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January 2, 2025

Church Council Members and Congregants
Belin Memorial United Methodist Church
4182 Highway 17 Business / PO Box 528
Murrells Inlet, South Carolina 29576

Re: Applicability of neutral principles of secular law in ecclesiastical contexts

Dear Church Council Members and Congregants:

We have been asked to provide an overview of the legal principles applicable to the governance of religious organizations in South Carolina, including the legal framework governing a church's decision to affiliate or disaffiliate from a denomination, association, or other organization. As explained more fully below, South Carolina nonprofit corporations, including churches, are subject to and governed by state law. State law, of course, does not control a church's spiritual beliefs or theological doctrines. It does, however, control the corporate governance, rights, and responsibilities of a church as a nonprofit corporation, and churches have a right under neutral principles of secular law to disassociate from a national denomination or its state conference. These principles are summarized below.

- (1) South Carolina nonprofit corporations, including churches, are subject to and governed by state law including the South Carolina Nonprofit Corporation Act. *See All Saints Parish, Waccamaw v. Protestant Episcopal Church in the Diocese of S. Carolina*, 385 S.C. 428, 442, 685 S.E.2d 163, 171 (2009) (analyzing a dispute between a disassociating local congregation and a national denomination and holding that “We hereby explicitly reaffirm that, when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law approach as approved by the Supreme Court of the United States”).
- (2) A church's governance decisions, including whether and how it may disassociate from a denomination, are controlled by neutral, secular law principles, not by denominational rules or ecclesiastical tribunals. *See Protestant Episcopal Church in the Diocese of S. Carolina v. Episcopal Church*, 439 S.C. 284, 887 S.E.2d 508 (2022) (rejecting the denomination's argument that local congregations lacked the ability to disassociate from the denomination, holding that neutral principles of state law governed the question of whether and how a church could disaffiliate).
- (3) In limited instances, if state law conflicts with religious doctrines, state law should yield. *See* S.C. Code Ann. § 33-31-180. This is not one of those instances. That's

because state law yields to religious doctrine only “to the extent required” by the state or federal constitutions. *Id.* Here, neither the state nor federal constitutions require deference to the denomination’s demands for at least two reasons. *First*, deferring to the denomination’s interpretation of the applicable doctrines would itself be constitutionally problematic as it would effectively give preferential treatment to the hierarchical religious organization versus the local congregational one. *See All Saints Parish*, 385 S.C. at 444, 685 S.E.2d at 172 (noting that the “deference” approach leads to problematic entanglement and preference). *Second*, the constitution cannot require deference to the denomination’s view here since that would itself violate the constitutional right to disassociate. *See Disabata v. S. Carolina Ass’n of Sch. Adm’rs*, 404 S.C. 433, 445, 746 S.E.2d 329, 335 (2013) (“Among the protections afforded by the freedom of association are the rights to *not* associate.”) (emphasis added).

- (4) Under neutral, secular principles of South Carolina law, the authority to manage, govern, and control a nonprofit corporation is vested in its directors. *See* S.C. Code Ann. §§ 33-31-801. Accordingly, the directors can, if they choose, agree by majority vote to seek and abide by the will of the professing membership as determined by a majority vote of the membership.

In sum, the South Carolina Supreme Court has recently and repeatedly held in situations involving church disaffiliation disputes that a local church’s ability to disassociate from a denomination is determined by neutral principles of state law, not by deference to the denomination’s rules or tribunals. Similarly, neutral principles of state law, not denominational demands or discipline, will determine the ownership of the church’s real property and other assets in the event of a disaffiliation. Should you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Miles Coleman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Miles E. Coleman

Resolution

Belin United Methodist Church

Church Council

Whereas, Belin United Methodist Church (“Belin”) is a religious nonprofit corporation organized, registered, and operating under the laws of the State of South Carolina as Belin United Methodist Church, Inc.; and

Whereas, Belin was founded in 1925, predating the 1968 formation of the United Methodist Church (“UMC”); and

Whereas, some of the doctrines, beliefs and “social principles” that have been espoused by the United Methodist Church and its Council of Bishops, including its interpretation of the *Book of Discipline*, have diverged and departed from the authentic Methodist doctrines and beliefs that have historically been held by Methodists in keeping with the teachings and sermons of John Wesley; and

Whereas, the Belin Church Council voted in October of 2023 to allow Belin to enter Discernment under the *Book of Discipline* to consider whether to disaffiliate from the UMC; and

