

VIRGINIA:

FILED
CIVIL INTAKE

2006 DEC 18 AM 10: 04

IN THE CIRCUIT COURT OF FAIRFAX COUNTY JOHN T. FREY
CLERK, CIRCUIT COL
FAIRFAX, VA

IN RE:)
)
TRURO CHURCH)
10520 Main Street)
Fairfax, Virginia 22030)

CIVIL ACTION NO.
CL 2006-15792

**PETITION FOR APPROVAL OF REPORT OF
CONGREGATIONAL DETERMINATION PURSUANT TO VA. CODE § 57-9**

For its petition, Truro Church, hereby states as follows:

NATURE OF PROCEEDING

1. Pursuant to Va. Code § 57-9, Truro Church, a nonstock religious corporation under the laws of Virginia, respectfully files this petition for approval of the report of its congregational determination filed herewith. Section 57-9 provides that where a religious diocese or denomination experiences a "division," the members of a congregation in that diocese or denomination may determine, by majority vote, which branch of the divided body to join, and that the circuit court's approval of that determination is conclusive as to the title to and control of any property held in trust for such congregation.¹

¹ Va. Code § 57-9 provides in relevant part:

If a division has heretofore occurred or shall hereafter occur in a church or religious society, to which any such congregation whose property is held by trustees is attached, the members of such congregation over 18 years of age may, by a vote of a majority of the whole number, determine to which branch of the church or society such congregation shall thereafter belong. Such determination shall be reported to the circuit court of the county or city, wherein the property held in trust for such congregation or the greater part thereof is; and if the determination be approved by the court, it shall be so entered in the court's civil order book, and shall be conclusive as to the title to and control of any property held in trust for such congregation, and be respected and enforced accordingly in all of the courts of the Commonwealth.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the subject matter of this petition pursuant to Va. Code § 57-9, which authorizes “the circuit court of the county or city, wherein the property held in trust for such congregation or the greater part thereof is” to receive a report concerning a congregation’s determination as to which branch of the post-division diocese or denomination the congregation wishes to join. Pursuant to certain deeds, trustees for Truro Church (the “Trustees”) hold legal title to the real property currently possessed by Truro Church, located primarily at 10520 Main Street, Fairfax, Virginia 22030 (“the Church”). According to the relevant deeds, these Trustees hold title to this property in trust for the congregation of Truro Church.

3. Venue is proper in this Court pursuant to Virginia law, including but not limited to Va. Code §§ 8.01-261.3 and 57-9, since the real property that is the subject of this petition lies entirely within the City of Fairfax and the County of Fairfax.

4. Although the division described below and in the attached report (which is incorporated by reference herein) arose on account of theological and doctrinal differences within the denomination, this Court’s action will require resolution of no theological or doctrinal issues, and can and must be effected pursuant to neutral principles embodied in Virginia law.

5. Truro Church has provided notice of these proceedings to:

The Diocese of Virginia
c/o Russell Palmore, Esq., Chancellor
Troutman & Sanders
1001 Haxall Point
Richmond, Virginia 23219

The Episcopal Church in the U.S.A.
c/o David Booth Beers, Esq., Chancellor
Goodwin Proctor LLP
901 New York Avenue, NW
Washington, DC 20001

