



DIOCESE OF BUFFALO
OFFICE OF THE BISHOP

Reverend Daniel J. FAWLS
Pastor of St. Mary Parish
190 Franklin Street
Springville, New York 14141

27 September 2024

Dear Rev. Fawls,


On 23 September 2024 I signed the decree reducing St. Jude church to profane but not sordid use in accord to canon 1222 §2 effective 11 October 2024. In the same decree, I approved the sale of the same church to the New York Conference Association of Seventh Day Adventists for the amount of \$256,000.00. The enclosed decree explains the details of this reduction and approval including the responsibility of St. Mary Parish, Arcade in these matters. Please make the parishioners at St. Mary Parish aware of the contents of this decree by public announcement at Mass this weekend and inclusion in the parish bulletin.

As I stated in my letter to you dated 18 September 2024, the proceeds of this sale will first be utilized to pay off existing parish debt related to St. Jude. 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. These debts are to be accounted for before the "net assets and liabilities" of St. Jude Parish can be realized.

The money gained by this sale is to be included in the accounts of St. Jude Parish which you have maintained separately since its merger into St. Mary Parish. 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 St. Mary Parish.

Sincerely in Christ,


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

Encl: Decree reducing St. Jude church and approving its alienation
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 REDUCING THE CHURCH OF ST. JUDE, SARDINIA AND ITS
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE AND GRANTING
PERMISSION FOR ITS ALINEATION**

THE FACTS

The Buffalo Missionary Apostolate was pastoral program that served the Diocese of Buffalo in the middle portion of the twentieth century. The goal during those years was to provide sacramental ministry in rural areas of the diocese while at the same time offering newly ordained priests an opportunity to serve as an Administrator of a small country parish. At the time of the construction of St. Jude church in Sardinia, New York, the Reverend Monsignor John J. Neylon was in charge of this outreach.

A June 1953 census revealed that a fair number of Catholics lived in the immediate area of the town of Sardinia. This resulted in the construction of a church in that town and the establishment of a new parish which would be part of the aforementioned Buffalo Missionary Apostolate. In December of 1953 the construction of St. Jude church was complete. On the Feast of St. Nicholas in 1953 the first Mass was celebrated by the Rev. Msgr. Neylon in the newly erected 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 dedicated on 17 October 1954 by the Most Reverend Leo R. Smith, Titular Bishop of Marida and Auxiliary Bishop of Buffalo.

For many years, St. Jude church served its intended purpose of providing a sacred building dedicated to divine worship for the people of Sardinia. The church has known many young priest Administrators and, since 1970, resident Pastors. In September of 2022, the then St. Jude Parish was united to a cluster of neighboring parish communities to form Family #33 in the diocesan Road to Renewal.

A study conducted as part of the Road to Renewal determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of St. Jude an independent parish. Consequently, it was merged into St. Mary Parish, Arcade on 23 September 2024.

Now that St. Jude church is under the pastoral administration of St. Mary Parish, Arcade, the question of what to do with the church building and property has arisen. St. Mary Parish already has a large parish church capable of accommodating the faithful from the entire parochial territory. Due to the fact that St. Mary Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of St. Jude church.

THE LAW

Canon 1212 remarks, “Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.” A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, “Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can regulate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.” Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of “a sacred building designated for divine worship to which the faithful have the right of entry” (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of

dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

Canon 1292 §1 states, “Without prejudice to the prescript of can. 638, § 3, when the value of the goods whose alienation is proposed falls within the minimum and maximum amounts to be defined by the conference of bishops for its own region, the competent authority is determined by the statutes of juridic persons if they are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance council, the college of consultors, and those concerned. The diocesan bishop himself also needs their consent to alienate the goods of the diocese.” This norm comes into effect when there is the possibility of alienating the temporal goods (e.g. property and buildings) associated with a parish under the governing authority of the Diocesan Bishop. When applied to a former church building, the bishop must obtain the consent of both the Diocesan Finance Council and the College of Consultors. The category of “those concerned” indicates individuals who have a particular legal claim to the temporal goods in question.

The United States Conference of Catholic Bishops, in a decree issued 13 November 2002, established that “For alienation of property of other public juridic persons subject to the Diocesan Bishop, the maximum limit is \$3,500,000 and the minimum limit is \$25,000 or 10% of the prior year’s ordinary annual income, whichever is higher.” The limit thus identified by particular law requires the Diocesan Bishop to seek the aforementioned consent when approving the alienation of ecclesiastical temporal goods subject to his pastoral solicitude.

