

## PLC's Church Property Disputes: State Interpretational Approaches and Key Cases

State	Interpretational Category	Key Cases*
Alabama	Strict-Neutral-Principles	<p>*(Decisions from the Court of Highest Jurisdiction are in bold typeface, while decisions from courts of inferior jurisdiction are listed in regular typeface)</p> <p><b>Trinity Presbyterian Church of Montgomery v. Tankersley, 374 So. 2d 861, 865-66 (Ala. 1979).</b></p> <p><b>Harris v. Apostolic Overcoming Holy Church of God, Inc., 457 So. 2d 385, 387 (Ala. 1984).</b></p>
Alaska	Hybrid	<p><b>St. Paul Church, Inc. v. Bd. of Trs. of the Alaska Missionary Conference of the United Methodist Church, Inc., 145 P.3d 541, 551 (Alaska 2006)</b> (finding that neutral-principles analysis of local church's actions indicated its consent to be subject to the general church).</p>
Arizona	(undecided)	<p>See <i>Paradise Hills Church, Inc. v. Int'l Church of the Foursquare Gospel</i>, 467 F. Supp. 357 (D. Ariz. 1979) (federal district court applying Arizona law, finding that result would be the same—in favor of national church—under either deference or neutral-principles-of-law standard).</p>
Arkansas	Neutral-Principles <sup>†</sup>	<p><b>Gipson v. Brown, 706 S.W.2d 369 (Ark. 1986) (recognizing neutral-principles-of-law approach).</b></p> <p><a href="#">Ark. Presbytery of the Cumberland Presbyterian Church v. Hudson, 40 S.W.3d 301, 304 (Ark. 2001) (explicitly adopting neutral-principles-of-law approach).</a></p>
California	Split	<p><i>Presbytery of Riverside v. Cmty. Church of Palm Springs</i>, 152 Cal. Rptr. 854 (Ct. App. 1979) (neutral-principles).</p> <p><i>Protestant Episcopal Church in the Diocese of L.A. v. Barker</i>, 171 Cal. Rptr. 541, 547 (Ct. App. 1981), cert. denied, 454 U.S. 864 (1981) (strict-neutral-principles).</p> <p><a href="#">Cal.-Nev. Annual Conference of United Methodist Church v. St. Luke's United Methodist Church</a>, 17 Cal. Rptr. 3d 442, 449 (Ct. App. 5 Dist. 2004) (strict-neutral-principles).</p> <p><i>Korean United Presbyterian Church v. Presbytery of the Pac.</i>, 281 Cal. Rptr. 396 (Ct. App. 2 Dist. 1991) (hybrid).</p> <p><i>Guardian Angel Polish Nat. Catholic Church of L.A., Inc. v. Grotnik</i>, 13 Cal. Rptr. 3d 552 (Ct. App. 2 Dist. 2004) (hybrid).</p> <p><i>In re Episcopal Church Cases</i>, 61 Cal. Rptr. 3d 845 (Ct. App. 2007) (hierarchical-deference).</p>

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<sup>†</sup>The courts of states categorized as “Neutral-Principles” rather than “Strict-Neutral-Principles” or “Hybrid” have expressly adopted (in the case of state supreme courts) or espoused (in the case of inferior state courts) the neutral-principles approach, but have not issued a ruling that makes clear whether they fall into the “Strict-Neutral-Principles” or “Hybrid” categories.

