

ARTICLE 5-C

CHURCHES OF THE ORTHODOX CHURCH IN AMERICA

- Section 105. Definitions.
106. Incorporation of churches of Orthodox Church in America.
107. Government of incorporated churches of Orthodox Church in America; powers and duties of trustees.
108. Reincorporation of existing corporations.

§ 105. Definitions. The "Orthodox Church in America", as that term is used anywhere in this article, refers to that group of churches, cathedrals, chapels, congregations, societies, parishes, committees and other religious organizations of the Eastern Confession (Eastern Orthodox or Greek Catholic Church) which were known as (a) Russian American Mission of the Russian Orthodox Church from in or about seventeen hundred ninety-three to in or about eighteen hundred seventy; (b) Diocese of Alaska and the Aleutian Islands of the Russian Orthodox Church from in or about eighteen hundred seventy to in or about nineteen hundred four; (c) Diocese of North America and the Aleutian Islands (or Alaska) of the Russian Orthodox Church from in or about nineteen hundred four to in or about nineteen hundred twenty-four; (d) Russian Orthodox Greek Catholic Church of North America (or America) from in or about nineteen hundred twenty-four to October nineteen hundred seventy; and (e) Orthodox Church in America since October nineteen hundred seventy; and were subject to the administrative jurisdiction of the Most Sacred Governing Synod in Moscow until in or about nineteen hundred seventeen, later the Patriarchate of Moscow, thereafter constituted an administratively autonomous metropolitan district, but now constitute an autocephalous church of the Eastern Confession (Eastern Orthodox or Greek Catholic Church) by virtue of a proclamation of autocephaly made on April tenth, nineteen hundred seventy by the Patriarch of Moscow and All Russia and the Holy Synod of the Russian Orthodox Church. An "American Orthodox church", as that term is used anywhere in this article, is a church, cathedral, chapel, congregation, society, parish, committee or other religious organization founded and established for the purpose and with the intent of adhering to, and being subject to the administrative jurisdiction of said mission, diocese, autonomous metropolitan district or autocephalous church hereinabove defined as the Orthodox Church in America.

§ 106. Incorporation of churches of Orthodox Church in America. An unincorporated American Orthodox church in this state may be incorporated by executing, acknowledging and filing a certificate of incorporation, stating the corporate name by which such church shall be known and the county, town, city or village where its principal place of worship is or is intended to be located. There shall be attached to such certificate the permission to incorporate signed by the metropolitan archbishop or other primate or hierarch of the Orthodox Church in America, or by the locum tenens acting in his place. Such certificate of incorporation shall be executed and acknowledged by six lay members of such church. On filing such certificate such church shall be a corporation by the name stated in the certificate.

§ 107. Government of incorporated churches of Orthodox Church in America; powers and duties of trustees. 1. Every American Orthodox church in this state, whether incorporated before or after the said proclamation of autocephaly, and whether incorporated or reincorporated pursuant to this article or any other article of the religious corporations law, or any general or private law, shall recognize and be and remain subject to the jurisdiction and authority of the general council, metropolitan archbishop or other primate or hierarch, the council of bishops, the executive council and other governing bodies and authorities of the Orthodox Church in America, pursuant to the statute for the government thereof, and any amendments thereto and any other statutes or rules adopted by a general council of the Orthodox Church in America and shall in all other respects conform to, maintain and follow the faith, doctrine, ritual, communion, discipline, canon law, traditions and usages of the Eastern Confession (Eastern Orthodox or Greek Catholic Church); provided, however, that the provisions of this section shall not be applicable to any church incorporated in this state which was excluded from the autocephaly of the Orthodox Church in America by said proclamation of autocephaly, namely, St. Nicholas Cathedral of the Russian Orthodox Church in North America and St. Mark Chapel, both of the County of New York, City of New York, St. John the Baptist Chapel, County of Bronx, City of New York, Church of St. George the Great Martyr, County of Queens, City of New York, Church of All Saints Glorified in the Russian Land,

Village of Pine Bush, County of Orange, House Chapel of St. Seraphim of Sarov, Village of Westtown, County of Orange, and Church of St. George the Great Martyr, City of Buffalo, County of Erie, unless any such church shall reincorporate pursuant to this article and the certificate therefor shall set forth, in addition to the other statements required to be set forth therein, that the corporation is being reincorporated pursuant to this article with the permission of the governing authority of the Russian Orthodox Church. 2. The six lay members of every church incorporated pursuant to this article signing the certificate of incorporation and the rector shall be the trustees of such church for the first year or until their successors are selected according to the by-laws of such church or the rules and usages of the Orthodox Church in America. 3. The trustees of every American Orthodox church shall have the custody and control of all temporalities and property, real and personal, belonging to such church and of the revenues therefrom and shall administer the same in accordance with the by-laws of such church,, and any amendments thereto and all other rules, statutes, regulations and usages of the Orthodox Church in America.

§ 108. Reincorporation of existing corporations. Any heretofore incorporated American Orthodox church may reincorporate under the provisions of this article, by filing in the office of the county clerk in the county in which its principal place of worship is located, a certificate, signed by the trustees in office at the time of such reincorporation, or by the majority of them, setting forth that they desire to reincorporate under the provisions of this article, the corporate name by which such church shall be known, the county, town, city or village where its principal place of worship is located and the number and the names of the trustees who are to hold office until the next annual meeting of said church. Immediately upon the filing of such certificate all the right, title, equity and interest of such church in any estate, real or personal, together with all franchise and charter rights, shall be vested in the body corporate and politic so created under this article and the original incorporation of such church shall be null and void.