Canon 1293 §1 holds, “The alienation of goods whose value exceeds the defined minimum amount also requires the following: 1° a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason; 2° a written appraisal by experts of the asset to be alienated.” So that the patrimonial goods of the Church are kept safe, the Legislator has included the need for a just cause and an expert assessment when alienating temporal goods which are valued above \$25,000. Since Pastors and bishops are not assumed to be expert in property valuation, an independent appraisal is necessary. The norm offers a non-taxative list of possible situations that could constitute a just cause in the decision to sell an asset valued above the minimum amount. Both elements must be fulfilled for the licit alienation of temporal goods of this kind.

Canon 1294 §1 reads, “An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.” The appraised price of an asset to be alienated is recognized as an expert opinion. Typically, it is the practice of the Church to strive for the best deal when selling its property or buildings. Temporal goods in the form of liquid assets are great aids to the execution of the mission of the Church thus, the highest possible price should always be sought. This, however, is not strictly required by the canon. The relevant norm establishes that it is “ordinarily” the case to sell assets for at least the assessed value. There is no prohibition on

alienating the temporal goods of the Church for less than the appraised value, but this should not be a regular practice, nor should it damage the work of the Church by being ridiculously low.

THE ARGUMENT

Before St. Jude Parish was merged into St. Mary Parish, the parish church and its property were placed on the realty market as a means of researching potential interest for purchase in the community. The property was assessed on 25 January 2024 to be worth \$290,000.00. Since then, an interested group representing a strain of Christianity separated from the Catholic Church has come forward. The sale of a former church building to a non-Catholic Christian community for the purposes of worship was addressed by the Sacred Congregation for the Council in a response dated 31 July 1961. In this response, permission was given to the Bishop of Little Rock to sell a former church building to a Lutheran group. The only caution issued by the Congregation was, "if the sale is made to a non-Catholic sect, that there be no danger of scandal; observing the other provisions of law."¹ In the case of St. Jude church, no scandal is expected based on an appreciation for ecumenism and the changing demographics of the area.

In assessing the ongoing pastoral care of those who have traditionally attended St. Jude church, it is necessary to point out that, from the front door of St. Jude church, St. Mary church, Arcade is only 5.5 miles away and St. Aloysius church, Springville is 10 miles away. While these distances may seem unreasonable for an urban environment, they are more than manageable for the rural setting of St. Jude church. In fact, the vast majority, if not all, of the individuals who worship at St. Jude church arrive by automobile. The distance to either of the abovementioned churches will not add more than ten minutes for those who have until now been worshiping at St. Jude church.

On 30 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on St. Mary Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land donated by Mr. Sam LaScala in 1953 was a gift to the Church and carried with it no restrictions for future use or any demands that either Mr. LaScala or his heirs give consent in the event of a sale. The same can be said for the funds raised by Mr. Fred Forness. These men, by available research,

¹ *Canon Law Digest* vol. 5 (Milwaukee: The Bruce Publishing Company, 1963) 555.

contributed to the building of St. Jude church by an exercise of their rights as established by canon 1531 §1 *CIC/17*.

Considering the inability of St. Mary Parish to maintain two worship sites going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Jude church to profane but not sordid use following the norm of canon 1222 §2.

The buyer, New York Conference Association of Seventh Day Adventists, has offered to pay \$256,000.00 for the property and buildings on the site of St. Jude church. The offered price, since it falls between the minimum and maximum values for alienation set by the Episcopal Conference, was offered for consultation when I met with the College of Consultors and the Diocesan Finance Council on 12 September 2024. After time for discussion, each of these bodies consented to the sale at the price offered. It must be stated that the amount offered is less than the appraisal amount. As mentioned above, the norm of canon 1294 §1 makes a suggestion without proposing a hard and fast rule. In the present case, the offered amount is most likely as high as the current market will permit.

Research into any acquired rights legitimately maintained by anyone who claims parishioner status of St. Jude church was done by the staff of the diocesan archives. This search being completed, no individuals or heirs were identified who qualify for this consideration.

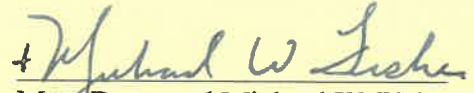
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2, and 1292 §1 do hereby decree that the church of St. Jude, located at 12820 Genesee Rd. Sardinia, New York 14030, be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).

I further decree that the offer to purchase the entire property of St. Jude church by the New York Conference Association of Seventh Day Adventists be accepted and that the property be sold to them for the agreed price of \$256,000.00.

This decree is to be effective on Friday 11 October 2024.

This decree is to be communicated to the Rev. Daniel J. Fawls, the Pastor of St. Mary Parish, Arcade (c. 532) and both the churches within that territory (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 24th day of September 2024.


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


Ms. Melissa Potzler
Chancellor