

§ 1700 BEQUESTS

When the faithful remember parish and agencies in their wills and living trusts, the bequest language occasionally requests that Masses be said for the deceased and/or the family of the deceased. Frequently, the bequest wording is ambiguous as to whether the entire bequest is restricted to Masses or if the deceased's primary intention was that the parish or agency receive the funds without restriction. Determining the donor's intent become especially significant if the amount of the bequest is so large that the parish is unable to satisfy the Mass intentions within one year, as is required by canon law. The Office of the Chancellor helps to ensure that funds from such bequests are used in accordance with the deceased's intent and canon law.

Most estates and trusts pass smoothly through the administration process. It is helpful, however, to have the Office of Stewardship and Development monitor this process with parishes and/or agencies to spot the occasional irregularity (e.g. excessive fees charged by the executor or attorney for the estate). The Office of Stewardship and Development and the Office of Legal Services can assist parishes in determining what action to take when problems arise.

§1701 BEQUESTS FOR MASSES

§1701.1. Interpretation of Language

1701.1. Policy The language of bequests in wills with unclear language shall be studied by the Chancellor's Office for an interpretation of the intention of the donor.

Procedure

- a) A copy of the bequest must be submitted to the Chancellor.
- b) The Office of the Chancellor may consult with the Office of Legal Services as needed in interpreting such bequests.

§1701.2. Intention of Donor to be Honored

1701.2. Policy If it is clear from the language of the bequest that the intention of the donor is that the money be used for Masses, the money shall not be used for any other purpose.

§1701.3. No Mass Obligations Beyond One Year

1701.3. Policy It shall not be permitted to accept an offer of Mass intentions which cannot be satisfied within one year. (Canon 953).

Procedure

If there is a provision in the bequest for perpetual Masses, the recipient parish or institution must notify the executor that this particular aspect of the bequest can not be honored because of provisions of canon law.

§1701.4. Distribution of Intentions

1701.4. Policy Those Mass intentions which cannot be requited at the parish shall be transferred to the Chancery stipend account for distribution to priests and parishes of the Archdiocese in need of Mass offerings.

Procedures

The Office of Stewardship and Development shall consult with the pastor and the Office for Canonical Services in determining how the Mass intentions are to be requited in accord with canon law.

§1701.5. Communication with the Executor

1701.5. Policy A parish or institution which is the recipient of the bequest for Masses shall indicate to the executor of the estate that it is willing to accept the bequest.

§1701.6. Parish Stipend Amount in Effect

1701.6. Policy The parish or institution shall schedule as many of the Mass intentions as it is able to requite within one year. Masses shall be celebrated at the stipend in effect as determined by the bishops of Illinois for the Province of Chicago, unless a contrary intent is clearly stated by the donor.

§1702 BEQUESTS OTHER THAN MASSES

§1702.1. Notification of Archdiocese

§1702.1. Policy When parishes, schools or agencies are notified that a bequest from a will or trust is imminent, the parish, school or agency shall contact the Office of Stewardship and Development for assistance in processing the gift.

§1702.2. Role of Office of Stewardship and Development

§1702.2. Policy The Office of Stewardship and Development shall monitor all bequests to parishes, schools, and agencies in the Archdiocese, and shall act as a liaison between the parish, school or agency and the trust officers and/or attorneys representing the estate.

Procedure

The Office of Stewardship and Development will help decide, in consultation with the parish, school, or agency and the Office of Legal Services, when to take legal action to ensure the donor's intentions are fulfilled.

§1703 BEQUESTS TO CLOSED PARISHES OR SCHOOLS

§1703.1. Policy When a bequest or trust distribution is made to a parish(es) or school(s) that are now closed, the bequest or trust distribution shall be directed to the parish(es) or school(s) that currently serve the local neighborhood formerly ministered to by the closed parish(es) or school(s), unless the will stipulates otherwise.