

LEGAL NOTICES

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing, with the Department of State of the Commonwealth of Pennsylvania, on July 21, 1994, an application for a certificate for the conducting of a business under the assumed or fictitious name of Ernie's Auto Sales, with its principal place of business at 1900 Lincoln Way East, Chambersburg, PA 17201. The name and address of the person owning or interested in said business is John M. Aird, 7225 Long Lane, St. Thomas, PA 17252.

8/12/94

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing, with the Department of State of the Commonwealth of Pennsylvania, on August 1, 1994, an application for a certificate for the conducting of a business under the assumed or fictitious name of Critter Care and Pet Taxi, with its principal place of business at 28 Hazel Street, Chambersburg, PA 17201. The name and address of the person owning or interested in said business is Daria Watson 28 Hazel Street, Chambersburg, PA 17201.

Tracy M. Sheffer, Esq.
20 West Main St.
P.O. Box 215
Fairfield, PA 17320

8/12/94

Second Time Around Stables, Inc. hereby gives legal notice of incorporation under the provisions of the Pennsylvania Business Corporation Law of 1988, for the purpose of the boarding horses, including

LEGAL NOTICES, Cont.

their care, feeding, and bedding.

8/12/94

NOTICE OF FILING AN APPLICATION FOR DISCONTINUING A BRANCH OFFICE

Notice is hereby given that Farmers and Merchants Trust Company of Chambersburg, Chambersburg, Franklin County, Pennsylvania, did on August 5, 1994 submit to the Department of Banking, of the Commonwealth of Pennsylvania, an application for permission to discontinue a branch office at:

112 North Seventh Street
Chambersburg

Franklin County, Pennsylvania 17201

All interested persons may file comments in favor of, or in protest of the application, in writing, with the Department of Banking, Commonwealth of Pennsylvania, 333 Market Street, 16th Floor, Harrisburg, Pennsylvania, 17101-2290. All comments to be considered must be received by the Department no later than fifteen (15) calendar days after the date of publication of this notice.

8/12/94

plaintiff in this situation is comparable and should be as compensable as the pain sustained by one who is physically injured. We invite and encourage the plaintiff to appeal this decision to the appellate court so that the decisional law which preclude a recovery can be reviewed for its current vitality. We also think that remedial legislation may be in order, as is a thorough, independent official investigation into this case.

ORDER OF COURT

NOW, this 9th day of December, 1993, the preliminary objections of the defendants in the nature of a demurrer are hereby **SUSTAINED** and it is ordered that the complaint in the above-captioned matter be **DISMISSED**.

THE SEVENTH DAY BAPTIST MONASTICAL SOCIETY OF SNOWHILL, ET AL, V. CRIST KING, ET AL, C.P.
Franklin County Branch, Equity Volume 8, page 19.

Action in Equity -- Authority of civil court to resolve membership dispute within a congregational church.

1. A civil court may not inject itself into matters of religious doctrine or practice, and is confined to resolving disputes which involve neutral principles of law, such as contract or property issues.
2. The question of which persons are qualified voting members in a congregational church is a matter of discipline, faith, or ecclesiastical rule, custom or law.
3. Where a church has no by-laws setting forth the criteria for voting membership, and no clearly-established tradition has been identified investing some members with the authority to exclude and individual from voting, a congregational church is to be governed by a majority of its members.

Deborah K. Hoff, Esquire, Attorney for Plaintiffs
Kenneth W. Lee, Esquire, Attorney for Defendants

ADJUDICATION AND DECREE NISI

Keller, J., October 30, 1992:

OPINION

On November 14, 1990, a complaint in equity and a motion for preliminary injunction without hearing were presented and the Hon. John R. Walker entered an order which provided inter alia:

ORDERED THAT, upon plaintiffs posting a security bond with the prothonotary in the amount of \$5,000, the defendants, Crist M. King, George Wingert, Harris W. Baer and Mary Jane Baer, and all persons acting in concert with them, be and they are hereby enjoined and prohibited from exercising possession and control of the property of The Seventh Day Baptist Monastical Society of Snowhill located at 9400 Anthony Highway, Waynesboro, Franklin County, Pennsylvania...

A hearing on the continuance of the preliminary injunction was scheduled to be heard at 10:00 o'clock a.m., December 14, 1990.

On November 21, 1990, in the absence of Judge Walker, the defendants by their counsel, Kenneth F. Lee, Esq., presented to the undersigned judge a petition to dissolve the temporary injunction alleging various facts omitted from the plaintiffs' complaint, issues of fact, and that the plaintiffs failed to file the bond required by the court order of November 14, 1990. An order was entered dissolving the preliminary ex parte injunction and reaffirming the hearing scheduled for December 14, 1990. On December 13, 1990, the defendants by their counsel presented their motion to dismiss the application for preliminary injunction therein alleging the plaintiffs failed to cause the prothonotary to issue the rule to show cause pursuant to the November 14, 1990 order; that no return of service had been made showing service of any documents in the above matter upon any defendant; and that no bond was filed by the plaintiffs as required by the court's order. On the same date the Hon. John R. Walker entered an order granting the defendants' motion and denying the plaintiff's application for preliminary injunction.

The defendants' answer to plaintiff's complaint was filed December 12, 1990. A Pre-trial Conference was held February 25, 1991, and trial was scheduled to commence on April 16, 1991 at 9:00 a.m., and concluded on April 18, 1991.

The requested Proposed Findings of Fact and Memorandum of Law were ultimately received by the Court from counsel. This matter is now ripe for disposition.

FINDINGS OF FACT

1. The plaintiffs are The Seventh Day Baptist Monastical Society of Snowhill, a not-for-profit corporation having its principal place of business at 9400 Anthony Highway, Waynesboro, Franklin County, Pennsylvania; Sallie A. Myers, a sui juris adult residing at 8120 Tomstown Road, Waynesboro, Franklin County, Pennsylvania, 17268; Lydia B. Linebaugh, a sui juris adult residing at 102 South Potomac Street, Waynesboro, Franklin County, Pennsylvania, 17268; Todd A. Dorsett, a sui juris adult residing at 128 West Main Street, Waynesboro, Franklin County, Pennsylvania, 17268; Elder S. Myers, a sui juris adult residing at 8120 Tomstown Road, Waynesboro, Franklin County, Pennsylvania, 17268; Brenda K. Myers, a sui juris adult residing at 9611 Tomstown Road, Waynesboro, Franklin County, Pennsylvania, 17268; Hazel P. Monn, a sui juris adult residing at 302-B Fairmount Avenue, Waynesboro, Franklin County, Pennsylvania, 17268; and Irene S. Funk, a sui juris adult residing at 9134 Tomstown Road, Waynesboro, Franklin County, Pennsylvania, 17268; who sue on behalf of themselves and on behalf of the German Seventh Day Baptist Society of Snow Hill, a/k/a the Seventh Day Baptist Congregation of Snow Hill, an unincorporated association located at 9400 Anthony Highway, Waynesboro, Franklin County, Pennsylvania, 17268.

2. The defendants are Crist M. King, a sui juris adult residing at Route 1, Box 40, New Enterprise, Bedford County, Pennsylvania 16664; George Wingert, a sui juris adult residing at 6331 Furnace Road, Waynesboro, Franklin County, Pennsylvania; Harris W. Baer, a sui juris adult residing at 125 Ritchey Road, Fayetteville, Franklin County, Pennsylvania; and Mary Jane Baer, a sui juris adult residing at 125 Ritchey Road, Fayetteville, Franklin County, Pennsylvania.

3. The plaintiff corporation (hereinafter referred to as the "Monastical Society") is an integral part of the German Seventh Day Baptist Society of Snow Hill (hereinafter referred to as the "congregation").

4. The congregation was established prior to 1790 at Snow Hill, Quincy Township, Franklin County, Pennsylvania, and has continued in existence without interruption since that date.

5. The congregation is independent of any other church government; observes the Seventh day of the week as the Sabbath with reading of

scriptures, prayer, singing hymns, and preaching; and four times each year holds love feasts celebrated by feet-washing and partaking of the sacrament of Jesus Christ symbolized by bread and wine.

6. The congregation requires of prospective members (1) baptism by trine immersion (excepting those applicants whom the congregation determine to be physically unable to undergo baptism) and (2) an expression of faith. If the prospective member is baptized by a pastor at Snow Hill, then he automatically becomes a member of the congregation. If, on the other hand, a person wishes to become a member by transfer from another church, and has been found to meet the requirements of baptism by trine immersion and an expression of faith, then he must be elected into membership by a vote of those members of the congregation present at a meeting presided over by a pastor of the congregation when such vote is taken.

7. Notwithstanding which of the two procedures applies, a member is a member for life unless he elects to renounce his membership.

8. The parties agree that as of July 29, 1990, the following individuals were members of the congregation in good standing:

- (a) Lydia B. Linebaugh
- (b) Irene S. Funk
- (c) Sallie A. Myers
- (d) Crist M. King
- (e) Marie G. King
- (f) George Wingert
- (g) Elder S. Myers
- (h) Brenda K. Myers
- (i) Todd A. Dorsett
- (j) Hazel P. Monn

9. The early Seventh Day Baptists of Snow Hill approved a monastical life for persons who wished to retire from the world for religious duties and labor, as promotive of piety and holy living as well as a means of charity for unmarried members of the congregation, and established a monastical society composed of members of the congregation.

10. By deed dated September 22, 1823, and recorded in Franklin County Deed Book 13, page 359, in consideration of \$1,654.00, Andrew Snowberger, Sr., granted and conveyed two (2) tracts of land in Quincy (formerly Washington) Township, Franklin County, Pennsylvania, one containing 106 acres, called "Snowhill", the other, 2 acres and 92 perches unto five (5) members of the congregation and their

successors in trust only for the use of the monastical society of the congregation as then constituted and their successors forever, "and every of them, members belonging to the Monastical Establishment of the said religious Society at Snowhill aforesaid and partakers of the Holy Sacrament of Jesus Christ agreeable to the rights and tenets of the said religious Society and all and every such other person or persons as shall or many hereafter associate or be admitted to the said Society in their own proper and sole person, who shall or may adhere to the religious rites and tenets there professed".

11. By deed dated August 3, 1832, and recorded in Franklin County Deed Book 30, Page 76, in consideration of \$1,082.50, Frederick Hess and Anna, his wife, granted and conveyed a tract containing 21 acres and 104 perches in Quincy Township unto the trustees of the Seventh Day Baptist Society at Snowhill, and their successors, in trust only to and for the use of the Monastical Society expressly in accordance with the provisions of the deed of Andrew Snowberger, Sr., dated September 22, 1823.

12. By deed dated March 27, 1833, and recorded in Franklin County Deed Book 16, Page 283, in consideration of \$400.00, John Snowberger granted and conveyed a tract containing 25 acres and 91 perches in Quincy Township unto the trustees of the Monastical Society, and their successors, in trust only to and for the use of the Society expressly in accordance with the deed of Andrew Snowberger, Sr., dated September 22, 1823.

13. By deed dated March 27, 1833, and recorded in Franklin County Deed Book 16, Page 284, in consideration of \$10.00, Barbara Snowberger granted and conveyed a tract containing 98 perches in Quincy Township unto the trustees of the Monastical Society, and their successors, in trust only to and for the use of the Society expressly in accordance with the deed of Andrew Snowberger, Sr., dated September 22, 1823.

14. The said four (4) tracts of land adjoin each other and, less parcels subsequently and lawfully sold by the said trustees, form the plantation known as "Snow Hill" and commonly referred to as "The Nunnery".

15. On June 17, 1834, the Monastical Society was incorporated according to law by the name of "The Seventh Day Baptist Monastical Society of Snowhill" by virtue of articles of incorporation recorded in Franklin County Charters of Incorporations, Vol. 1, Page 213.

16. Said articles of incorporation have never been amended.

17. Article 6th of the articles of incorporation provide for the management of the affairs of the Monastical Society by five (5) trustees

"To be elected by ballot from the members of the Seventh Day Baptist Congregation embracing as well those who lead a secular life as those who lead a monastical, as shall be in community and unity with the same, and the said Trustees shall nominate from among their own number a President and Secretary and also a Treasurer who shall give sufficient security for the trust reposed in him and in case of the removal of the President or any trustee by death, resignation or otherwise, the vacancy or vacancies shall be supplied by the Board of Trustees until the new general election. And the following named persons shall be trustees until others be elected, viz.: John Snowberger, John Monn, Sr., Charles Hoch, Samuel Snowberger and David Snowberger, to continue in office until the first Monday of January, One thousand with hundred and thirty-eight [1838], and on the same day every fourth year there-after the members of the Seventh Day Baptist Congregation, (embracing as well those who lead a secular life as those who lead a monastical as shall be in community and unity with the same) shall elect five [5] persons out of their number to serve as trustees, to continue in office four [4] years: Providing, That if the election should not be held on the aforesaid day that it may be lawful for the Board of Trustees to appoint any other day, giving due notice to the members of the Society."

18. Article 7th of the articles of incorporation provides for elections held for the purpose of electing trustees of the Monastical Society to--

"Be conducted by the Board of Trustees, who shall appoint a teller who shall take down in writing the name of each member voting at such election and that of the persons for whom he shall vote. And when the election shall be closed and the number of votes for each person ascertained the teller of said election shall thereupon make out, under his hand, a return thereof containing the name of the trustees-elect with the number of votes in favor of each and shall in ten [10] days after the closing of each election give notice in writing to each of the trustees-elect of their respective elections."

19. On January 16, 1835, an Act of the General Assembly entitled "An Act to Vest Certain Real Estate in The Seventh Day Baptist Monastical Society of Snowhill" (P.L. 1834-35, page 8) was approved, and the four (4) aforesaid tracts of land in Quincy Township thus became vested in

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NOTICE OF FILING OF ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Pennsylvania Department of State at Harrisburg, Pennsylvania. The name of the corporation organized under the provisions of Commonwealth of Pennsylvania Business Corporation Law of 1988 is Memory Lane Productions, Incorporated.

Law Offices of Welton J. Fischer
550 Cleveland Avenue
Chambersburg, Pennsylvania 17201
8/26/94

NOTICE

NOTICE IS HEREBY GIVEN, that on July 29, 1991 the petition of the natural mother of Spencer Allen McQueen was filed in Franklin County Court, praying for a decree to change his name to Spencer Allen Zimmerman. The Court has fixed September 19, 1994, at 2:30 o'clock P.M., in Courtroom 3, as the time and place for the hearing of the petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the petition should not be granted.

Thomas B. Steiger, Jr., Esquire
Steiger and Steiger
120 North Main Street
Mercersburg, PA 17236

8/26/94

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing, with the Department of State of the Commonwealth of Pennsylvania, on 8/18/94, an application for a certificate for the conducting of a business under the assumed or fictitious name of Criminal Data Specia-

LEGAL NOTICES, Cont.

lists, with its principal place of business at 302 W. King St. Shippensburg, PA 17257. The name and address of the person owning or interested in said business is Doris E. Courtney.
8/26/94

NOTICE OF FILING OF ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Pennsylvania Department of State at Harrisburg, Pennsylvania. The name of the corporation organized under the provisions of Commonwealth of Pennsylvania Business Corporation Law of 1988 is Orrstown Services, Incorporated.

Law Offices of Welton J. Fischer
550 Cleveland Avenue
Chambersburg, Pennsylvania 17201
8/26/94

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 15, 1994. The name of the proposed corporation is GCH Properties, Inc. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Martin and Kornfield
17 North Church Street
Waynesboro, PA 17268
8/26/94

the Monastical Society.

20. In November 1895, the last member of the Monastical Society, Obed Snowberger, died, and on June 19, 1905, the Court of Common Pleas of Franklin County, sitting in equity, decreed (1) that the members of the Monastical Society and the members of the congregation were the true creators of the trusts declared in the aforesaid deeds; (2) that the Monastical Society was an integral part of the congregation and the intention of the donors to the Monastical Society was the promotion of religion and charity in the congregation; (3) that the trustees were at all times the legal owners of the property of the Monastical Society, and that the trust bestowed upon them had not failed by reason of the Monastical Society ceasing to exist; and (4) that the duly elected trustees and their successors hold the lands and property of the Monastical Society in trust under the aforesaid deeds to and for the use of the congregation, the rents, issues, and profits to be applied to support of such indigent members of the congregation as may wish to reside on the said land; to renewal and maintenance of the buildings on said property; and for such other religious and charitable purposes in or concerning said church as the trustees may approve (Vol. 2, Equity, Pages 321ff).

21. The Monastical Society has never adopted by-laws, and operates solely under its articles of incorporation and the laws of the Commonwealth of Pennsylvania.

22. At the time the Articles of Incorporation were adopted, there were, besides the Snow Hill congregation in Franklin County, Seventh Day German Baptists congregations in Lancaster, Bedford, Somerset and other counties in Pennsylvania, as well as places in Ohio and the West.

23. During the same era, certain members of the congregations in Lancaster and Bedford Counties would occasionally resort to Snow Hill, where contention usually resulted, and then return to their home churches.

24. Trustees have been regularly elected every four (4) years by the members of the congregation, in accordance with the articles of incorporation. Of the trustees holding office as of the first Monday in January, 1990, Crist M. King (President), Lydia B. Linebaugh (Secretary and Treasurer), and Sallie A. Myers had been thus elected, and Marie G. King and Todd A. Dorsett had been appointed by the Board of Trustees of fill vacancies.

25. Pursuant to the articles of incorporation, the first Monday of

January, 1990, was the date fixed for an election for the purpose of electing five (5) trustees.

26. Although the articles of incorporation empower the Board of Trustees to call elections, yet during his tenure as President of the Board, Crist M. King had always personally called elections.

27. Crist M. King was ill during December 1989 and January 1990, and thus was unable to call an election.

28. A meeting of the Board of Trustees, at which Crist M. King presided, and all trustees were present, was held at Snow Hill on January 31, 1990 but an election was not discussed, and no other Board meetings were called between January 31, 1990 and July 29, 1990.

29. Between January 1990 and July 1990, Todd A. Dorsett made written and telephonic requests of Crist M. King to hold Board meetings and to call an election. Crist M. King made no response and testified that he did not recall any such requests.

30. On July 18, 1990, a majority of the Board of Trustees consisting of Sallie A. Myers, Lydia B. Linebaugh and Todd A. Dorsett gave notice to members of the congregation that an election of trustees would be held at Snow Hill on Sunday, July 29, 1990 in accordance with Article 6th of the Articles of Incorporation.

31. Trustees Crist M. King and Marie G. King had not been notified that the other three trustees were meeting to call an election. They made no objection to the call of the election.

32. On July 27, 1990, the secretary of the congregation, Lydia B. Linebaugh, reported to the Teller of Election the names of the persons entitled to vote in the election as members in accordance with the Articles of Incorporation. The following are the persons whom Lydia B. Linebaugh then deemed entitled to vote: (Plaintiff's Exhibit F)

- | | |
|---------------------|------------------------|
| (a) Harris Baer | (h) Lydia B. Linebaugh |
| (b) Mary Jane Baer | (i) Hazel Monn |
| (c) Todd A. Dorsett | (j) Brenda K. Myers |
| (d) Irene S. Funk | (k) Elder S. Myers |
| (e) Crist M. King | (l) Sallie A. Myers |
| (f) Marie G. King | (m) George Wingert |
| (g) Robert King | (n) Russell R. Yoder |

33. Sallie A. Myers has attended worship and communion services at Snow Hill every week all her life unless prevented by ill health, and was baptized by trine immersion at Snow Hill in 1932. She has served

numerous terms as a trustee of the Monastical Society, and for many years has been the secretary of the Snow Hill Sabbath School, which body is synonymous with the congregation.

