



MOST REVEREND DANIEL E. THOMAS
BISHOP OF TOLEDO

DECREE

ON THE REDUCTION OF THE CHURCH OF SAINT NICHOLAS, FRENCHTOWN, OHIO TO PROFANE BUT NOT SORDID USE

WHEREAS in 1856 Saint Nicholas Parish was founded for the French speaking population by Most Reverend Amadeus Rappe, then Bishop of Cleveland;

WHEREAS in 1890 a new parish church was built (current building) and dedicated for Saint Nicholas Parish because the former church was in disrepair;

WHEREAS due to diminishing funds the parish was no longer able to support a pastor, the church, rectory or the school. The Bishop of Toledo requested the Conventual Franciscans of Carey to serve the needs of Saint Nicholas Parish, and they willingly accepted the responsibility. On 4 September 1949, a decree was issued to establish Saint Nicholas Parish as a vicariate of Our Lady of Consolation in Carey with all canonical rights and duties assigned to the pastor of that church and thus the Conventual Franciscans began their ministry to the needs of the parish which lasted for fifty-four years;

WHEREAS in 2003 Saint Nicholas Parish was returned by the Conventual Franciscans to the care of the priests of the Diocese of Toledo. At that time, the parish was clustered with Saint Peter Parish, Alvada and Saint Boniface Parish, New Riegel and in 2005, Saint Nicholas Parish, Saint Peter Parish and Saint Boniface Parish merge to become All Saints Parish;

WHEREAS Saint Patrick Parish, Bascom, and Saint Andrew Parish, Liberty, were merged to form one parish, namely, Saints Patrick and Andrew Parish, Bascom. The effective date was 1 July 2011. While the principal church was not named in the decree, it is evident that Saint Patrick Church functioned as such and Saint Andrew Church, Liberty, functioned as

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an auxiliary site of worship. On the effective date, the parish was “twinned” with All Saints, New Riegel, due to the population decline and a shortage of clergy in the Diocese of Toledo which necessitated the placement of the pastoral care of the parishes under the direction of one pastor (cf. can. 526 §1);

WHEREAS in 2016 Reverend Timothy Kummerer, Pastor of All Saints, New Riegel, and Saints Patrick and Andrew Parish, Bascom, enlisted RCM Architects of Findlay to conduct a survey of the five churches and six other buildings associated with All Saints and Saints Patrick and Andrew. (Saint Boniface, New Riegel; Saint Nicholas, Frenchtown; Saint Peter, Alvada; Saint Patrick, Bascom; Saint Andrew, Liberty). Professional architects and engineers assessed the needs of each church site and provided an estimated cost to correct any deficiencies. The final report of the facility assessment indicated that an approximate \$4,800,000 would be needed to restore all of the church buildings and other buildings such as rectories, halls, or garages. It would not be unreasonable to suggest that the estimated cost to restore all of the church buildings in 2016 has increased today by 40% or more;

WHEREAS in 2018 Saints Patrick and Andrew Parish, Bascom, united by extinctive-union and amalgamated with All Saints Parish, New Riegel. Saint Boniface was named as the principal church of All Saints Parish;

WHEREAS between 2016-2021, All Saints Parish Pastoral Council and Finance Council recommended to Father Kummerer to petition the Diocesan Bishop to relegate the other churches of the parish because they are cost prohibitive and would deplete the parish of needed funds to carry out its mission. Father Kummerer held listening sessions for the parishioners during this period of time during which questions were answered and concerns were heard. In 2021, forty-nine persons were present at a listening session which resulted in no opposition, but rather a consensus to relegate Saint Nicholas to profane but not sordid use. Father Kummerer felt it pastorally prudent to wait to request the relegation until the following year;

WHEREAS on 6 September 2022, Father Kummerer, with the support of his Pastoral Council, Finance Council, Leadership Team, and after extensive consultation with the parish at large, petitioned the undersigned to relegate Saint Nicholas Church to profane but not sordid use. He likewise indicated that funds of \$70,400 have been made available through the Seneca County Land Reutilization Corporation to demolish the church building. The grant money would include asbestos assessment, asbestos abatement,

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demolition and the restoration of the property to green space so that the land could be prepared for eventual alienation;