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Colorado	Hybrid	Bishop and Diocese of Colo. v. Mote, 716 P.2d 85, 90 (Colo. 1986).
Connecticut	Hybrid	N.Y. Annual Conference of the United Methodist Church v. Fisher, 438 A.2d 62, 68 (Conn. 1980) (showing deference within the context of neutral principles).  Rector, Wardens & Vestrymen of Trinity-St. Michael's Parish, Inc. v. Episcopal Church, 620 A.2d 1280, 1282 (Conn. 1993) (confirming previous approach).  <a href="#">The Episcopal Church in the Diocese of Connecticut et al., v. Ronald S/ Gauss et al</a> (SC 18719)
Delaware	Neutral-Principles	E. Lake Methodist Episcopal Church, Inc. v. Trs. of Peninsula-Del. Annual Conference of United Methodist Church, Inc., 731 A.2d 798, 806 (Del. 1999).
District of Columbia	Neutral-Principles	Williams v. Bd. of Trs. of Mount Jezreel Baptist Church, 589 A.2d 901, 908 (D.C. 1991).
Florida	Strict-Hierarchical-Deference	Mills v. Baldwin, 362 So. 2d 2, 6-7 (Fla. 1978), <i>vacated and remanded</i> , 443 U.S. 914 (1979), <i>reinstated</i> , 377 So. 2d 971 (Fla. 1979), <i>cert. denied</i> , 446 U.S. 983 (1980).  Townsend v. Teagle, 467 So. 2d 772, 775 (Fla. Dist. Ct. App. 1985) (following Mills).
Georgia	Strict-Neutral-Principles	Presbyterian Church v. E. Heights Church, 167 S.E.2d 658 (Ga. 1969) (adopting neutral principles in response to the United States Supreme Court's overturning of Georgia's prior departure-from-doctrine approach, later endorsed by the Supreme Court as a constitutional alternative to the deference approach).  First Evangelical Methodist Church v. Clinton, 360 S.E.2d 584 (Ga. 1987).  <a href="#">Presbytery Of Greater Atlanta, Inc. v. Timberridge Presbyterian Church, Inc.</a>
Hawaii	(undecided)	
Idaho	(undecided)	
Illinois	Neutral-Principles	York v. First Presbyterian Church of Anna, 474 N.E.2d 716 (Ill. 1984).
Indiana	Neutral-Principles	<a href="#">Presbytery of Ohio Valley Inc. and the Synod of Lincoln Trails of the Presbyterian Church (USA) Inc., vs. Olivet Presbyterian Church, Inc. and the Evangelical Presbyterian Church</a>  Grutka v. Clifford, 445 N.E.2d 1015, 1019 (Ind. Ct. App. 1983).  Hinkle Creek Friends Church v. W. Yearly Meeting of Friends Church, 469 N.E.2d 40, 43 (Ind. Ct. App. 1984) (finding implied trust under neutral-principles approach).  Emberry Cmty. Church v. Bloomington Dist. Missionary & Church Extension Soc'y, Inc., 482 N.E.2d 288, 293 (Ind. Ct. App. 1985) (same as Hinkle Creek).

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<b>Iowa</b>	Hybrid	<b>Fonken v. Cmty. Church of Kamrar, 339 N.W.2d 810 (Iowa 1983) (applying both deference and neutral principles, finding that both led to same result under circumstances).</b>
<b>Kansas</b>	(undecided)	
<b>Kentucky</b>	Strict-Neutral-Principles	<b>Bjorkman v. Protestant Episcopal Church in the U.S. of the Diocese of Lexington, 759 S.W.2d 583, 584 (Ky. 1988).</b>
<b>Louisiana</b>	Neutral-Principles	<b>Fluker Cmty Church v. Hitchens, 419 So. 2d 445, 447-48 (La. 1982) (determining that adopting the neutral-principles-of-law approach was required under the federal and state constitutions).</b>
<b>Maine</b>	Neutral-Principles	<b>Graffam v. Wray, 437 A.2d 627, 634 (Me. 1981).</b>
<b>Maryland</b>	Hybrid	<b>Presbytery of Balt. of the United Presbyterian Church v. Babcock Mem'l Presbyterian Church, 449 A.2d 1190, 1192 (Md. Ct. Spec. App. 1982), <i>aff'd</i>, 464 A.2d 1008 (Md. 1983).</b>
<b>Massachusetts</b>	Hybrid	<b>Antioch Temple, Inc. v. Parekh, 422 N.E.2d 1337, 1341 (Mass. 1981) (adopting neutral principles as valid but not exclusive).</b>  <b>Fortin v. Roman Catholic Bishop of Worcester, 625 N.E.2d 1352, 1356-57 (Mass. 1994) (applying neutral principles while noting that it is not the only valid approach).</b>  <b>Episcopal Diocese of Mass. v. Devine, 797 N.E.2d 916, 921-22 (Mass. 2003) (denying review of a case in which the appellate court declined to apply neutral principles only because the dispute was not separable from internal religious issues).</b>
<b>Michigan</b>	Strict-Hierarchical-Deference <sup>†</sup>	<b>Bennison v. Sharp, 329 N.W.2d 466, 474 (Mich. Ct. App. 1982).</b>  <b>Calvary Presbyterian Church v. Presbytery of Lake Huron of the United Presbyterian Church in the U.S., 384 N.W.2d 92, 95 (Mich. Ct. App. 1986).</b>
<b>Minnesota</b>	Strict-Neutral-Principles	<b>Piletich v. Deretich, 328 N.W.2d 696, 701 (Minn. 1982).</b>
<b>Mississippi</b>	Neutral-Principles	<b>Church of God Pentecostal, Inc. v. Freewill Pentecostal Church of God, Inc., 716 So. 2d 200, 206 (Miss. 1998).</b>
<b>Missouri</b>	Neutral-Principles	<b>Presbytery of Elijah Parish Lovejoy v. Jaeggi, 682 S.W.2d 465, 467 (Mo. 1984).</b>

