



DECREE

Alienation of the Former Nativity of Our Lord Church, Now Relegated to Profane but Not Sordid Use, and Adjacent Church Property

Due to the continued deterioration of the former Nativity of Our Lord Church, now relegated to profane but not sordid use, and a lack of the necessary funding to repair and maintain the former church edifice and adjacent Church property, consideration must be given as to whether sufficient just cause exists for the alienation of the now-relegated Nativity of Our Lord Church and adjacent Church property.

Whereas the pastor of Holy Rosary Parish, in whose territory the former Nativity of Our Lord Church is situated, wrote to me out of concern for the fiscal stability of Holy Rosary Parish in order to request that the former Nativity of Our Lord Church and adjacent Church property be alienated;

Whereas the following reasons indicate that the now-relegated Nativity of Our Lord Church and adjacent Church property, located at 3635 Pollack Avenue, Evansville, Indiana, within the boundaries of Holy Rosary Parish, may be alienated:

Whereas Holy Rosary Parish was previously relegated to profane but not sordid use due to grave causes on 30 July 2018 which places significant financial expense on the parish for maintenance and repairs of all edifices, giving rise to concern for the fiscal stability of Holy Rosary Parish;

Whereas the structure of the former Nativity of Our Lord Church has deteriorated to the extent that major repairs are necessary, including, but not limited to the replacement of the roof, and the heating, ventilation, and air conditioning system; such expense imposes a considerable financial strain on Holy Rosary Parish;

Whereas, due to the prior relegation to profane but not sordid use, a church is no longer available to be used for divine worship by the faithful;

Whereas divine worship and pastoral activity have been consolidated to Holy Rosary Church following the relegation of Nativity of Our Lord Church to profane but not sordid use;

Whereas following the pastor's consultation with the parishioners of Holy Rosary Parish, including the parish pastoral council and the parish finance council as well as former parishioners of the previously merged Nativity of Our Lord Parish, no interest was expressed in maintaining use of the now-relegated Nativity of Our Lord Church, particularly because the financial stability of Holy Rosary Parish is jeopardized;

Whereas other reasonable sources of funding for the maintenance of the former Nativity of Our Lord Church have been considered but found inadequate; it is not prudent stewardship to provide funding for a former church building which is in such poor repair and is no longer available for divine worship.

Furthermore, charity and other assistance to be bestowed on the poor cannot be neglected in order to preserve a former sacred building.

Wherefore:

Having carefully considered the law and the facts; and

Having heard the pastor of Holy Rosary Parish;

Having consulted the Dean of the South Deanery; and

Having sought and obtained the written appraisals of experts who have provided the financial value of the property, in accord with canon 1293 §1, 2°; and

Having examined and accepted the experts' estimates of the value of the property, and finding that the estimated value of the property is between the minimum and maximum amounts established by the United States Conference of Catholic Bishops for the valid alienation of goods, which constitute the stable patrimony of those public juridic persons subject to our episcopal authority, according to the norm of canon 1292 §1; and

Having consulted the members of the Council of Priests on 20 November 2018 regarding the question of the possible alienation of the former Nativity of Our Lord Church and adjacent Church property, and following discussion, no substantial objection to that proposal was offered; the Council of Priests voted unanimously in favor of the proposal; and

Having consulted and obtained the requisite consent of the College of Consultors on 20 November 2018 in accord with canon 1292 §1 regarding the question of the possible alienation of the former Nativity of Our Lord Church and adjacent Church property, and following discussion, no substantial objection to that proposal was offered; the College of Consultors voted unanimously in favor of the proposal; and

Having consulted and obtained the requisite consent of the Diocesan Finance Council on 29 November 2018 in accord with canon 1292 §1 regarding the question of the possible alienation of the former Nativity of Our Lord Church and adjacent Church property, and following discussion, no substantial objection to that proposal was offered; the Diocesan Finance Council voted unanimously in favor of the proposal; and

Having ascertained by means of the original deeds and other documents as well as having heard from others that there are no major donors and/or their heirs who may have donated the former church edifice and/or the land and whose consent is needed to place this juridic act in accord with canon 1292 §1; and

Having ensured that the alienation will be valid civilly; and

Having ensured that no harm shall come to the Church by the alienation of the property inasmuch as the proposed sale has been given a certain amount of publicity, and the buyer has the funds or collateral to secure the payment; and

Having ensured that there is no reasonable possibility of scandal or loss of the faithful resulting from the proposed alienation; and

Having determined that the good of souls will suffer no harm thereby; that is, the spiritual and pastoral good of the former parishioners is now provided by Holy Rosary Parish; and

Having ensured that its altar, sacred objects, and religious artifacts have been removed from the former Nativity of Our Lord Church; and

Having ensured that stipulations and restrictions are set in place in civil law to prevent any future sordid use, and no reasonable possibility of scandal exists;

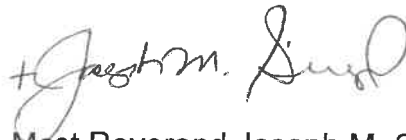
Therefore, in accord with canons 1291, 1292 §1, and 1293 §1, 1° and 2°, and §2 of the *Code of Canon Law*, and having judged that sufficient just cause is indeed present, I hereby decree the alienation of the former Nativity of Our Lord Church and adjacent Church property.

In accordance with the norm of canon 1222 §2, this alienation is only for profane but not sordid use. In keeping with the prescripts of canon 1294 §1, the aforesaid property cannot be alienated below its appraised value provided by the experts; and

In accord with the prescripts of canon 1294 §2 of the *Code of Canon Law*, the income resulting from the alienation of the aforesaid property must be invested carefully for the advantage of the Church or expended prudently according to the purposes of the alienation.

The provisions of this decree are to take effect on 31 January 2019, all things to the contrary notwithstanding. This decree is to be communicated to all interested persons. These provisions may be appealed according to the norm of law, canon 1734 §§1 and 2.

Given at Evansville, Indiana
28 January 2019

A handwritten signature in black ink, appearing to read "Joseph M. Siegel".

Most Reverend Joseph M. Siegel, DD, STL
Bishop of Evansville

A handwritten signature in blue ink, appearing to read "Tim McGuire".

Tim McGuire
Chancellor