34. Sallie A. Myers keeps records of attendance at worship services and the names of persons conducting such services; no other record is kept of attendance at services.

35. Very few persons attend the worship services held at Snow Hill.

36. Sallie A. Myers based her certification of members qualified to vote for trustees upon regular attendance at worship services and participation in communion services at Snow Hill.

37. Russell R. Yoder, who resides at 329 Shaffer Road, Blandon, Pennsylvania was baptized at Snow Hill in June 1988. During the summer of 1989, members of the congregation approached him regarding his becoming pastor of the congregation; and he served as such until immediately following the Candlelight Services held at Snow Hill in December 1989.

38. After George Wingert declined to serve as teller, the trustees who had called the election appointed Russell R. Yoder the teller of election.

39. When the trustees who called the election asked Russell Yoder if he could turn anyone away from casting ballots whose names did not appear on the list prepared by the secretary of the congregation, Yoder replied that he could not.

40. Todd A. Dorsett requested Brenda K. Myers to be teller. Brenda K. Myers testified the Trustees who called the election asked her "to be on call" as teller and was designated teller. Sallie A. Myers and Lydia B. Linebaugh did not testify to the appointment of Brenda K. Myers as teller. Pastor Russell R. Yoder testified he served as teller for the entire election, including the ballot count, and was not aware that Brenda K. Myers was to replace him.

41. On July 28, 1990, Hazel P. Monn informed Todd A. Dorsett that she and her sister, Irene S. Funk, would not be present to cast votes on July 29. Dorsett instructed Mrs. Monn to speak with either Russell Yoder or Brenda Myers with regard to the conduct of the election.

42. Prior to the election time, Hazel P. Monn handed Russell Yoder and envelope containing her ballot and that of Irene S. Funk, intending them to be cast as absentee ballots.

43. Pastor Yoder as teller of the election placed the absentee ballots of Hazel P. Monn and Irene S. Funk in the ballot box; checked off their names as having voted.

44. Pastor Yoder indentified defendant's Exhibit 8 as Lydia B. Linebaugh's report to the teller of election of the names of persons entitled to vote, which was presented to him at the election (Finding of Fact 32). He explained that as each individual cast his or her ballot, they signed their name opposite their typewritten name and he entered a checkmark opposite the names of Irene S. Funk and Hazel P. Monn because he had deposited their absentee ballots in the ballot box. He also testified that he "amended" the list to add: 15. Jack Szolis, 16. Elizabeth K. Szolis and 17. Karen L. Ullman and each of them signed their name when they voted. He believed they were entitled to vote. As noted on the exhibit there were two abstentions, his and Brenda Myers, and fifteen (15) individuals voted.

45. Pastor Yoder counted the ballots and made a return of election which he signed and dated 7/29/90. The return stated:

I affirm that on Sunday, July 29, 1990, I Rev. Russell R. Yoder, served as teller at the election of trustees for the German Seventh Day Baptist Monastical Society of Snowhill, held for members of the Snowhill congregation. The results of the election tallied by me: Out of 17 members present (or absentee ballots), 15 voted, 2 abstained. Lydia B. Linebaugh received 12 votes, Crist M. King, 11, Harris Baer, Jane Baer and George Wingert, 9 votes each, for the total of five trustees elected.

46. The July 29, 1990 election was scheduled to be held from 10:00 a.m. to 12:00 Noon. The ballots were counted by Pastor Yoder after 12:00 o'clock Noon.

47. At approximately 10:00 a.m. Crist M. King, Marie G. King, Robert King, Karen Ullman, Jack and Elizabeth Szolis arrived at the Nunnery diningroom. Harris W. Baer, Mary Jane Baer and George Wingert arrived at about the same time. An argument ensued with Todd A. Dorsett, Sallie A. Myers and Lydia B. Linebaugh challenging the right of Robert King, Karen Ullman, Mr. and Mrs. Szolis, Mr. and Mrs. Baer and George Wingert to vote because they were not regular attendants. Todd A. Dorsett testified that about 10:45 a.m. or 11:00 a.m., he, Sallie A. Myers, Lydia B. Linebaugh and Brenda Myers declared they could not vote under the circumstances; declared the election invalid, and withdrew from the premises.

48. Of the members declaring the election invalid and withdrawing, Todd A. Dorsett, Lydia B. Linebaugh, and Sallie A. Myers had already cast their ballots.

49. The second election was scheduled to be held August 20, 1990 at the Nunnery diningroom, and notices of the election were sent to members but no testimony was received as to the identity of those members to whom notices were sent.

50. On August 20, 1990, the scheduled election was not held because again there was a dispute as to who was eligible to vote. By agreement no election was held.

51. The trustees elected at the July 29, 1990 election, with the exception of Lydia B. Linebaugh, have met and are acting as the Board of Trustees of the corporation.

52. No evidence was presented that the German Seventh Day Baptist Society of Snowhill a/k/a the Seventh Day Baptist Congregation of Snowhill, an unincorporated association, ever prior to July 29, 1990 met as a congregation and established qualifications for voting membership.

53. Since July 29, 1990, the said congregation has not met and established qualifications for voting membership.

54. Todd A. Dorsett testified that in his opinion only the congregation can determine its membership, and pursuant to Articles VI of the Articles of Incorporation only the congregation may determine the members who are "in community and unity", and that issue has not been put to the congregation. Mr. Dorsett also expressed his opinion that voting membership requires membership (by baptism or transfer with vote of approval by the congregation), plus taking communion, worshipping regularly and living in the vicinity of Snowhill, i.e., Franklin County. He believed this to be a tradition.

55. Sallie A. Myers, Brenda K. Myers, Hazel Monn and Lydia B. Linebaugh testified as to whom they believed were members of the congregation and who they believed were entitled to vote on July 29, 1990. For example, Sallie A. Myers testified that she included Harris W. Baer, Jr. and Mary Jane Baer on her list as qualified to vote, but had decided they shouldn't be on the list because she did not see them baptized. Whereas; Brenda K. Myers recalled when the Baers were voted in as members of the congregation. Lydia B. Linebaugh expressed the opinion that neither Mr. nor Mrs. Baer were entitled to vote or were

BAR NEWS ITEM (cont.)

The parties may leave the program in one of three ways; 1. violation of program rules, 2. mutual agreement between the parties or 3. a subsequent Order of Court.

