

Following the norm of canon 121, when two public juridic persons “are so amalgamated that one aggregate, itself with a juridic personality, is formed, this new juridic person obtains the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened.” The eminent canonist Reverend Robert Kennedy notes, “Canon 121... focuses on what, in the United States, is called a consolidation, in which two or more juridic persons are so joined that each of them loses its own juridic identity and in their stead a new juridic person is constituted. A consolidation involves both the suppression and creation of juridic persons” (“Chapter II: Juridic Persons” in *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000) 168). Since the norm of canon 121 assumes a consolidation in which two juridic persons go out of existence to form a new juridic person from the amalgamation of the former entities, it does not strictly apply to the situation of a parochial merger in which one entity absorbs another.

When the principle of law contained in canon 121 is applied to the canonical merger of one parish into another, the receiving parish must assume all net assets and debts of the merging parish. Here the term “net assets” is used to indicate that the merging parish is responsible for paying off its debts before an accurate assessment of what constitutes the temporal goods of the merging parish can be determined. “Commutative justice,” the *Catechism of the Catholic Church* reminds us, “obliges strictly; it requires... paying debts” (n. 2411). This amount, once established, will be transferred to the receiving parish. What would be a clear *a iure* transfer of assets and liabilities to a newly constituted juridic person described in canon 121, is only partially applicable to the situation of a merging parish and can thus be addressed in terms of “net assets” to be identified at a future date.

THE ARGUMENT

The reshaping of the diocese to prepare it for more effective ministry in the future requires a certain consolidation of resources. The goal of the Road to Renewal is to reduce the strain on our already limited number of priests while at the same time uniting communities to foster a greater drive to “go out to all the world and preach the Gospel to all creation” (Mk 16:15). Part of this process requires the merging of parishes and the overall reduction of physical worship sites throughout the diocese. Looking at St. Bernard Parish in particular, the research and consultation done by the Office for Renewal and Development has revealed that this community would be better served by joining its resources to Our Lady of Czestochowa Parish in an extinctive merger.

On 27 August 2024, the presbyteral council met at the Catholic Center of the Diocese of Buffalo. At this meeting, I consulted the council about the possibility of merging St. Bernard Parish into Our Lady of Czestochowa Parish. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #32 by 2030. Our Lady of Czestochowa Parish was identified as a more vibrant community with a higher number of contributing households and therefore a better chance of surviving into the future. This proposal received unanimous support from the members of the Presbyteral Council present on 27 August.

At that first consultation, it was not clear that Our Lady of Czestochowa was a personal parish rather than a territorial parish. Research into our diocesan archives identified this fact and a second consultation with the Presbyteral Council was done on 8 October 2024. Here, the members of the Council were asked to consider the alteration of Our Lady of Czestochowa from a personal parish into a territorial parish. The new designation would allow Our Lady of Czestochowa to take over all the territory currently belonging to St. Bernard Parish. This consultation received unanimous support from the Council.

Having heard the Presbyteral Council on this issue, I have chosen to establish Our Lady of Czestochowa personal parish as a territorial parish and merge St. Bernard Parish into Our Lady of Czestochowa Parish in accord with canon 515 §2.

Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canon 515 §2, do hereby decree that Our Lady of Czestochowa Parish, Cheektowaga be established as a territorial parish and that St. Bernard Parish be merged into Our Lady of Czestochowa Parish in an extinctive merger.

Our Lady of Czestochowa Parish will be the recipient of the net assets and liabilities of St. Bernard Parish. The territorial boundaries of Our Lady of Czestochowa Parish will henceforth include:

1. the territory south of the Railroad tracks just south of Willaim St. from Bailey Ave. to the City Line; City line to Dingens St. to the NYS Thruway; continuing on Cayuga Creek Rd. to Jane Dr.;
2. the territory west of the City Line from Cayuga Creek Rd. at Jane Dr. south to Cayuga Creek;
3. the territory east of Bailey Ave.;
4. the territory north of Cayuga Creek and the Buffalo River.

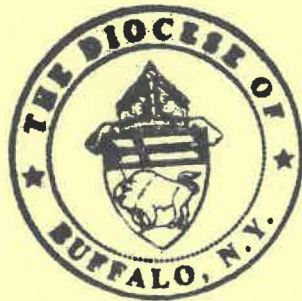
The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Bernard Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Bernard Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

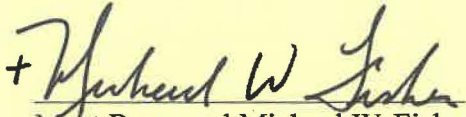
All the parish and sacramental records of the extinct St. Bernard Parish are to be properly preserved and safeguarded in the parish archives of Our Lady of Czestochowa Parish, Cheektowaga, in accord with the norm of law.

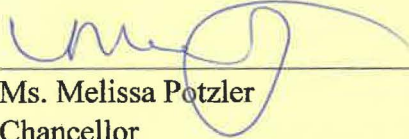
This decree is to be effective on Friday 8 November 2024.

This decree is to be communicated to the Rev. Michael Brown, the Pastor of both parishes (c. 532) and the two parishes affected by this extinctive merger (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been legitimately harmed by this decree, may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 10th day of October 2024.



+ 
Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor