THE EPISCOPAL CHURCH v. TRURO CHURCH, ET AL.

Record Number 090683

Assignments of Error

1. The circuit court erred in interpreting and applying the term "division" in Va. Code § 57-9(A) and the statute itself to supersede the Episcopal Church's polity, because its interpretation ignores and conflicts with related Virginia statutory and case law, the principle of Constitutional avoidance, and the statute's past application.

2. The circuit court erred in holding that CANA and the ADV are "branches" of the Episcopal Church or the Diocese of Virginia (the "Diocese") for purposes of § 57-9(A), because CANA and the ADV were formed by the Church of Nigeria, and because the court's holding impermissibly rested on its own finding of "communion."

3. The circuit court erred in holding that the Anglican Communion satisfied § 57-9(A), because the Anglican Communion has not "divided," even under the court's definition of the term, and also is not a "church or religious society" to which the congregations were "attached."

4. The circuit court erred in holding that its interpretation of § 57-9(A) is consistent with the First Amendment to the United States Constitution and Article I, § 16 of the Virginia Constitution, because its interpretation both intrudes on matters at the core of internal church governance and discriminates among religious dominations.

5. The circuit court erred in holding that Green v. Lewis, 221 Va. 547, 272 S.E.2d 181 (1980), does not apply to this case, because Green's holding, that claims of interest in church property must be resolved after consideration of deeds, general church rules, state statutes, and the course of dealing between the parties, applies to all such claims.

6. The circuit court erred in holding that the Church and the Diocese waived their right to argue that they and their congregations contracted around § 57-9(A), because the Church and the Diocese raised this defense in their answers and in briefing, and all parties recognized that this issue remained.