

CHANCELLOR'S REPORT

Settlement Between Church of the Apostles, Fairfax, VA
and
The Episcopal Diocese of Virginia and The Episcopal Church

We have finalized a settlement resolving all claims, past, present, and future, in the lawsuit related to the 2006 disaffiliation decision, between Church of the Apostles (Apostles or COA) and the Episcopal Diocese of Virginia (DVA) and the Episcopal Church (TEC). It is effective Friday, May 4, 2012. The settlement was entered on behalf of and protects all clergy, officers, directors, Vestries, trustees, members, and volunteers of both Apostles and the new church corporation, Church of the Apostles (Anglican)(COAA) against any more litigation.

The settlement was reached following the Fairfax County Circuit Court's January 10, 2012 Letter Opinion and its March 1, 2012 Final Order, awarding DVA all of COA's real property and its tangible and intangible personal property as of January 31, 2007—the date it filed the lawsuit against COA. On April 24, 2012, DVA was also awarded a money judgment of \$1,172,726.61, plus post-judgment interest at six percent, against COA.

These are the basic terms of the settlement agreement: (1) COA is conveying both its Pickett Road and Braddock Road properties to DVA; (2) the Braddock Road \$1.9 million mortgage and loan are the responsibility of DVA; (3) COA is paying the Diocese \$230,000; (iv) COA will withdraw its pending appeal to the Virginia Supreme Court; (4) COA may keep substantially all of its tangible personal property (furniture, sacramental objects, sanctuary and Prayer Chapel crosses, etc.) and the remainder of its money; (5) COA will give DVA its historic/engraved silver pieces, its bell, its bound parish registers (don't worry, we photocopied them, and they will reportedly reside in the Virginia Theological Seminary library), copies of its Vestry minutes, and copies or originals of some other items, such as property related documents, drawings, surveys, and photos of DVA Bishop visits; (6) COA keeps any claims it may have against GuideOne Insurance for the lawsuit's costs.

Apostles may continue to have access and store personal property at 3500 Pickett Road in the near term—access did not cease on April 30, which relieves stress on our staff. Apostles is not required to turn over or copy all of its paper and electronic records, as the Court had ruled, which would have been very expensive and time consuming.

Of course, this settlement is not what the church hoped for in the litigation. However, it is a realistic settlement given the terms of the Final Order and money judgment, and the costs and turmoil of further litigation. It is substantially more favorable to Apostles than what Judge Bellows awarded to the Diocese. Indeed, the Diocese has been extremely graceful in victory in its treatment of Apostles. It did not have to let us keep any of our possessions or our funds, but it did.

With or without the settlement or an appeal, COA was to lose all of its real property, all of its cash assets, and almost all of its tangible personal property by April 30. It also faced the consequences of a deficiency judgment of almost \$1 million, plus 6% interest that would have accrued until it was paid. There were threats of enforcement lawsuits to collect the money judgment against both COA and COAA and against Vestry members, clergy, and others. This would have meant loss of post-January 31, 2007 personal property on top of the other losses. An appeal would have meant more

years of litigation and related costs, and a strong potential to have to file for bankruptcy. Church leaders, and I think the entire congregation, are ready to move on after 5 years of litigation, two trials, and unfavorable rulings from the Fairfax Circuit Court and the Virginia Supreme Court—however unfair and unjust we may believe them to be.

We have had incredibly dynamic and anointed worship in the days since we left our beloved “Meeting Place” on Pickett Road, and we have been blessed by the generosity of Whole Word Fellowship, Calvary Baptist, Lake Braddock Church, and other churches that are letting us use their facilities with little or no charges while we get back on our feet. In the year to come, Apostles will be celebrating the retirement from ministry of our Rector and his wife, David and Margie Harper, calling a new Rector, and determining the future direction of our congregation and how it should be housed. It is a challenging but an exciting time. As has been said numerous times, our church is the people and the programs, not the real estate and the possessions. Our future is safe, in God’s strong and mighty hands.

I have attached the [press release](#) being sent out to the media on May 4.

Apostles has paid a great price for our decision to leave the Episcopal Church, but we are now free to move forward in the power of the Holy Spirit. Our experience is nothing compared to the price our Anglican brothers and sisters are paying simply for following Jesus, physical injury, loss of family, loss of homes and businesses, and often death. As I heard today, these events are only becoming more frequent and outrageous in Nigeria and around the world. I’ve found the words to “Be Still My Soul” amazingly apt today, and also these:

What, then, shall we say in response to these things? If God is for us, who can be against us? He who did not spare his own Son, but gave him up for us all—how will he not also, along with him, graciously give us all things? Who will bring any charge against those whom God has chosen? It is God who justifies. Who then is the one who condemns? No one. Christ Jesus who died — more than that, who was raised to life —is at the right hand of God and is also interceding for us. Who shall separate us from the love of Christ? Shall trouble or hardship or persecution or famine or nakedness or danger or sword? As it is written: “For your sake we face death all day long; we are considered as sheep to be slaughtered.”

No, in all these things we are more than conquerors through him who loved us. For I am convinced that neither death nor life, neither angels nor demons, neither the present nor the future, nor any powers, neither height nor depth, nor anything else in all creation, will be able to separate us from the love of God that is in Christ Jesus our Lord.

Romans 8:31-39

Blessings to you all,