For further information, you may call either Captain Jeffery Bassett or Pat Hughs of the Salvation Army at 264-6169 or Kim Duguay of Legal Services, Inc. at 264-5354. In addition, an informational meeting will be held at the Salvation Army on Wednesday August 17, 1994 at 12:00 p.m. at the Salvation Army on 159 Lincoln Way West, Chambersburg. This meeting will be held to provide further information and materials, and to answer any questions you may have regarding the program. Lunch will be provided by the Salvation Army. Please call Pat Hughs by August 10, 1994 to let her know if you will be attending.

members because she didn't know they had been baptized. She also testified that she was aware of individuals being admitted by transfer, but felt some not all of these "transferred in" qualified.

56. Brenda K. Myers testified that she requested the Court help the congregation determine who are members qualified to vote for trustees. Sallie A. Myers testified she wanted the Court to tell who the members of Snowhill congregation are; Irene Funk testified that she was asking the Court to straighten things out so we all get along. Lydia B. Linebaugh testified she wanted the Court to straighten everybody out the way it used to be and have peace and no uproar.

57. Defendants' Exhibits 2 and 3 are copies of certificates of church membership signed by Pastor Edward L. Rosenberry certifying that Harris W. Baer, Jr. and Mary Jane Baer "... and received into the full membership of the Snowhill Society of German Seventh Day Baptist, Church of Snowhill, Waynesboro Pennsylvania on this 30th day of June in the year of our Lord 1990".

58. Pastor Russell Yoder was baptized by Pastor Rosenberry in 1988 and was a part-time minister at Snowhill from September 1989 until December of that year when he entered into full-time pastoral duties elsewhere. He became a member of Snowhill in 1988. He testified that he has a Masters' degree in Education, and a theological degree. In his opinion theologically "in community and unity" means "the body of Christ", and requires putting the good of the church ahead of the good of individual members by the sacrifice of self interest. He declined to assume that residence was a part of the definition of "in community and unity" and absent a congregational requirement would have difficulty accepting attendance at services as a requirement for voting membership.

59. Elizabeth King Szolis testified that she was the daughter of Crist M. King; that she was baptized at Salemville Church, a Seventh Day Baptist Church by trine immersion. In 1965 she and her husband, who also was baptized at Salemville Church, transferred their membership with their father and mother and her sister, Karen to Snowhill congregation. She has regarded herself as a member of the Snowhill congregation since 1965.

60. Karen L. Ullman testified that she is a daughter of Crist M. King; that she was baptized in 1962 at the Salemville Church, a German Seven Day Baptist Church by trine immersion and a member of that church prior to 1965. In 1965 her membership was transferred with her mother's and father's to Snowhill congregation. She attended the

Snowhill congregation services once a month until she began matriculating at Indiana University of Pennsylvania. She did participate in the sacrament of communion at Snowhill. Her attendance at Snowhill has been infrequent because she resides in Pittsburgh, but she considers herself a member of the congregation.

61. Crist M. King testified that he is a retired school teacher who was a member of the Salemville Church until 1965. In that year he secured letters of transfer for himself, his wife Marie G. King, and his daughter Karen from the Salemville Church to the Snowhill Church where his father had been the pastor in the 1940's. Defendants' Exhibit 11 is a letter of transfer dated December 30, 1965 from the German Seventh Day Baptist Church, Salemville, PA addressed "To the Sisters and Brethern of the Snowhill German Seventh Day Baptist Church" certifying that Mr. and Mrs. Crist King and daughter Karen are members in good standing and full fellowship.

62. He testified that his daughter Elizabeth K. Szolis and her husband Jack Szolis joined the Snowhill Church at the same time that he, his wife and Karen joined.

63. Mr. King became the superintendent of the Snowhill Sabbath School in 1965, and has continued in that office to this date. He was elected to the Board of Trustees about 1967 and has remained on the board since that date, and has served as President of the Board for the last 18 years.

64. Mr. King and his wife have at all times here relevant resided in Bedford County, PA. He did not recall of the phrase "in community and in unity" ever being used in connection with the business of the Snowhill congregation until the summer of 1990. He was aware of other members of the Snowhill congregation who did not live in Franklin County.

65. He believed that he and all other members of the congregation were entitled to vote.

66. He identified from the records of the church the certificates of membership of Harris W. Baer, Jr., (Defendants' Exhibit 2), Mary Jane Baer (Defendants' Exhibit 3), the letter of transfer from the German Seventh Day Baptist Church at Salemville, PA to the Snowhill German Seventh Day Baptist Church of Mr. and Mrs. Jonh N. Szolis dated December 30, 1965, and the letter of transfer of Robert M. King (Defendants' Exhibit 12).

67. He testified that he had never heard of any tradition limiting

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voting members to Franklin County residents, and recalled that he first voted at a trustees election in 1966.

68. Mr. King's recollection was that the Board of Trustees called the election, set the time for it, appointed the teller, and perhaps someone else to help count the ballots, but he did not recall that the Board of Trustees conducted the election.

69. The Board of Trustees elected on July 29, 1990 as reported by Rev. Russell R. Yoder (Defendants' Exhibit 10A) with the exception of Lydia B. Linebaugh have had meetings. Two weeks after the July 29, 1990 election, Crist M. King, Harris Baer, Jane Baer and George Wingert met and organized. Crist M. King was elected President, George Wingert, Secretary and Jane Baer, Treasurer.

70. Mr. King examined Defendants' Exhibit 1 and testified that all of the named individuals on the list are in his judgment members in good standing with the Snowhill congregation. However, it was his recollection that Catherine Kernes was baptized after July 29, 1990 so she would not have been entitled to vote at the July election. According to Defendants' Exhibit 8 she did not vote at that election.

71. Sallie A. Myers testified that she was secretary of the Sabbath School for 32 years and maintained the membership records of the Sabbath School. She prepared "a complete list of the members of the German Seventh Day Baptist Congregation of Snowhill who are in community and unity with the same as of July 27, 1990" addressed to the trustees presumably from her records as secretary of the Sabbath School. (Plaintiff's Exhibit E).

72. Ms. Myers also testified that she did not keep a list of membership of Snowhill congregation just of the Sabbath School as its secretary. The Church secretary keeps membership of the Snowhill congregation.

73. Lydia B. Linebaugh testified that when she was secretary to the Board of Trustees, she recalled there were people who joined the Snowhill congregation by transfer including her husband.

74. Apparently meetings of the members of the Snowhill congregation were held at the conclusion of Sabbath School, and at those meetings transfers and admissions into membership were among the matters of business acted upon.

75. No minutes or records of the congregational meeting were offered in evidence and there appears to be no evidence that such minutes or records were ever taken down or retained.

76. Witnesses and their testimony referred to records or minutes of the Board of Trustees, but the only minutes offered in evidence were those of the January 31, 1990 meeting. Nothing in those minutes referred to any matters of membership or to the election of trustees. (Defendants' Exhibit 6)

77. No evidence was offered that the congregation of the Snowhill German Seventh Day Baptist Church had ever established in writing or by well accepted tradition, conditions for voting membership in said church.