<sup>†</sup> *But see supra* note 101 (noting that some commentators believe Michigan precedent places it in the "Strict-Neutral-Principles" category, at least with regard to property issues).

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<b>Montana</b>	Neutral-Principles	<p><b>Miller v. Catholic Diocese of Great Falls, Billings, 728 P.2d 794, 796 (Mont. 1986).</b></p> <p><b>Hofer v. Mont. Dept. of Pub. Health &amp; Human Servs., 124 P.3d 1098, 1107 (Mont. 2005).</b></p> <p><b>Second Int'l Baha'i Council v. Chase, 106 P.3d 1168, 1173 (Mont. 2005).</b></p>
<b>Nebraska</b>	(undecided)	
<b>Nevada</b>	Strict-Hierarchical-Deference	<b>Tea v. Protestant Episcopal Church in Diocese of Nev., 610 P.2d 182, 184 (Nev. 1980).</b>
<b>New Hampshire</b>	Strict-Neutral-Principles	<p><b>Reardon v. Lemoyne, 454 A.2d 428, 431-32 (N.H. 1982).</b></p> <p><b>Berthiaume v. McCormack, 891 A.2d 539, 544-47 (N.H. 2006) (“[W]e will first consider only secular documents such as trusts, deeds, and statutes. Only if these documents leave it unclear which party should prevail will we consider religious documents, such as church constitutions and by-laws, even when such documents contain provisions governing the use or disposal of church property. We reserve our opinion as to what level of deference should be given to church pronouncements regarding the proper interpretation of those documents.”).</b></p>
<b>New Jersey</b>	Strict-Hierarchical-Deference	<p><b>Protestant Episcopal Church in the Diocese of N.J. v. Graves, 417 A.2d 19, 23-24 (N.J. 1980), cert. denied sub nom. Moore v. Protestant Episcopal Church, 449 U.S. 1131 (1981).</b></p> <p><b>Diocese of Newark v. Burns, 417 A.2d 31, 33 -34 (N.J. 1980).</b></p>
<b>New Mexico</b>	(undecided)	
<b>New York</b>	Strict-Neutral-Principles	<p><a href="#"><u>Presbytery of Hudson River of Presbyterian Church (U.S.A.), et al., appellants, v. Trustees of First Presbyterian Church and Congregation of Ridgeberry, a/k/a Ridgebury Church and/or the Church at Ridgebury, et al., respondents, et al., defendant</u></a></p> <p><b>First Presbyterian Church of Schenectady v. United Presbyterian Church in the U.S., 464 N.E.2d 454, 459-60 (N.Y. 1984) (explicitly adopting neutral-principles-of-law approach).</b></p> <hr/> <p><b>Avitzur v. Avitzur, 446 N.E.2d 136, 138-39 (N.Y. 1983) (applying neutral principles).</b></p>
<b>North Carolina</b>	Strict-Hierarchical-Deference	<b>Daniel v. Wray, 580 S.E.2d 711, 717 (N.C. Ct. App. 2003).</b>
<b>North Dakota</b>	(undecided)	

