

POLICY No. 10

ALIENATION OF TEMPORAL GOODS

1. Term definitions

Alienation in the strict sense of the term means the transfer, conveyance, gift or sale of temporal goods belonging to the stable patrimony of a juridical person (diocese, parish) to another person.

In the broad and improper sense, the term alienation also is applied to any transaction by which the patrimonial situation of a juridical person can be jeopardized (see Canon 1295).

Stable patrimony: goods which, through lawful assignment or decision, have been declared to be part of the basic endowment of a juridical person (such as lands, buildings, scholarship funds, endowment funds, etc.), as opposed to those goods used for day-to-day administration (such as current accounts, cash on hand, etc.).

2. Intent of the directive

To provide clear guidelines to be observed when there is a question of alienating the stable patrimony of the Church. Also, to make certain that an accurate account of all temporal goods of the Diocese of Sault Ste. Marie is maintained.

3. Policy

- a. The inventory of temporal goods belonging to each parish and to the diocese shall clearly distinguish between goods which have been identified as part of the stable patrimony of the parish or diocese, from temporal goods used for ordinary administration (Policy No. 17).
- b. When it is foreseen that alienation of stable patrimony, in the strict sense or broad sense of the term, is being considered, this intention, must, in the first place, be brought to the attention of the Bishop or his designate or to the diocesan financial administrator.
- c. For the purposes of this policy, the following acts shall be presumed to constitute alienation:
 - when church property is to be sold to others who are not a direct part of the diocese (i.e., lay persons, Government institutions, School Boards, etc.);
 - when property is mortgaged;
 - when long-term loans are being arranged, even though no existing property is to be mortgaged;
 - when money is to be used for a purpose other than which the contributor intended;
 - when a work of the Church is entrusted to a corporate board other than the RCECSSM without reservation of to the competent ecclesiastical authority, the ability to direct its philosophy, mission and intervene when important decisions are being made: (i.e. establishment of subsidiaries, contracting of debts, closing the work, etc.).

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- d. The Holy See has established a fixed maximum sum governing the necessity to obtain consent prior for the act of alienation.
- e. On the basis of the norms recognized by the Holy See for Canada, and to promote proper accountability, which was adopted and established to apply in cases of alienation of stable ecclesiastical property in the Diocese of Sault Ste. Marie. (Appendix I)

Requests for alienations of this type are to be submitted to the office of the diocesan financial administrator.

- f. In addition to monetary matters of alienation, the Holy See also reserves to itself permission for the alienation of all historical or artistic works, as well as those donated to the Church by a vow. To be clear, the diocese has developed inventories of goods that fall into these categories to prevent their alienation by oversight. (Policy No. 17).
- g. The prescriptions of Canons 1293-1294 are to be observed in presenting requests for the alienation of ecclesiastical goods:
 - there must be a just reason for the transaction, such as urgent necessity, evident advantage, a religious, charitable or other grave pastoral reason;
 - there must be report, in writing, by at least two experts, concerning the value of the goods to be alienated;
 - normally, goods are not to be alienated for less than the value quoted by the experts;
 - funds obtained are to be carefully invested for the benefit of the Church, or prudently expended according to the purposes of the alienation;
 - any request made by a parish priest to alienate goods owned by the parish must be accompanied by an extract of the minutes of the parish finance council where such a transaction was discussed and approved.

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