

North Carolina Case Law Indicates Marriages Solemnized in North Carolina by Persons "Instantly Ordained" by the Universal Life Church Are Not Valid

The [website for the Universal Life Church](#) has a banner on the homepage stating “Get Ordained Online, Officiate a Wedding”. That banner is located beside a link titled “Get Ordained Instantly” by supplying your name and an email address. [Another link](#) on the homepage takes the reader to a page specifically addressing “NC Wedding Laws” that clearly states that North Carolina law recognizes “ULC ordination”. Unfortunate for the people hoping to perform wedding ceremonies in NC and for the couples who use these persons to officiate their weddings, North Carolina law actually strongly indicates that marriages performed by persons with no credential of ordination other than a certificate from the Universal Life Church are invalid.

NC Marriage Law

[North Carolina GS 51-1](#) provides:

“A valid and sufficient marriage is created by the consent of [two people] who may lawfully marry, presently to take each other as [a spouse], freely, seriously and plainly expressed by each in the presence of the other, either:

"(1) In the presence of an ordained minister of any religious denomination, a minister authorized by a church, or a magistrate; and ... [w]ith the consequent declaration by the minister or magistrate that the persons are [married]; or

(2) In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.”

[language in parentheses substituted by author to reflect other laws validating same-sex marriages].

In addition, it is unlawful for a minister or a magistrate to perform a marriage ceremony in North Carolina unless the couple has obtained a marriage license from a Register of Deeds. [GS 51-6](#).

Interestingly, a marriage ceremony performed in North Carolina without a marriage license results in a valid marriage. *In re Estate of Peacock*, 788 SE2d 191 (2016). A minister or magistrate who

performs a marriage ceremony in this state without a marriage license is guilty of a Class 1 misdemeanor and is subject to a penalty of \$200 as prescribed by [GS 51-7](#), but the marriage is valid.

However, the failure to solemnize the marriage in accordance with [GS 51-1](#) does result in an invalid marriage and the North Carolina Supreme Court has ruled that a certificate of ordination from the Universal Life Church is not sufficient to establish that a person is “an ordained minister of any religious denomination” as required by [GS 51-1](#).

State v. Lynch

The North Carolina Supreme Court reversed a bigamy conviction after concluding that a Universal Life Church minister had solemnized one of the two marriages of defendant Lynch. The court held that the Universal Life Church was a church with “no traditional doctrine” that “will ordain anyone, without question to his/her faith,” and that its ministers, which number[ed] over 7 million [at that time], have the authority to officiate at marriages but otherwise are “not require[d] to give up [their] membership with any other church to be a minister of the ULC, Inc.”

The Supreme Court also stated:

“A ceremony solemnized by a [layman] who bought for \$10.00 a mail order certificate giving him ‘credentials of minister’ in the Universal Life Church, Inc.—whatever that is—is not a ceremony of marriage to be recognized for purposes of a bigamy prosecution in the State of North Carolina. *The evidence does not establish—rather, it negates the fact—that [the “minister”] was authorized under the laws of this State to perform a marriage ceremony.*”

State v. Lynch, 310 NC 479 (1980).

The court of appeals recently applied the holding in *Lynch* to conclude that a ceremony conducted in 1989 by a person who obtained an ordination certificate from the Universal Life Church was invalid. *Duncan v. Duncan*, 232 NC App 369 (2014). See also *Pickard v. Pickard*, 176 NC App 193 (2006)(trial court concluded 1991 ceremony performed by person with Universal Life certificate was invalid) and *Hill v. Durrett*, 826 SE2d 470 (2019)(trial court held ceremony conducted in 2015 by person with a Universal Life certificate was invalid).

What about [GS 51-1.1](#) titled “Certain marriages performed by ministers of Universal Life Church validated”?

Following the Supreme Court opinion in *Lynch*, the NC General Assembly enacted [GS 51-1.1](#) to validate marriages performed by Universal Life ministers before July 3, 1981. In *Fulton v. Vickery*, 73 NC App 382 (1985), the court referred to GS 51-1.1 as a ‘curative statute’ intended to provide relief to any “innocent couple” whose marital status was “suddenly put into doubt by the *Lynch*

decision.” *Duncan v. Duncan*, 232 NC App 369 (2014).

However, the General Assembly declined to either specifically authorize these ministers to perform marriages or to validate such ceremonies performed *after* July 3, 1981. *Duncan v. Duncan*, 232 NC App 369 (2014)([GS 51-1.1](#) does not validate marriages performed by Universal Life ministers after July 3, 1981).

Estoppel in Divorce Proceedings

This case law indicates that marriages performed by persons with certificates of ordination from the Universal Life Church are not void; rather, they are voidable. This means that, unlike bigamous marriages, these marriages are presumed valid until declared void by a court. *Duncan*, 232 NC App 369 (2014).

On at least two occasions, the court of appeals has affirmed a trial judge’s conclusion that a party seeking to have one of these marriages declared void in a proceeding related to a separation or divorce was estopped from invalidating the marriage on equitable principles. In *Pickard v. Pickard*, 176 NC App 193 (2006), the court applied judicial estoppel to prohibit a husband from obtaining an annulment based on the solemnization of his marriage ceremony by a Universal Life minister after he previously alleged in court filings that he and his wife were validly married. And in *Duncan v. Duncan*, 232 NC App 369 (2014), the court of appeals affirmed the trial court’s application of equitable estoppel to prohibit husband from raising the invalidity of the marriage as a defense to wife’s claim for alimony. According to the trial court, because both parties were “equally at fault” in using the Universal Life minister, it would be unjust to allow husband to challenge the validity of the marriage in the context of divorce related proceedings.