Whereas, Belin was pulled out of Discernment during the November 2023 Charge Conference operated and presided over by the UMC South Carolina Annual Conference (SCAC) District Superintendent; and

Whereas, during the General Conference of the United Methodist Church held from April 23 to May 3, 2024, the UMC denomination significantly altered its theological beliefs, practices, and its interpretation the *Book of Discipline* in ways that materially diverge from the historic, traditional Methodist beliefs and doctrines and are not consistent with the teaching and writings of John Wesley;

Whereas, in July 2024 the Board of Trustees of the South Carolina Conference of the United Methodist Church and its Bishop authorized Belin and other South Carolina UMC churches to enter Discernment pursuant to *Section 2549 of the Book of Discipline* to again consider whether to disaffiliate from the UMC; and

Whereas, Belin’s Church Council voted to enter Discernment again in August of 2024 pursuant to *Section 2549 of the Book of Discipline* as was previously authorized by the Board of Trustees of the South Carolina Conference of the United Methodist Church and its Bishop; and

Whereas, Belin was informed on October 29, 2024 that it would be required to remain affiliated with the UMC because the UMC Judicial Council ruled that *Section 2549 of the Book of Discipline* did not provide a means to disaffiliate from the UMC; and

Whereas, Belin’s Church Council, acting as the board of directors of the nonprofit corporation, desires for Belin’s Professing Members¹ to take a binding vote whether to disaffiliate from, or remain connected with, the UMC (“The Vote”); and

Whereas, The Vote will be a simple majority vote, taking place on January 25, 2025 (from 10am – 5pm EST); and January 26, 2025 (from 10am – 3pm EST) at the Belin Family Life Center (located at 4183 US

¹ Professing Members are those individuals listed in Belin’s 2023 Church Directory (“2023 Directory”), which is the last known church-wide directory having been published, plus any new members who have been confirmed since the publication of the 2023 Directory as evidenced by Belin’s current congregational member roles.

Hwy 17 Business, Murrells Inlet, SC 29576), and during such time Belin’s Professing Members will vote Yes or No, as to whether Belin will disaffiliate from the UMC.; and

Whereas, all members who participate in The Vote will be required to (1) check-in at the Family Life Center Narthex and vote in specific classrooms with cameras at each location, (2) present a driver’s license or a photo-ID that will be compared against the 2023 Directory and new member roles; and

Whereas, all ballots cast in The Vote will be anonymous after each Voter checks in and receives their numbered ballot, which will not correlate with the check-in list in any way; and

Whereas, at 3pm EST on January 26 the votes will be tallied by Elliott Davis or Webster Rogers CPAs.

Whereas, following a tally of the votes and certification of the outcome by Elliott Davis or Webster Rogers CPAs, Belin’s Church Council will meet to immediately ratify the decision of a simple majority of those who voted under the terms outlined in this Resolution; and

Now therefore be it resolved that the Church Council of the Belin United Methodist Church, as the directors of Belin United Methodist Church, Inc., approve the following Ballot Item to be voted on January 25th (10am – 5pm), and January 26th (10am – 3pm) in the Belin Family Life Center classrooms sectioned by last name, with the voters having checked-in at the Family Life Center Narthex with cameras at each location.

<p style="text-align: center;">Ballot Item to be voted on</p> <p style="text-align: center;">January 25th (10am – 5pm) & January 26th (10am – 3pm) Belin Family Life Center (4183 US Hwy 17 Business, Murrells Inlet, SC 29576) IN PERSON VOTING REQUIRED – MUST HAVE VALID FORM OF IDENTIFICATION</p> <p>Do you vote for Belin United Methodist Church, Inc. to disaffiliate from the United Methodist Church?</p> <p style="text-align: center;">_____ YES</p> <p style="text-align: center;">_____ NO</p> <p style="text-align: right;">ballot number _____</p>

Now therefore be it further resolved that Church Administrative Officers shall take all necessary steps to preserve Belin’s books and records and immediately provide the members of the Church Council with access to said books and records.

Resolution of the Church Council
The Methodist Church of Belin
January 6, 2025
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DONE in Special Meeting duly assembled this ___ day of _____ 2025.

SIGNATURE OF CHURCH COUNCIL CHAIR:

Jessica Flynn

SIGNATURE OF CHURCH COUNCIL VICE-CHAIR:

Ross Marple

ATTEST:

Drew Streett
Church Council Secretary