78. The evidence clearly establishes that among the witnesses whose membership was clearly established and those whose membership or voting rights were questioned, there was a vast disagreement as to which ones qualified as bona fide members and many of the witnesses relied entirely upon their recollections of who they remembered as being members because they recalled them being baptized, or accepted, or because they were fairly regular attendants.

79. In a more tranquil, gentle and less litigious time such a non-structured operation of a small, closely knit body of believers in the same general tenets no doubt functioned admirably well as evidenced by the almost 200 year old history of the Snowhill congregation. This is not true today.

DISCUSSION OF FACTS AND LAW

The primary issue in this case is whether the Court may determine the membership of a congregational-type church.

The plaintiffs are The Seventh Day Baptist Monastical Society of Snowhill, a non-profit corporation, Sallie A. Myers, Lydia B. Linebaugh, Todd A. Dorsett, Elder S. Myers, Brenda K. Myers, Hazel P. Monn and Irene S. Funk. They sue on behalf of themselves and on behalf of The German Seventh Day Baptist Society of Snowhill a/k/a The Seventh Day Baptist Congregation of Snowhill, an unincorporated association located in Quincy Township, Franklin County, Pennsylvania. The plaintiff corporation (hereinafter "The Monastical Society") is an integral part of The German Seventh Day Baptist Society at Snowhill (hereinafter "the Congregation"). The defendants are Crist M. King, George Wingert, Harris W. Baer and Mary Jane Baer.

The Monastical Society's 6th article of incorporation provides

for the management of the affairs of The Monastical Society by five (5) trustees "to be elected by ballot from the members of The Seventh Day Baptist congregation, embracing as well those who lead a secular life as those who lead a monastical, as shall be in community and unity with the same..." The trustees hold the lands and property of The Monastical Society in trust to and for the use of the congregation. Trustees are regularly elected every four (4) years as provided by article 6 of the articles of incorporation. The Monastical Society has never adopted by-laws, and operates solely under its articles of incorporation and the laws of Pennsylvania. The articles do not set forth any specific voting membership criteria.

The congregation requires of prospective members baptism by trine immersion and an expression of faith. A person wishing to transfer his membership from another church to Snowhill must meet the requirements of baptism and expression of faith, and additionally, he must be granted membership by a vote of the congregation members. Once these actions have been accomplished, a member is a member for life unless he elects to renounce his membership.

Pursuant to article 6 of the articles of incorporation, the first Monday of January, 1990, was the appropriate date for an election of five (5) trustees. Such election did not take place, however, because the President of the Board, Crist M. King, was ill and therefore unable to call an election. As of the first Monday in January, 1990, the five (5) trustees holding office were Crist M. King, Lydia B. Linebaugh, Sallie A. Myers, Marie G. King, and Todd A. Dorsett. On January 31, 1990, a meeting of the Board of Trustees was held, but the topic of an election was not discussed. Between that meeting and July of 1990, Todd A. Dorsett made several attempts to contact Crist M. King, requesting that an election be called, but King did not respond to such requests. On July 18, 1990, three (3) members of the Board of Trustees, Sallie A. Myers, Lydia B. Linebaugh and Todd A. Dorsett, notified members of the congregation that an election would take place on July 29, 1990.

The following individuals were on July 27, 1990, certified eligible to vote at the election by Lydia B. Linebaugh, the secretary of the congregation, Harris Baer, Mary Jane Baer, Todd

A. Dorsett, Irene S. Funk, Crist M. King, Marie G. King, Robert King, Lydia B. Linebaugh, Hazel Monn, Brenda K. Myers, Elder S. Myers, Sallie A. Myers, George Wingert, and Russell R. Yoder. Russell R. Yoder, former pastor of the Snowhill congregation, served as teller on July 29, 1990. On July 28, 1990, Hazel P. Monn and Irene S. Funk gave Russell Yoder their absentee ballots which he deposited in the ballot box on July 29, 1990. Using Lydia Linebaugh's list of persons eligible to vote as a starting point, as each person came forward to cast their ballot, they signed their name next to their typewritten name. Russell Yoder amended the list to include three (3) persons, Jack Szolis, Elizabeth K. Szolis, and Karen L. Ullman, each of whom then signed their names after voting.

The vote was scheduled to begin at 10:00 a.m. At approximately that time, an argument took place. Todd A. Dorsett, Sallie A. Myers and Lydia B. Linebaugh challenged the right of Robert King, Karen Ullman, Jack and Elizabeth Szolis, George Wingert, Harris Baer and Mary Jane Baer to vote because they were not regular attendants at church services. Three of the trustees, Todd A. Dorsett, Sallie A. Meyrs and Lydia B. Linebaugh cast their ballots, declared the election invalid, and left the premises.

No evidence was presented that the German Seventh Day Baptist Society of Snowhill a/k/a The Seventh Day Baptist Congregation at Snowhill, an unincorporated association, ever met prior to July 29, 1990 to establish qualifications for voting membership. Nor has the congregation met since that date for that purpose.

Much conflicting evidence was presented concerning qualifications for voting membership. Todd A. Dorsett testified that, in his opinion, voting membership requires membership (by baptism or transfer with the approving vote of the congregation), plus taking communion, regular worship and living in the vicinity of Snowhill, i.e., Franklin County. He also testified that, pursuant to article 6 of the articles of incorporation, only the congregation itself may determine which persons are members "in community and unity," but that that question has never been put to the congregation. Although Sallie A. Myers had initially included Harris and Mary Jane Baer on her list of persons qualified to vote which she gave to Russell Yoder prior to the

election, she testified that they should not have been on that list after all because she had not seen them baptized. Lydia B. Linebaugh expressed the opinion that the Baers were neither entitled to vote nor were even members of the congregation because she did not know whether they had been baptized. On the other hand, Brenda K. Myers did recall when the Baers were voted into membership by the congregation. Harris W. Baer and Mary Jane Baer presented copies of certificates indicating their transfer to Snowhill, as did Robert King. Certificates presented by Crist M. King indicated that he and his family, including daughters Karen Ullman and Elizabeth Szolis and her husband Jack Szolis, had transferred their membership to Snowhill in 1965. Crist M. King had been closely associated with the Snowhill congregation since 1965 as superintendent of the Sabbath School and later as President of the Board of Trustees. He testified that, to his knowledge, the phrase "in community and unity" had not been used in connection with the congregation until the summer of 1990. He was unaware of any church tradition limiting voting membership to Franklin County residents; he and his wife had lived in Bedford County at all relevant times, and he knew of other members of the congregation who did not live in Franklin County.

