

Directives of the United States Conference of Catholic Bishops - USCCB

Sections 2 and 3 of canon 1292 further read as follows:

The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons. (.2)

If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid. (.3)
Canons 1292,.4;1293; and 1294 prescribe conditions for the liceity of acts of alienation, as follows:

Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations. (c.1292,.4)

The alienation of goods whose value exceeds the defined minimum also requires the following:

1. a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;
2. a written appraisal by experts of the asset to be alienated. (c.1293,.1)

Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church. (c.1293,.2)

An asset ordinarily must not be alienated for a price less than that indicated in the appraisal. (c.1294,.1)

The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of alienation. (c.1294,.2)

Canon 1295 Transactions

Canon 1295 says that the alienation process applies not just to the alienation of stable patrimony but to any transaction by which the patrimonial condition of a juridic person can be worsened. In transactions where the stable patrimony of a public juridic person may be jeopardized or palced in danger of loss to such an extent that the overall financial condition of the public juridic person's stable patrimony is worsened, then the alienation procedures must be followed. As a result of canon 1295, the procedures for alienation

must be applied not only to transactions where the stable patrimony of a public juridic person is alienated, but also to those transactions where the overall economic condition of a public juridic person is jeopardized or placed at risk.

The application of canon 1295 is contingent on the level of risk and on the economic condition of the public juridic person. The canon deals with such matters as the transfer of rights such as easements, mortgages, liens, and option. It also deals with incurring debt, including guarantees, surety and gift annuities, and the making of unsecured loans. The canon has to do with accepting an obligation, giving up a right, assuming a debt, or being responsible for the liability of another.

For a greater discussion of alienation and ordinary and extraordinary act of administration, suggested reading includes *the New Commentary on the Code of Canon Law* and the *Church Finance Handbook* (Kevin E. McKenna, Lawrence A. DiNardo, and Joseph W. Pokusa; Washington, D.C.: Canon Law Society of America, 1999).