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<b>Ohio</b>	Strict-Neutral-Principles	<p><a href="#"><u>Hudson Presbyterian Church v. Eastminster Presbytery</u></a></p> <p><b>Serbian Orthodox Church v. Kelemen, 256 N.E.2d 212, 215 (Ohio 1970) (adopting neutral principles based on U.S. Supreme Court ruling in <i>Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church</i>, 393 U.S. 440, 450 (1969)).</b></p> <p>Christensen v. Rounfort, 485 N.E.2d 270, 273 (Ohio Ct. App. 1984).</p> <p>S. Ohio State Executive Offices of Church of God v. Fairborn Church of God, 573 N.E.2d 172, 180 (Ohio Ct. App. 1989).</p>
<b>Oklahoma</b>	Strict-Hierarchical-Deference	<p><b>Presbytery of Cimarron v. Westminster Presbyterian Church of Enid, 515 P.2d 211, 216-17 (Okla. 1973) (applying hierarchical deference).</b></p>
<b>Oregon</b>	Neutral-Principles	<p><a href="#"><u>Hope Presbyterian Church of Rogue River vs. Presbyterian Church (USA) and Presbytery of Cascades</u></a></p>
<b>Pennsylvania</b>	Strict-Neutral-Principles	<p><b>Presbytery of Beaver-Butler v. Middlesex Presbyterian Church, 489 A.2d 1317, 1322-23 (Pa. 1985).</b></p> <p><b>In re Church of St. James the Less, 888 A.2d 795, 810 (Pa. 2005) (applying neutral principles and finding for national church based on the circumstances).</b></p>
<b>Rhode Island</b>	(undecided)	
<b>South Carolina</b>	Neutral-Principles	<p><a href="#"><u>All Saints vs. Campbell (26724)</u></a></p> <p><b>Pearson v. Church of God, 478 S.E.2d 849, 853 (S.C. 1996).</b></p>
<b>South Dakota</b>	Strict-Neutral-Principles	<p><b>Foss v. Dykstra, 319 N.W.2d 499, 500 (S.D. 1982), <i>aff'd on reh'g</i>, 342 N.W.2d 220 (S.D. 1983).</b></p>
<b>Tennessee</b>	(undecided)	
<b>Texas</b>	Neutral-Principles	<p><b><u>Robert Masterson, et al. v. Diocese of Northwest Texas, et al.</u></b></p> <p><b><u>Episcopal Diocese of Fort Worth, et al. v. Episcopal Church, et al.</u></b></p> <p><b>Brown v. Clark, 116 S.W. 360, 363 (Tex. 1909) (examining factors used by courts applying neutral-principles-of-law).</b></p> <p>Schismatic &amp; Purported Casa Linda Presbyterian Church in Am. v. Grace Union Presbytery, Inc., 710 S.W.2d 700, 705-07 (Tex. Ct. App. 1986) (relying on Brown v. Clark in applying strict hierarchical deference).</p> <p>Hawkins v. Friendship Missionary Baptist Church, 69 S.W.3d 756, 759 (Tex. Ct. App. 2002) (finding that dispute involved matters in which religious doctrine was inextricably intertwined with secular principles, thus precluding adjudication under neutral-principles-of-law).</p> <p>Greanias v. Isaiah, No. 01-04-00786-CV, 2006 WL 1550009, at *8 (Tex. Ct. App. June 8, 2006) (same as Hawkins).</p>

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<b>Utah</b>	(undecided)	
<b>Vermont</b>	(undecided)	
<b>Virginia</b>	Neutral-Principles	<a href="#"><u>The Falls Church v. Protestant Episcopal Church (USA)</u></a>  <b>Norfolk Presbytery v. Bollinger, 201 S.E.2d 752, 754-55 (Va. 1974)</b> <b>(interpreting state statute dealing with church splits).</b>  <b>Green v. Lewis, 272 S.E.2d 181, 186 (Va. 1980).</b>  <b>Reid v. Gholson, 327 S.E.2d 107, 112-13 (Va. 1985).</b>
<b>Washington</b>	Strict-Hierarchical-Deference	Southside Tabernacle v. Pentecostal Church of God, 650 P.2d 231, 235 (Wash. Ct. App. 1982) (finding hierarchical structure dispositive).
<b>West Virginia</b>	Strict-Hierarchical-Deference	<b>Church of God of Madison v. Noel, 318 S.E.2d 920, 923-24 (W. Va. 1984).</b>
<b>Wisconsin</b>	Neutral-Principles	<b>Wis. Conference Bd. of Trs. of United Methodist Church, Inc. v. Culver, 627 N.W.2d 469, 475 (Wis. 2001).</b>
<b>Wyoming</b>	(undecided)	