

The Role of Church Trustees

Neither the Diocesan Canons nor the Canons of The Episcopal Church say anything about the role of trustees. The role of trustees is found in the Virginia Code, Title 57, Article 2, "Property Held for Religious Purposes."

Episcopal churches are unincorporated associations, incapable of holding title to real property. Therefore, the Virginia Code requires court-appointed trustees to hold the title.

The church, represented by the vestry, must apply to the court for the appointment or removal of trustees. Virginia Code § 57-8 covers the appointment of trustees. (Most parishes appoint three trustees.)

Virginia Code § 57-15 also requires that church trustees be appointed for the purpose of making any conveyance or encumbrance of real property.

Trustees appointed pursuant to § 57-8 have bare legal title and no power to manage or control the property. They are subject to the will of the governing body of the church - the vestry.

Virginia Code § 57-11 provides for suits by and against trustees, but those lawsuits are tied directly to the real or personal property held by the trustees in trust. Trustees have no personal liability on any lawsuit against a parish.

In Summary:

- Trustees hold title to real property of the church on behalf of the vestry.
- Trustees may be appointed or removed by the vestry, subject to the local circuit court's approval.
- If the vestry determines that the property should be conveyed or encumbered, the trustees must execute all documents necessary.
- Trustees are bare titleholders to the property and have no role in its management or use.
- Trustees have no personal liability on lawsuits against a parish.

Following below are two sample forms:

1. A Vestry Resolution Appointing a Trustee
2. An Application for appointment of Trustee pursuant to Virginia Code § 57-8
3. An Order Appointing the Trustee for the judge of the Circuit Court to sign.

If you have additional inquiries, please feel free to contact me.

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(NAME OF CHURCH)

**VESTRY RESOLUTION
APPOINTING
TRUSTEE**

Pursuant to Virginia Code § 59-8

The Vestry of the [Church], [Address] _____
_____, meeting as the property authority of [Church], an unincorporated church,
pursuant to Virginia Code § 59-8, hereby appoints _____, as a Trustee
of [_____] to replace _____ as Trustee.

Done this ___ day of _____, _____

Register

Senior Warden

VIRGINIA: IN THE CIRCUIT COURT _____

IN RE: [Church]

Civil Case No. _____

APPLICATION FOR APPOINTMENT OF TRUSTEE
PURSUANT TO VIRGINIA CODE § 57-8

[Church], by counsel, respectfully applies to this Court for appointment of a Trustee pursuant to Virginia Code § 57-8, and in support thereof, states as follows:

[Church] presently has appointed the following Trustees: _____
_____, _____, _____.

The Vestry of [Church] is the proper authority of [Church], an unincorporated church, to appoint Trustees pursuant to Virginia Code § 57-8.

At the meeting of the Vestry on _____, the Vestry authorized the appointment of _____ as a Trustee of the [Church] to replace _____ as Trustee. The Vestry Resolution appointing _____, Trustee, signed by the Register of the Vestry, is attached as Exhibit A.

WHEREFORE, [Church], an unincorporated church, by its Vestry, pursuant to Virginia Code § 57-8, applies to this Court for appointment of _____ as Trustee to replace _____.

[CHURCH]

By _____
Of Counsel

VIRGINIA: IN THE CIRCUIT COURT OF *NAME OF CIRCUIT COURT*

IN RE: *Name of the Church*

Case No. _____

ORDER APPOINTING *NAME OF NEW TRUSTEE*
AS TRUSTEE OF *NAME OF CHURCH*

Upon application of *Name of Church*, by *Rector or Sr. Warden or counsel*, through its proper authority, the Vestry, pursuant to Vestry Resolution dated *Month, Day, Year*, copy attached as Exhibit A, and pursuant to Virginia Code §57-8,

IT IS ORDERED that *Name of New Trustee* shall be and hereby is appointed Trustee of *Name of Church* replacing *Name of Trustee being replaced*, (deceased if applicable), as a Trustee.

It is FURTHER ORDERED that the previous appointments of *Names of current Trustees you are retaining N. and N.* as Trustees of *Name of Church* shall remain in full force and effect.

Order entered: _____ *Month Day Year* _____

Judge, *Name of Circuit Court*

I ASK FOR THIS:

Signature: _____

Print name of Rector or Sr. Warden or Counsel

Name of Church

Address

Phone

Email