and Auxiliary Bishop of Buffalo.

A decree from the Most Reverend Joseph A. Burke, Bishop of Buffalo dated 7 October 1953 established St. Jude Parish as containing the territory of "the township of Sardinia" which was separated from the parishes of St. Aloysius, Springville; St. Joseph, Holland; and SS. Peter and Paul, Arcade. Being part of the Missionary Apostolate, St. Jude Parish was only ever staffed by an Administrator until 1970 when it received its first resident Pastor. Since that time, it has provided spiritual care for the people of Sardinia, NY and the surrounding areas. In September of 2022, St. Jude Parish was included in Family #33 as part of the Road to Renewal program.

The Road to Renewal has allowed the diocese to gain a more realistic picture of the financial and sacramental situations in its parishes. St. Jude Parish has been identified as a community that could benefit by being joined with its sister community in Arcade. Additionally,

due to our need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court, the possibility of alienating this property has also been suggested. This was discussed with members of the Chancery and especially with the Reverend Bryan Zielenieski, Vicar for the Renewal. As a result of these conversations, I hereby issue the following decree.

THE LAW

Because a parish is a public juridic person (cc. 116, 515 §3) and therefore established perpetually (c. 120), it can only be extinguished by legitimate authority according to the norm of law. Canon 515 §2 states, "It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council."

Unstated in this norm is the requirement for at least a just cause in augmenting the structure of a parish. As a parish is defined in law as "a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop" (c. 515 §1), the focus of such augmentation is primarily concerned with the pastoral care of a group of people and only secondarily interested in specific worship sites. Thus, a merger of parishes falls under the governing authority of the diocesan bishop in accord with canon 374 §1.

Following the norm of canon 121, the public juridic person which receives another public juridic person is to "obtain the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened." When this is applied to the canonical merger of parishes, the receiving parish who takes on pastoral care for the territory of the parish merged into it also assumes all net assets and debts of the merging parish. Here the term "net assets" is used to indicate that the merging parish is responsible for paying off its debts before an accurate assessment of what constitutes the temporal goods of the merging parish can be determined. This amount, once established, will be transferred to the receiving parish. Thus, all debts and obligations of a merging parish are first to be addressed out of the accounts of the merging parish before they are assumed by the receiving parish.

THE ARGUMENT

The reshaping of the diocese to prepare it for more effective ministry in the future requires a certain consolidation of resources. The goal of the Road to Renewal is to reduce the strain on our already limited number of priests while at the same time uniting communities to foster a greater drive to "go out to all the world and preach the Gospel to all creation" (Mk 16:15). Part of this process requires the merging of parishes and the overall reduction of physical worship sites throughout the diocese. Looking at St. Jude Parish in particular, the research and consultation done by the Office for Renewal and Development has revealed that this community would be better served by joining its resources to St. Mary Parish in an extinctive merger.

On 30 August 2024, the presbyteral council met at the Catholic Center of the Diocese of Buffalo. At this meeting, I consulted the council about the possibility of merging St. Jude Parish into St. Mary Parish, Arcade. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #33 by 2030. St. Mary Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received unanimous support from the members of the Presbyteral Council present on 30 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Jude Parish into St. Mary Parish in accord with canon 515 §2.

Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canon 515 §2, do hereby decree that St. Jude Parish, Sardinia be merged into St. Mary Parish, Arcade and St. Jude to be extinct thereby.

St. Mary Parish will be the recipient of the net assets and liabilities of St. Jude Parish. The territorial boundaries of St. Mary Parish will henceforth include:

1. the territory south of the Northern Town Line of Sardinia and the Northern Town Line of Egale as far as Rte. 362;
2. the territory west of Eastern Town Line of Freedom, southern Town Line of Eagle as far as Centerville Rd, Centerville Rd and Rte. 362;
3. the territory east of the Western Town Line of Sardinia and the Western Town Line of Delevan;
4. the territory north of the Southern Town Lines of Yorkshire and Freedom.

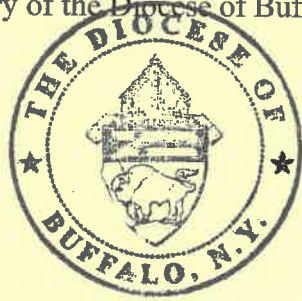
The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Jude Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Jude Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

All the parish and sacramental records of the extinct St. Jude Parish are to be properly preserved and safeguarded in the parish archives of St. Mary Parish, Arcade, in accord with the norm of law.

This decree is to be effective on Monday 23 September 2024.

This decree is to be communicated to the Rev. Daniel Fawls, the Pastor of both parishes (c. 532) and the two parishes affected by this extinctive merger (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been legitimately harmed by this decree, may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 18th day of September 2024.



Michael W Fisher
Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor