

Fairfax Circuit Court
SERVING THE RESIDENTS OF FAIRFAX COUNTY AND THE CITY OF FAIRFAX

**Appointment/Substitution of Church Trustees
and Trustees for Fraternal Organizations
Procedures**

An order of appointment of church trustees or trustees for other fraternal organizations is required by law to be confirmed by the court.

A petition and order is filed in the Circuit Court of the county or city wherein the church lies. The petition and order must be filed by the attorney of the incorporated religious congregation or society. If the church is unincorporated the petition and order may be filed by the proper authority from the church that has been authorized by the governing body.

Virginia Code Reference: §57-8 §57-18 §57-23

Document Type: Petition

Case Type: Civil Action

Filing Requirements: (sample forms provided by Clerk’s office)

- If church is incorporated, they must be represented by counsel.
- If church is unincorporated, the petition and proposed order may be submitted by the “proper authority” (pursuant to Virginia Code Section 57-8), specifically by the person or persons authorized to act by the governing body of the church, and that person or persons must also submit documentation demonstrating their authority to act on behalf of the church.
- Original Petition with attached minutes of the meeting in which the trustees were elected, including new appointments, new retirees, and changes in the organization. The Minutes, or other Resolution, should be signed and notarized by a proper authority indicating that it is true and accurate.
- A proposed Order endorsed (that is to say, signed) by the person or persons who constitute the “proper authority” for the church.
- Self-addressed stamped envelope, to receive a certified copy of court order.

Filing Fees: SEE Current Fee Schedule at

<https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/fees-civil-and-filing-instructions.pdf>

- Filing fee must be paid at time of filing.
- Payment is to be made by cash, money order, or cashier's check.
- Make check payable to the Clerk of the Circuit Court.
- No personal checks accepted.

Upon filing the petition and order for appointment or substitution of church trustees, the order will be submitted to the Judge's chambers for entry. No hearing is required for appointment/substitution of church trustees unless directed by a judge.

In approximately three (3) weeks, if a judge grants the petition to appoint/substitute church trustees, a certified copy of the final order will be sent in the self-addressed stamped envelope that was provided to the clerk at the time of the initial filing of the petition.

Fairfax Circuit Court Conveyance/Encumbrance/Sale of Church Property Procedures

A Petition to the Circuit Court to sell, improve, make a gift, exchange or settle boundaries between adjoining church property or property of benevolent associations (e.g., fraternal organizations) by agreement.

The Petition is filed in the Circuit Court of the county or city wherein the property or greater part of it lies. The petition and order must be filed by the attorney of the incorporated religious congregation or society. If the church is unincorporated the petition and order may be filed by the proper authority from the church that has been authorized by the governing body, or by other parties in the case of a religious congregation which has ceased to occupy the premises as a place of worship. When the congregation has become extinct or ceased to occupy property as a place of worship, the petition may be filed by a surviving trustee or member of the congregation or by the religious body who may have custody of the property.

To carry out any order entered pursuant to §57-14 and §57-15, the judge may appoint a special commissioner to convey or encumber any real estate held for the benefit of any church in connection with any transaction involving any conveyance or debt in the name of the church.

Virginia Code Reference: §57-14 §57-15

Case Type: **Petition**

Filing Requirements: (Sample forms provided by Clerk's office)

- If church is incorporated petition and order must be submitted by the attorney of the incorporated religious congregation or society.
- If church is unincorporated, the petition and proposed order may be submitted by the trustees of the church pursuant to Virginia Code Section 57-15.
- Original Petition with attached minutes of the meeting in which the conveyance, encumbrance, or sale of property was authorized. The Minutes, or other Resolution, should be signed and notarized by a proper authority indicating that it is true and accurate.
- A proposed Order endorsed (that is to say, signed) by the trustees of the church.
- Provide a self addressed stamped envelope to receive a certified copy of the signed order.

Filing Fees: SEE Current Fee Schedule

<https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/fees-civil-and-filing-instructions.pdf>

- Paid by cash, money order or certified check made payable to Clerk of Fairfax Circuit Court

Hearing:

- For matters that will take less than thirty (30) minutes, file a yellow praecipe to set the matter on a Friday Motion's docket.
- For matters that will take more than thirty (30) minutes, both parties must appear before the calendar control judge to obtain a hearing date.

Ruling:

- At the hearing the court may enter an order granting, denying or amending the requested action. The petitioner is responsible for providing the Court with a form of order at the hearing.