

# Title Policies

## Marriage Performed by Internet-Ordained “Minister” Declared Invalid

*A wife brought a declaratory judgment action against her husband seeking to have their marriage declared invalid because the minister of the wedding ceremony, who was “ordained” via the Internet by the Universal Life Church, failed to meet the qualifications of persons who are authorized to solemnize marriages in Pennsylvania. HELD: The marriage was invalid from its inception because the minister was not a “minister, priest or rabbi of any regularly established church or congregation” as required by §1503(a) of the Pennsylvania Domestic Relations Code. Heyer v. Hollerbush, Court of Common Pleas of York County, Pennsylvania, No. 2007-SU-2132-Y08 (September 7, 2007).*

Dorie E. Heyer and Jacob P. Hollerbush obtained a marriage license and were married at a wedding ceremony held on August 24, 2006. No witnesses attended the ceremony other than the officiant of the ceremony, Adam Charles Robert Johnston.

Less than a year after the ceremony, on June 12, 2007, Heyer filed a “motion for declaratory judgment” with the Court of Common Pleas of York County requesting the Court to declare the marriage invalid. In the motion, Heyer contended that Johnston was not a “minister, priest or rabbi of a regularly established church or congregation” as required under §1503(a) of the Pennsylvania Domestic Relations Code, 23 Pa.C.S.A. §101 et seq., and, therefore, was not authorized to conduct the wedding ceremony.

At a hearing to consider Heyer’s motion, Johnston testified that he was “ordained” via the Internet by the Universal Life Church, and that he received his certification “within five or ten minutes” by visiting the Universal Life Church website at [www.ULC.org](http://www.ULC.org). He testified that he is a member of the Universal Life Church by virtue of his ordination, and that he receives a newsletter and e-mail from the Church, but that he has never attended any meetings at any of the offices of the Church. Johnston admitted that he does not have a location or congregation of members for which he serves as a minister with any regularity. Neither Heyer or Hollerbush is a member of the Church.

Following the hearing, the Court issued a “declaratory judgment” declaring that the marriage was “void *ab initio*” (i.e. from its inception).

In its opinion, the Court began its analysis by noting that there is “no Pennsylvania appellate case law specifically addressing the validity of a marriage performed by an Internet-ordained Universal Life Church minister.” However, the Court reviewed several decisions of courts in other jurisdictions that have addressed the issue.

In a case predating ordination via the Internet, the New York Court of Appeals invalidated a marriage ordained by a person who, for a fee, had received his “credentials” by mail from the Universal Life Church. Ravenal v. Ravenal, 338 N.Y.S.2d 324 (1972). Applying

the New York statutory definition of “clergyman” or “minister”, the court held that:

“Universal Life Church, Inc. is not an ecclesiastical body of denomination or order; indeed, it is entirely non-ecclesiastical and non-denominational. Thus, in the absence of an actual church or stated meeting-place for worship or any form of religious observance, presided over or directed by a person regarded by such group as its minister, whether or not properly ordained, which would vest in such person the authority to perform the marriage ceremony, the person here in question, whose in the mail card entitled ‘Credentials of Ministry’, must be deemed without authority.”

The Supreme Court of Virginia affirmed a decision of the lower court rescinding the authority of Universal Life Church ministers to conduct wedding ceremonies in Virginia, holding that “[a] church that consists of all ministers, and in which all new converts can become instant ministers, in fact has no ‘minister’ within the contemplation” of the Virginia statute. Cramer v. Commonwealth, 214 Va. 561, 202 S.E.2d 911 (1974).

The Supreme Court of North Carolina reversed a conviction for bigamy when it held that a marriage solemnized by a Roman Catholic layman who bought a \$10.00 mail order certificate giving him “credentials of minister” in the Universal Life Church was not a recognizable marriage under North Carolina law. State v. Lynch, 301 N.C. 479, 272 S.E.2d 349 (1980).

In contrast to these cases, the Supreme Court of Mississippi held that a Universal Life Church minister was enough of a “spiritual leader” of a “religious body” under Mississippi law and, therefore, was legally empowered to conduct wedding ceremonies. Blackwell v. Magee, 531 So.2d 1193 (1988).

After examining these cases from other jurisdictions, the Court then turned to the specific language of §1503(a) of the Domestic Relations Code which provides in pertinent part:

“General Rule. – The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:

...

(6) a minister, priest or rabbi of any regularly established church or congregation.”

The Court noted that the outcome of the case turned on the interpretation of the phrase “of any regularly established church or congregation”, which phrase is not defined in the Code. The Court concluded that, “[a]t the very least, the statute purports to require an activity that occurs on a habitual or patterned periodic basis at a place of worship (church) or before a group of individuals gathered together for the same purpose (congregation).”

Applying this standard, the Court noted that Mr. Johnston admitted that he has not attended any meetings at any office of the Universal Life Church, that he has no congregation with which he regularly or occasionally meets, and no place of worship. Thus, the Court held that Mr. Johnston “does not meet the qualifications of persons who may solemnize marriages” in Pennsylvania” and, therefore, the Court declared the marriage void from its inception.

Notably, the wedding ceremony in this case was conducted *after* “common law” marriage was abolished in Pennsylvania. Under 23 Pa.C.S.A. §1103, “common law” marriages were abolished prospectively effective January 1, 2005. The outcome of the case would likely have been different if the wedding ceremony had occurred prior to January 1, 2005.

The case raises, but does not address, several interesting real estate questions. For example, if a marriage is declared invalid *ab initio* because the officiant of the wedding ceremony was not authorized to conduct the ceremony, how will “entireties” property acquired during the marriage be treated? If one of the spouses dies after the marriage is declared invalid, will the deceased person’s interest in their jointly-held property pass to the surviving, former spouse, or to the heirs of the deceased person? Will creditors have standing to attack the validity of a marriage in order to attach “entireties” property? Answers to these questions may have to await future decisions of the Pennsylvania Courts or legislation from the Pennsylvania Legislature. ■

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