Brenda K. Myers, Sallie A. Myers, Irene Funk and Lydia B. Linebaugh each testified that they wanted the court to determine who are members of the Snowhill congregation, to straighten matters out and restore peace and normality to the congregation. Whether the court may act upon such a request depends upon the application of the relevant law concerning the proper relationship between religious organizations and the civil courts.

As previously observed, the primary issue in this case is whether the court may determine the membership of a congregational-type church.

Over the past 100 years, a significant body of case law has developed which sets forth guidelines for addressing church-related property disputes, and precludes civil courts from injecting themselves into strictly religious matters. In an 1871 case, *Watson v. Jones*, 80 U.S. 679, 20 L.Ed. 666 (13 Wall. 1871), the United States Supreme Court enunciated a principle of law to aid courts in determining the appropriateness of delving into

disputes within a religious organization or church body. That principle of law has come to be known as the "deference rule":

...whenever the questions of *discipline, or of faith, or ecclesiastical rule, custom or law* have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final...

Watson, at 727 [emphasis added].

In *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 73 S.Ct. 143, 97 L.Ed. 120 (1952), the United States Supreme Court reaffirmed the First Amendment underpinnings of the deference rule, and concluded that a religious dispute should be left in the hands of church authorities in order to prevent unwarranted and perhaps destructive intrusion into matters of spiritual belief and practice. Voluntary religious associations possess the right to engage in the worship and dissemination of their faith and to create ecclesiastical governing bodies to that end:

All who unite themselves to such a body do so with an implied consent [to its governing], and are bound to submit to it. But it would be a vain consent and would lead to the total subversion of such religious bodies, if anyone aggrieved by one of their decisions could appeal to the secular courts and have them reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decisions of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.

Kedroff, at 114, 115. Even in cases where a property right arises as a result of a decision applying church custom or law on ecclesiastical questions, the church rule will control. *Id.* at 120, 121.

The *Watson*'s court's approach, followed in *Kedroff*, rested upon the deeply-rooted American belief and constitutional principle that religious institutions and their individual members should be permitted to flourish without undue interference from the secular courts. The Pennsylvania Supreme Court echoed this approach in *The Presbytery of Beaver-Butler of the United Presbyterian Church v. Middlesex*, 507 Pa. 255, 489 A.2d

1317 (1985), when it observed:

Even [a civil court] with the best intentions can be no more than a clumsy intruder into the most delicate and sensitive areas of human life. When Caesar enters the Temple to decide what the Temple believes, he can leave behind only his own views. The view of a court as to who are heretics among warring sects is worth nothing and must count as nothing if our cherished diversity of religious views is to prevail.

Middlesex, at 260.

There are instances, on the other hand, when disputes between members of a congregation do not revolve around spiritual issues, but are more appropriately considered civil in nature; these include disputes over wills, trusts, contracts, and ownership of property. Such disputes do not rest on any religious foundations but are issues of civil law which may be properly addressed and resolved by civil courts. *Presbyterian Church v. Blue Hill Memorial Church*, 393 U.S. 440, 89 S. Ct. 601, 21 L.Ed. 2d 658 (1969); *Trinity Lutheran Evangelical Church v. May*, 112 Pa. Commonwealth 557, 537 A.2d 38 (1988). in *Blue Hill* the court held:

[There] are neutral principles of law, developed for use in all property disputes, which can be applied without "establishing" churches to which property is awarded. But First Amendment values are plainly jeopardized when church property litigation is made to turn on the resolution by civil courts of controversies over religious doctrine and practice.

Blue Hill at 449. In *Atterberry v. Smith*, 104 Pa. Commonwealth 588, 522 A.2d 683 (1987), one of the issues was whether certain members of a church could rightfully participate in religious services. The Court was required to make a threshold determination as to whether such an issue was doctrinal or civil in nature. The court held that the "deference rule", rather than the "neutral principles of law" approach was more appropriate. The substantive dispute centered around the powers of a local pastor to appoint and remove church officers. The court found such questions to be closer to doctrinal questions than to civil ones.

In Pennsylvania, membership in a church is considered a

valuable property right. *King v. Laster*, 21 Fay. L.J. 96 (1958). The parameters of that right are to be defined by church documents which set forth relevant criteria for determining membership. Such documents, when available, serve as a type of contract between the members, and define the individual's relationship to the congregation as a whole. However, in situations where a church group possesses no by-laws and cannot point to a clearly-established tradition investing some members with the authority to discontinue an individual's membership status, an independent or congregational church is to be governed by a majority of its members. *First Church of the Brethren of Lewistown v. Snider*, 79 A.2d 422, 367 Pa. 78 (1951); *Diskin v. City of Philadelphia Police Pension Fund*, 76 A.2d 663, 168 Pa. Super. 76 (1950); *Gordon v. Tomei*, 19 A.2d 588, 144 Pa. Super. 449 (1941). So long as that majority acts within the purpose of that organization, the civil courts will not intervene to decide matters concerning who is and who is not qualified to participate in church-related activities. *Snider*, supra.

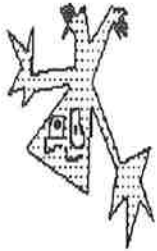
The plaintiffs have requested this court to make a determination as to who are the qualified voting members of the Snowhill congregation in order to restore peace and normality to a distressing disagreement. Such a request, while appealing, is one which the court may not grant under the applicable law as set forth above.

Snowhill is a congregational-type church. The congregation itself, comprising a small group of persons, is not merely the highest governing body, it is the *only* governing body. Questions of membership qualifications lie squarely within the congregations's rule-making powers. There is no evidence that the Snowhill congregation has ever established, in writing or by well-accepted tradition, conditions or prerequisites for voting membership. The only language relating to membership appears in the 6th article of incorporation which states that "the 5 (five) trustees are to be elected by ballot from the members of the Seventh Day Baptist congregation embracing as well as those who lead a secular life as those who lead a monastical, as shall be in community and unity with the same..."

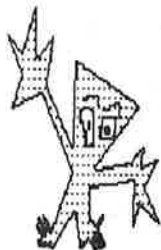
Plaintiffs have suggested that the phrase "in community and unity" should be interpreted to require that members desiring to

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And ghosts fill the sky,
Spiders work sinister looms,
Black cats backs arch high,
And goblins go 'round,
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While your editor sins,
Fancies himself an artist of wit,
And conjures up PC magic, a bit,
To help him draw works—somewhat
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K.H.
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vote in trustee elections 1) reside within the immediate vicinity of the Snowhill church, i.e., Franklin County, and 2) adhere to the religious faith and practices of the congregation. Plaintiffs contend that such a phrase necessarily entails a particular level of participation in church activities. Plaintiffs cite *Juker v. Commonwealth ex rel Fisher*, 20 Pa. 484 (1853) in which two rival factions of a congregation each claimed victory after having conducted its own separate trustee election. The court held that where voter eligibility is restricted by articles of incorporation to those members contributing annually to the church, such contribution must be genuine and substantive, rather than merely a token given solely for the purpose of qualifying as an elector. If criteria of voting membership are clearly expressed by a charter or other documents, such criteria should determine whether the outcome of an election is valid. *Id.*, at 495.

