



Frequently Asked Questions

Claremont School of Theology Files Legal Claim To Protect Property from Forced Sale to University Consortium

Just what did Claremont School of Theology (CST) do?

It seems complicated, but it's really not. The legal action was initiated after unsuccessful negotiations with the Claremont University Consortium (CUC) over the potential sale of CST property to the consortium. CST's Board of Trustees filed the action to protect CST's legal right to fully control the use of its property, including any sale of property.

What is the heart of the dispute?

The legal question centers over a provision from the original sale of property from a predecessor of CUC to CST in 1957. CST believes that provision – language in the deed giving the graduate consortium first rights to buy back any property it sold to the seminary – expired in 1987. CST believes that the consortium's attempt to reinstate the provision in 2001 was outside the law, and is invalid. CST believes California law is very clear on this point.

Since the negotiations failed, why go to court?

This was a very difficult decision. Claremont School of Theology and the Claremont University Consortium have been good neighbors and partners for many years. We are part of the wonderful community of Claremont and work hard to be good and valuable neighbors in the community. The Board of Trustees has a fiduciary responsibility to always act in the best interests of the seminary. The legal action was needed to protect CST's right to control the disposition of any of its property. A court order is needed to clear the land title.

Why not simply sell the property to CUC?

Our first preference is to sell to the consortium, but we believe that CUC's offer did not constitute a fair price. After negotiations broke down, CUC notified us that it will take action to assert its claim to the property at the formula price in the 1957 deed.

We disagree with CUC's contention that the 1957 deed clause, which contained a formula for calculating the price of the property controls the sale process. We believe that clause, under California law, expired in 1987, and cannot be renewed.

What parts of seminary property were you considering selling?

When we started working with our consultants on the Campus Master Plan, we began to conceive of our entire property as six lots of land, totaling 16.4 acres. These are not officially designated parcels; but rather a practical way for us to envision our campus in segments. Our

core functions are contained on approximately six acres, known as “Lot 5.” The negotiations with CUC were for the sale of lots 1,2,3,4, and 6.

Why does CST even want to consider selling part of the campus?

Our need for a large amount of acreage lessens as we move further into hybrid/online programs. As part of its long-term strategic planning process, the Board of Trustees has been carefully examining every element of CST’s operation, including reducing the cost of maintaining a large campus. One of the key questions focuses on defining CST’s essential mission and the physical space needed to support it.

In this process, the board determined that the 5.85-acre core property, containing administrative and faculty offices, and classroom facilities, is essential to our mission. Thus, the board decided to approach CUC about selling the other five lots to the consortium at a fair market value. CUC expressed immediate interest in obtaining the properties, leading to the negotiations that ultimately failed.

The current student housing areas sit on some of the lots slated for sale. How will the School provide for resident students’ housing needs?

Our resident students will always have a place to live on campus. As of today, we know we need about 90 units to be able to adequately provide housing for our residential students. This is still top priority and our ability to meet those needs will be maintained/retained in any future agreements.

What happens if you win the lawsuit and CUC doesn’t want to buy the property?

We believe this property has significant value, but until the court process is concluded, any response would be speculation.

For more information, contact:

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