

## PRESS RELEASE

[For Immediate Release – September 9, 2008]

The District Court for Tulsa County, Oklahoma granted summary judgment in favor of Eastern Oklahoma Presbytery and the Presbyterian Church (U.S.A.) on September 9, 2008, and denied the motion for summary judgment of Kirk of the Hills. Judge Jefferson Sellers enforced the decision of the Presbytery's Administrative Commission and ordered Kirk of the Hills to convey the church's real and personal property to Eastern Oklahoma Presbytery.

The civil court litigation was commenced by Kirk of the Hills in August 2006, styled, *Kirk of the Hills Corporation, plaintiff, v. The Presbyterian Church (U.S.A.) and Eastern Oklahoma Presbytery of the Presbyterian Church (U.S.A.), defendants*, Case No. CJ-2006-5063, after the local congregation voted to affirm its leadership's decision to leave the denomination. The Presbytery appointed an Administrative Commission which issued its Report on March 6, 2007 declaring that the local church "is in schism" and that "its property, real and personal, is to be used for the use and benefit of the PC(USA) and shall be held, used, applied, transferred, or sold by the presbytery."

The Court followed the "hierarchical deference" approach in awarding the property to the Presbytery, which holds the property in trust for the Presbyterian Church (U.S.A.). Oklahoma has been considered a "hierarchical deference" jurisdiction since the Oklahoma Supreme Court's ruling in 1973 in *Presbytery of Cimarron v. Westminster Presbyterian Church of Enid*.

Craig Hoster, an attorney for Eastern Oklahoma Presbytery, in reaction to the Court's ruling, said, "The Court followed Oklahoma law. When a local church participates in, prospers from and enjoys the benefits afforded by the parent church, as has been the case here for more than forty years, it cannot then disclaim affiliation when it disagrees with the parent body, so as to shield church property from the equitable or contractual interests of the parent church. Here, the Court correctly applied Oklahoma law enforcing the decisions of the duly appointed Administration Commission and awarding the property to Eastern Oklahoma Presbytery and the Presbyterian Church (U.S.A.). The Court affirmed the concept that individuals may leave the church but they cannot take the church property with them."

Dr. Greg Coulter, General Presbyter of Eastern Oklahoma Presbytery, stated, "We are pleased with the decision of the Court to uphold the laws of the State of Oklahoma and to recognize the extensive efforts that Eastern Oklahoma Presbytery has taken to resolve the issues in accordance with the ecclesiastical process to which we have all submitted ourselves as officers and members of the Presbyterian Church (U.S.A.). At the

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same time, there is a great sadness over this division within the Body of Christ. We have participated in no less than a dozen meetings with a variety of representatives in an effort to resolve our differences and find a reasonable settlement alternative to the civil suit initiated by The Kirk. All efforts, including impartial mediation and an independent assessment of the church property value, have been rebuffed by the congregation's leadership. Nevertheless, we will continue to work with our brothers and sisters in Christ to resolve any remaining issues, and we pray God's blessings on all who labor in His name. There has been much pain on all sides of the issues. It is our prayer that healing may now begin."

"We will now begin the orderly transition of the church property to the Presbytery, which holds the property in trust for the denomination," added Mr. Hoster.

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