WHEREAS Reverend Kummerer petitioned the undersigned to relegate the church of Saint Nicholas to profane but not sordid use because: (1) there is a steady decline in the number of people attending Mass and celebrating the Sacraments at the parish, (2) the needs of the parish for worship are being adequately met at Saint Boniface, which has functioned as the principal church of the parish since 2018, (3) the church of Saint Nicholas is in need of substantial repairs and continual burdensome maintenance, (4) the financial resources of the parish are limited and diminishing, (5) the COVID-19 pandemic has adversely impacted the parish, (6) the parish funds are being depleted through building maintenance which could otherwise be used to intensify evangelization efforts, (7) the proximity of the six neighboring parishes is certainly adequate to meet the needs of this area of the diocese, (8) the needs of the diocese have changed since the founding of Saint Nicholas Church in 1863. This church would no longer be necessary to serve the French speaking population, a population which does not exist any longer and All Saints Parish offers Masses on the weekend which are at 60% capacity, (9) there are no alternative methods of funding to restore and renovate Saint Nicholas Church, (10) the closure of the church of Saint Nicholas will further promote the unity and continued existence of the parish and its mission to the people of Seneca County at the church of Saint Boniface, (11) it will assist with the simplification of administration of All Saints Parish, given the decline of priestly vocations and the excess number of churches;

WHEREAS where grave causes suggest that a church no longer be used for divine worship, the Diocesan Bishop, after having heard the Presbyteral Council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment hereby (cf. can. 1222 §2);

WHEREAS to assess the gravity of a cause, each case must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation (cf. Congregation for Clergy, *Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same*, April 30, 2013, Prot. No. 20131348);

WHEREAS having examined the facts of the present case, it has been well established that grave reasons required by canon 1222 §2 are present, even if some of the reasons invoked may not in themselves constitute a grave cause, they do so when combined together;

WHEREAS after a careful examination, it was established that no one is legitimately able to claim rights for themselves regarding Saint Nicholas Church, understood primarily as patrimonial rights or those rights associated with patrimonial rights (cf. Supreme Tribunal of the Apostolic Signatura, Final Decree of the College of Judges, 21 November 1988, *Communicationes* 20 [1988] 93);

WHEREAS the undersigned convoked the Presbyteral Council on 28 September 2022 and presided over it according to the norm of law (cf. cann. 127 §1, 166 §1, and 500 §1), placing the relegation of the church of Saint Nicholas on the agenda ahead of time, ensuring that a summary of its status was provided to the members of the Council (cf. can. 50), proposing the relegation, seeking the informed and free counsel of the members concerning the proposed modification (cf. can. 515 §2), listening to arguments either for or against the proposed relegation, and receiving unanimous support for the proposed relegation;

Therefore, the undersigned Bishop of Toledo, after prayerful consideration, having weighed all the Father Kummerer's reasons and after having heard the Presbyteral Council, hereby issues the following

DECREE

1. The church of Saint Nicholas in the Parish of All Saints, New Riegel, is hereby reduced to profane but not sordid use according to the prescripts of canon 1222 §2 for the grave causes heretofore mentioned.
2. The church of Saint Boniface officially remains designated as the principal church of the parish.
3. Negotiations that may lead to the razing of the church building may now begin, while continuing to collaborate with the General Counsel of the Diocese.
4. Prior to razing the building, all sacred objects, relics, sacred furnishings, stained-glass windows, bells, confessionals, altars, etc. are to be removed in accord with the diocesan

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policy regarding such matters. Altars may never be relegated to profane but not sordid use, thus, if they cannot be removed, they must be destroyed (cf. cann. 1212 and 1238).

This decree is effective upon its legitimate publication to all the faithful (cf. can. 54 §1). Within the peremptory period of ten useful days from the legitimate notification of this decree, the faithful may seek in writing from its author the revocation or emendation of this decree before proposing hierarchical recourse (cf. can. 1734 §§1-2).

Given at the Chancery of the Diocese of Toledo on this third day of October in the year of our Lord, two thousand twenty-two.



Most Reverend Daniel E. Thomas
Bishop of Toledo



Sister Rose Marie Timmer, RSM
Chancellor

