

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

SHALOM PRESBYTERIAN CHURCH OF WASHINGTON, INC., ET AL. v. ATLANTIC KOREAN AMERICAN PRESBYTERY
(Record Number 250303)

From

The Court of Appeals of Virginia.

Counsel

J. Chapman Petersen, Patrick R. Corish, Anthony R. Coppola, and Mi Sun Lee (Chap Petersen & Associates, PLC) for appellants.

Christopher A. Glaser (Jackson & Campbell, P.C.) for appellee.

Assignments of Error

1. The Court of Appeals erred in finding that the Incorporated Church or its predecessor was a “member” of PCUSA and/or AKAP, when there was no evidence in the record that it had formally joined either organization or participated in the appeal to the Synod.
2. The Court of Appeals erred in citing “ecclesiastical abstention” over the fundamental issue – ownership of real property – that **can only be decided** by reference to “neutral principles of law” as held by the U.S. Supreme Court and the Virginia Supreme Court.
3. The Court of Appeals erred in failing to affirm the Trial Court’s ruling that Shalom Presbyterian was the owner of the Property when the evidence, including the Deeds and supporting statements of those designated as Trustees, all indicated that the Property was held, first, for the sole benefit of the church congregation and, second, directly by the Incorporated Church – without any reference to AKAP or PCUSA.
4. The Court of Appeals erred in failing to affirm the Trial Court’s finding that Shalom Presbyterian was the owner of the Property when the appellee, i.e. AKAP, failed to present any evidence of an “express trust” or a “constructive trust” over the Property.
5. That the Court of Appeals erred in failing to apply “neutral principles of law” as required by The First Amendment of the United States Constitution and the Virginia Statute of Religious

Freedom to an issue of real property owners but rather deferred that issue to any ecclesiastical tribunal in violation of the Establishment Clause.