

SUPREME COURT OF ALABAMA

Burns Church, Inc., and Stephen Etheridge v. Alabama District Council of the Assemblies of God, Inc., and Burns Assembly of God Church

168 So. 3d 1188 (Ala. 2014) · No. 1130539 · Decided October 24, 2014

SUMMARY

The Alabama Supreme Court affirmed without opinion a summary judgment concerning ownership and control of church property following a schism within an Assemblies of God congregation. The dissent argued that the dispute was ecclesiastical and that civil courts lacked subject-matter jurisdiction because resolving it would require adjudicating church doctrine, membership, governance, and ministerial authority.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Per Curiam; Stuart; Bolin; Parker; Murdock; Shaw; Main; Wise; Bryan; Moore
JURISDICTION	Alabama
DECIDED	October 24, 2014
DOCKET	1130539
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a summary judgment entered by the Geneva Circuit Court in favor of the Alabama District Council of the Assemblies of God, Inc., and Burns Assembly of God Church in a dispute involving church property, church affiliation, membership, trespass, conversion, eviction, and quiet title.
STANDARD OF REVIEW	Not stated in the per curiam majority opinion. The dissent discusses subject-matter jurisdiction as reviewable ex mero motu.
PRECEDENTIAL VALUE	Published opinion; per curiam affirmance without opinion under Ala. R. App. P. 53, accompanied by a dissent.
PARTIES	Burns Church, Inc., Stephen Etheridge v. Alabama District Council of the Assemblies of God, Inc., Burns Assembly of God Church

TOPICS

constitutional law first amendment subject matter jurisdiction summary judgment appellate procedure

PRACTICE AREAS

constitutional law religious organizations real property civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly entered summary judgment for the Alabama District Council of the Assemblies of God, Inc., and Burns Assembly of God Church in the church-property dispute.
2. Whether Alabama courts had subject-matter jurisdiction to adjudicate the dispute, an issue raised by Chief Justice Moore's dissent but not addressed in the per curiam majority opinion.

HOLDINGS

1. The Supreme Court of Alabama affirmed the Geneva Circuit Court's summary judgment.

KEY QUOTATIONS

"AFFIRMED. NO OPINION." (168 So. 3d 1188)

"Though this ecclesiastical dispute incidentally affects property rights, the courts of the State of Alabama lack jurisdiction to intervene in this dispute, which is based upon disparate interpretations of church governing documents and doctrine and conflicting claims of church membership." (at 1189)

"The mere fact that this intra-church dispute affects property rights does not give the Court jurisdiction over this action." (at 1209)

FACTUAL BACKGROUND

Burns Assembly of God Church had long been affiliated with the Assemblies of God. After Pastor Stephen Etheridge and church directors excommunicated several members, the resulting factions disputed church membership, leadership, affiliation, and control of the church property. The District Council and the faction it recognized as the legitimate congregation claimed authority over the church and property, while Etheridge and Burns Church, Inc., continued using the property after disaffiliating from the Assemblies of God. The District Council and the recognized faction obtained summary judgment in the resulting property and related litigation.

PROCEDURAL HISTORY

The District Council and the faction it recognized as the legitimate congregation sued seeking declaratory relief concerning the congregation's status and ownership of church property. The plaintiffs later amended their complaint to assert trespass and conversion claims and seek eviction, and they filed a separate quiet-title action. The trial court consolidated the actions, entered summary judgment for the plaintiffs on November 12, 2013, denied the defendants' postjudgment motion, and the defendants appealed. The Supreme Court of Alabama affirmed per curiam without opinion; Chief Justice Moore dissented and would have dismissed the appeal for lack of subject-matter jurisdiction.

DISPOSITION

affirmed

CASES CITED

- Ex parte Smith, 438 So. 2d 766, 768 (Ala. 1983)
- Abyssinia Missionary Baptist Church v. Nixon, 340 So. 2d 746, 748 (Ala. 1976)
- State ex rel. McNeill v. Bibb St. Church, 84 Ala. 23, 33, 4 So. 40, 40 (1888)
- Yates v. El Bethel Primitive Baptist Church, 847 So. 2d 331, 352 (Ala. 2002)
- Gewin v. Mount Pilgrim Baptist Church, 166 Ala. 345, 349, 51 So. 947, 948 (1909)
- Reorganized Church of Jesus Christ of Latter-Day Saints v. Church of Christ, 60 F. 937, 953 (8th Cir. 1894)
- Atkins v. Walker, 284 N.C. 306, 314, 200 S.E.2d 641, 646 (1973)
- Western Conference of Original Free Will Baptists of N.C. v. Creech, 256 N.C. 128, 140, 123 S.E.2d 619, 627 (1962)
- Hundley v. Collins, 131 Ala. 234, 245, 32 So. 575, 579 (1902)
- Watson v. Jones, 80 U.S. (13 Wall.) 679, 729 (1871)
- Davis v. Ross, 255 Ala. 668, 671, 53 So. 2d 544, 546 (1951)
- Mount Olive Primitive Baptist Church v. Patrick, 252 Ala. 672, 674, 42 So. 2d 617, 618 (1949)
- Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. America, 344 U.S. 94, 120-21 (1952)
- Serbian E. Orthodox Diocese for United States of America & Canada v. Milivojevich, 426 U.S. 696, 708-09 (1976)
- Maryland & Virginia Eldership of the Churches of God v. Church of God at Sharpsburg, Inc., 396 U.S. 367, 369 (1970)
- Ex parte Central Alabama Conference, 860 So. 2d 865, 867 (Ala. 2003)