

No. 104,859

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CHURCH OF GOD IN CHRIST, INC. AND KANSAS SOUTHWEST JURISDICTION
CHURCH OF GOD IN CHRIST,
Appellees,

v.

BOARD OF TRUSTEES OF EMMANUEL CHURCH OF GOD IN CHRIST,
WICHITA, KANSAS; R.E. STIDHAM; JAMES S. RICH; DORIS WOODS; EVELYN ECHOLS;
MISSY LOIS MCINTYRE; DONALD C. MCINTYRE; BRENDA STIDHAM; AND JEROME
FRANKLIN,
Appellants.

SYLLABUS BY THE COURT

1

Page 17 paragraph 2

The facts in the present case are nearly identical to the facts in *New Jerusalem*, 26 Kan. App. 2d at 575. Under the COGIC rules, a local church is permitted to incorporate. But incorporating does not change the trust relationship that exists between the local church and the COGIC. When the defendants decided to create a corporation and deed the Mascot property to it, they were still required to hold ownership of the property in trust for the national church. 26 Kan. App. 2d at 580. As this court held in *New Jerusalem*, "a continual, longstanding, and formal affiliation with the National Church . . . is sufficient to support an implied trust in favor of the National Church." 26 Kan. App. 2d at 580. Thus, under *New Jerusalem*, the COGIC continued to be entitled to possession of the property regardless of the corporate status of the local church.

The trustee defendants also did not have the authority to prohibit the COGIC or its designees from having access to the Mascot property. And it has long been held that it is appropriate to bring an action against the trustees to prohibit a local church from excluding officers of a national hierarchical church—even when the local church is incorporated. See *Feizel v. Trustees German M.E. Society*, 9 Kan. 592, 596-97, 1872 WL 661 (1872); *St. Paul Church, Inc. v. United Methodist Church*, 145 P.3d 541, 558-59 (Alaska 2006).

No. 80,679
IN THE COURT OF APPEALS OF THE STATE OF KANSAS
CHURCH OF GOD IN CHRIST,
NEW JERUSALEM CHURCH OF GOD IN CHRIST, and
KANSAS SOUTHWEST CHURCH OF GOD IN CHRIST,
Appellees,
v.
BOARD OF TRUSTEES OF NEW JERUSALEM CHURCH OF GOD IN CHRIST;
ESSIE WITHERSPOON, NAPOLEON DEVORCE, JAMES WITHERSPOON,
HOSEA COHENS, and ULYSSES WASHINGTON,
Appellants.
SYLLABUS BY THE COURT

Page 8 ; paragraph New Jerusalem;

A local church, if it desires to remain independent of the influence of a parent church body, must maintain this independence in the important aspects of its operation, e.g., polity, name, finances. It cannot, as here, enter a binding relationship with a parent church which has provisions of implied trust in its constitution, bylaws, rules, and other documents pertaining to the control of property, yet deny the existence of such relationship. A local church cannot prosper from and enjoy the benefits afforded by a parent hierarchical church, participate in the functioning of that body, and then disclaim affiliation when the parent church acts contrary to the desires of the local church, so as to shield from equitable or contractual obligations the property acquired by the local church either before or during such affiliation.