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Denied Property Sale, Gay Couple to Sue Bishop

James Fairbanks and Alain Beret, married business partners from Sutton, had been searching for the perfect property for nearly two years when they discovered Oakhurst, an aging mansion on 26 beautiful acres in Northbridge. The former retreat center, which was affiliated with the Diocese of Worcester and had been on the market for some time, would be the ideal spot for their next venture: an inn that would host weddings and other big events.

When the Diocese of Worcester unexpectedly dropped out of negotiations with them in June, Fairbanks and Beret were shocked — and flummoxed. Then, they say, a church attorney inadvertently forwarded their broker an e-mail from Monsignor Thomas Sullivan, chancellor of the diocese, advising a church broker that he was no longer interested in selling to Fairbanks and Beret “because of a potentiality of gay marriages” there.

Beret, 59, and Fairbanks, 57, plan to file a lawsuit Monday morning in Worcester Superior Court against Sullivan, the bishop, the church’s real estate agent, and the nonprofit retreat center, the House of Affirmation, alleging they discriminated against Beret and Fairbanks on the basis of sexual orientation in the course of a real estate negotiation, violating state law.

“I have lived quietly in the mainstream for nearly 60 years, and I expected to continue that,” Beret said in an interview yesterday. “But I will not continue that at the expense of my dignity.”

Sullivan, in a phone interview yesterday, said he did not even know Fairbanks and Beret were gay, and that his e-mail was taken out of context. The talks fizzled, he said, because the men could not secure financing for their first offer, and their second offer was unacceptable to the church.

“They didn’t have the money, that was it,” he said.

It was not until weeks after the financing fell through, he said, that the church’s broker told him that, in her presence, Fairbanks and Beret had mentioned hosting same-sex weddings at Oakhurst.

Sullivan said, however, that the church, as a matter of policy, will not sell properties where Masses have been celebrated to people who plan to host same-sex weddings. The church will not sell to developers who plan to transform them into abortion clinics either, he said — or to bars, lounges, or other kinds of uses that church officials deem inappropriate.

“We wouldn’t sell our churches and our properties to any of a number of things that would reflect badly on the church,” he said. “These buildings are sacred to the memory of Catholics.”

The Catholic Church, a vocal opponent of gay marriage, considers the practice of homosexuality “inherently disordered.”

Beret said it was an “outright fabrication” that he and Fairbanks discussed the possibility of holding weddings of same-sex couples at the property in front of the broker because they were not thinking in those terms. Weddings are weddings, he said. “We never would have had a discussion about ‘gay wedding this’ or ‘gay wedding that,’” he said.

Beret said the property originally was listed for \$1.45 million, “way overpriced,” he said. The couple, who had previously transformed an old mansion in Brattleboro into an inn and an aging estate in Barre into a wedding venue, reached a preliminary agreement to buy Oakhurst for \$1 million.

But after doing extensive due diligence on its needs, he said, various inspectors advised them that they would need repairs totaling about \$500,000. So they decided to offer \$550,000 for the house and only the land immediately around it. “With lightning speed,” he said, the church’s broker responded that the diocese had decided to pursue other avenues with the property.

"It was not the kind of thing you would expect after having negotiated for a month, and everything having gone rather well," Beret said.

But Sullivan said the second offer was simply not realistic.

"We can't give away properties for a third of the asking price," Sullivan said. "It's a prime area, a beautiful historic area." Sullivan's e-mail to the church's broker, which was accidentally forwarded to Beret as part of a long e-mail chain, said: "I just went down the hall and discussed it with the bishop. Because of the potentiality of gay marriages there, something you shared with us yesterday, we are not interested in going forward with these buyers. I think they're shaky anyway. So, just tell them that we will not accept their revised plan and the Diocese is making new plans for the property. You find the language."

In the Sunday phone interview, Sullivan said, "At that point it was a done deal. They didn't have the money."

Sullivan said the diocese has never had to deny a sale because a prospective buyer intended to allow gay marriages to be performed there.

Asked whether the church would refuse to sell sacred property to a church that embraces weddings of same-sex couples, such as a Unitarian church, he said, "We've never gone that far into it. Groups we have sold to, to my knowledge, are not doing gay marriages."