

SUPREME COURT OF GEORGIA

Bolden v. Barton, 280 Ga. 702

632 S.E.2d 148 (2006) · No. S06A0156 · Decided July 6, 2006

SUMMARY

The Supreme Court of Georgia affirmed an injunction ordering an election among members of an unincorporated church to determine control of church property. The court held that the amended complaint related back to the original complaint and established subject-matter jurisdiction because the dispute involved property rights. It further held that the trial court could identify eligible voters for the limited purpose of resolving the property dispute without impermissibly interfering in church doctrine or internal governance.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice; Sears, Chief Justice; All other participating Justices
JURISDICTION	Georgia
DECIDED	July 6, 2006
DOCKET	S06A0156
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the trial court's grant of an injunction ordering an election among church members to determine control of church property.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Reverend Willie Bolden and others v. Deacon Robert Barton and others

TOPICS

- subject matter jurisdiction
- injunctions
- appellate procedure
- constitutional law
- real estate

PRACTICE AREAS

- constitutional law
- civil procedure
- appellate procedure
- church property disputes
- real estate

QUESTIONS PRESENTED

1. Whether the amended complaint related back to the original complaint and established a property dispute sufficient to confer subject matter jurisdiction.
2. Whether the trial court exceeded its subject matter jurisdiction by identifying church members eligible to vote in an election concerning control of church property.
3. Whether a civil court may exercise equitable jurisdiction over a church dispute involving property rights when the action is brought on behalf of a majority of the congregation.

HOLDINGS

1. The amended complaint related back to the filing date of the original complaint because the record showed that the dispute over control and possession of church property existed before the original complaint was filed.
2. The trial court acted within its subject matter jurisdiction by determining the plaintiff's standing, identifying the faction representing the church majority for property purposes, and memorializing an agreed membership list solely to conduct the property-control election.

KEY QUOTATIONS

“It is beyond cavil that the constitutional guarantee of freedom of religion includes the authority of religious bodies to make their own decisions, free from state interference, in matters of church government, faith and doctrine.” (280 Ga. at 704, 632 S.E.2d at 151)

“But it is also the case that “[i]t is well-settled that a court of equity will take jurisdiction over disputes involving churches when property rights are involved and when the suit is brought on behalf of a majority of the congregation.”” (280 Ga. at 704, 632 S.E.2d at 151)

“The fact that an election in the Church necessitated that the court recognize that certain persons were members of the Church, and thus eligible to vote, does not mean that the trial court interfered in matters of Church doctrine or religious organization.” (280 Ga. at 705, 632 S.E.2d at 151)

“Thus, while it is proper for courts to determine church membership for the limited purpose of determining eligibility to vote on a litigated property dispute, it is plainly improper for courts to resolve disputes over church membership in general.” (280 Ga. at 705, 632 S.E.2d at 152)

FACTUAL BACKGROUND

Bethlehem Missionary Baptist Church was unincorporated and had no bylaws or constitution. Its governance was congregational, and property questions were ultimately controlled by a majority of the church's members. The parties disputed possession and control of church funds, computer equipment, and other church property. The trial court ordered an election limited to determining which faction, the deacons or the trustees, would control the church property.

PROCEDURAL HISTORY

Barton and others filed an action seeking declaratory and injunctive relief. In the first appeal, the Supreme Court of Georgia reversed because the record failed to establish subject matter jurisdiction. After remand, Barton

amended the complaint and submitted evidence establishing an ongoing dispute over church property. The trial court found jurisdiction and ordered a church election to determine which faction would control the property; Bolden appealed.

DISPOSITION

affirmed

CASES CITED

- Bolden v. Barton, 278 Ga. 831, 607 S.E.2d 889 (2005)
- Crumbley v. Solomon, 243 Ga. 343, 254 S.E.2d 330 (1979)
- Holiness Baptist Assn. v. Barber, 274 Ga. 357, 552 S.E.2d 90 (2001)
- Howard v. Johnson, 264 Ga. App. 660, 592 S.E.2d 93 (2003)
- Tyson v. McPhail Properties, Inc., 223 Ga. App. 683, 684-685(1), 478 S.E.2d 467 (1996)
- Gervin v. Reddick, 246 Ga. 56, 57(2), 59(5), 268 S.E.2d 657 (1980)
- Anderson v. Dowd, 268 Ga. 146, 147(1), 485 S.E.2d 764 (1997)
- Presbyterian Church in the U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church, 393 U.S. 440, 449, 89 S. Ct. 601, 21 L. Ed. 2d 658 (1969)
- United Baptist Church v. Holmes, 232 Ga. App. 253, 500 S.E.2d 653 (1998)