The *Juker* case does not resolve the dilemma in the case at bar, because the Snowhill congregation does not possess such explicit qualifying conditions for voting membership as embodied in written documents or well-accepted traditions. The meaning of the "in community and unity" language is too vague to be a satisfactory legal basis on which to evaluate a person's membership qualifications. In addition, the congregation possesses no method of determining when an individual has renounced his membership privileges; no required minimum level of participation in church activities has ever been established once an individual has acquired membership status, either by baptism and an expression of faith or by a certified transfer from another church followed by the congregation's approval. A member is a member for life unless he elects to renounce his membership, and no church policy exists requiring a specific frequency of attendance at services.

Among the witnesses whose membership was clearly established and those whose membership or voting rights were questioned, there was a vast disagreement as to which ones qualified as bona fide members. Many of the witnesses relied exclusively upon their own recollections as to who was baptized, transferred in, and were approved by the congregation. The only written evidence offered as to who were members entitled to vote was a list drawn up two days before the disputed election by Lydia B. Linebaugh and Sallie A. Myers, who now question the

eligibility of various names which they themselves included on that list.

The evidence indicates that each of the disputed members at the July 29, 1990 election had a rational claim to membership in the congregation. Given that the congregation has no well-established requirement that all voting members live in the vicinity of the church, i.e., Franklin County, and attend a specific number of services, a presumption exists that the disputed members are entitled to vote in elections. Moreover, absent clearly expressed guidelines for determining whether an individual has in fact renounced his membership, this court declines to infer such renunciation based solely upon the personal recollections of certain members as to the participation and attendance of the disputed members. An individual's church membership is far too important a property right to be preemptorily dissolved on the fragile basis of imperfect memories. *King v. Laster*, supra.

As discussed above, before a civil court may intervene in a church-related dispute, a threshold determination must be made as to whether the dispute is fundamentally of a civil or doctrinal nature. *Watson; Kedroff; Middlesex; Atterberry*. Plaintiffs urge us to intervene in this matter based on the assumption that, since the parties have no disagreement over church doctrine and the Monastical Society is an incorporated body, we should apply corporation law to determine who the eligible voting members are. We disagree. The Monastical Society, while incorporated, is an integral part of the unincorporated Snowhill congregation. Contrary to plaintiffs' contention, there is indeed a significant disagreement about what constitutes the proper religious practices of the congregation, one such being the required frequency of attendance at church services. The congregation is a voluntary religious organization created for the purpose of practicing certain spiritual tenets. For an individual to be admitted into membership, he must, to some degree and in some manner, adhere to those tenets clearly set forth by the congregation. The validity of an individual's membership is inextricably linked to whether, in the eyes of the congregation, he satisfies specific spiritual criteria. The decision as to who is and who is not entitled to worship at a particular church is most definitely a religious matter, and is one into which we will not inject ourselves. Since the congregation possesses no written or well-

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accepted traditions concerning voting membership, it is up to the majority of the congregation to decide this matter. *Snider*.

Plaintiffs also contend that, because the Snowhill property has historic significance, the court may use its equitable powers to resolve the entire dispute despite the church context. Again, we disagree. The Snowhill property may indeed be an important cultural site, but that is an insufficient basis for this court's jurisdiction. The heart of this controversy remains a matter of religious doctrine: who is and who is not entitled to vote as a legitimate member of a congregational church.

We note parenthetically the unusual conduct of three of the plaintiff - trustees, Todd A. Dorsett, Sallie A. Myers and Lydia B. Linebaugh, who declared the election invalid and left the premises based on their disagreement with the voting rights of certain members, after having already cast their ballots. The election proceeded nevertheless, and the plaintiffs allege that their withdrawal from the premises rendered the election null and void. Again we disagree. We draw an analogy between the members of the Snowhill congregation and the stockholders of a corporation. In so doing, we note that it is a well-established rule of law that once a corporate meeting is convened and a quorum is formed, no person or group of persons may then, by refusing to vote or by withdrawing from the meeting, nullify the proceedings. Even if those withdrawing for the purpose of dissolving the quorum constitute a majority of the members, they will not be permitted to then obtain relief from the courts on the ground that no quorum existed when the disputed election was conducted. An organization's members who attend its meeting and then capriciously withdraw are in no better position than those who declined to attend that meeting in the first place. *Commonwealth ex rel v. Vandergrift*, 232 Pa. 53, 81 A.2d 153 (1911).

The July 29, 1990 Snowhill election was conducted by and participated in by a majority of the congregation's members. Based solely upon their own personal views concerning the requirements of voting membership, three of the trustees, Todd A. Dorsett, Sallie A. Myers and Lydia B. Linebaugh challenged the right of several persons to vote and declared the election invalid after having already cast their ballots. The election

nevertheless proceeded and new trustees were chosen by the rest of the congregation. Simply because the three persons attempting to nullify the election were trustees does not permit them the right to preemptorily declare other persons unqualified to participate. We fail to see how a minority of the congregation's members may invalidate the decisions reached by the majority, particularly since the congregation as a whole has never established a clearly-expressed set of criteria for denying a person voting rights. The majority continued the proceedings despite the plaintiffs' withdrawal, and we decline to disturb the results.

Plaintiffs urge us to step in and put an end to this controversy. While we recognize the heart-wrenching nature of this conflict, we must decline to interfere in what is fundamentally a matter of religious discipline best resolved by the congregation itself. On July 29, 1990, the congregation's majority, by continuing the election despite plaintiffs' withdrawal, impliedly declared that all persons present had a legitimate claim to voting privileges. The Snowhill congregation would now be best served by putting aside bitter divisiveness in favor of spiritual reconciliation.

CONCLUSION OF LAW

We conclude that the plaintiffs have failed to sustain their burden of proof as a matter of fact and as a matter of law.

DECREE NISI

NOW, this 30th day of October, 1992, it is ordered and decreed nisi that the relief prayed for by the plaintiffs is denied and their complaint dismissed. Costs to be paid by the plaintiffs.

Exceptions may be filed pursuant to Pa. R.C.P. 227.1.

Pursuant to Pa. R.C.P. 1517(b), the prothonotary shall notify counsel of record of the filing and date of filing of this adjudication by mailing a copy of the same to counsel.