

BOARD OF DIRECTORS

SELLING, PURCHASING OR ENCUMBERING, LEASING CHURCH PROPERTY

AN OVERVIEW OF THE PROCESS RELATED TO PROPERTIES

First, inform the Presbytery's Board of Directors regarding the matter as soon as possible. You will be assigned a liaison to guide the process, actions, and to respond to your questions.

1. **Pastor/Moderator and Session** should review Book of Order Form of Government, Chapter Four, Church Property Section
2. **Session takes action** to sell, purchase, encumber, or lease the property in question. The action should include provision for the disposition of proceeds from the sale of activity and, if encumbering a property, a financial plan for debt reduction. Church legal counsel shall review all sales agreements and contracts.
3. **Session develops the recommendations to implement the action** (or refers to their Trustees if applicable) i.e. title search, survey, exact legal property description, a professional appraisal of the property, relator/attorney consulted or use, estimated sale/purchase/borrowing value; all conditions and contingencies in the action.
4. **Pastor/Moderator or Clerk of Session informs the Presbytery's Board of Directors and Stated Clerk regarding the action, consults with the Board of Directors regarding continuing process.**

Prior to a congregational meeting, a Session may want to schedule listening sessions or Q&A opportunities to discuss the proposed property action.

5. **Session calls a meeting of the congregation to consider recommendations.** Both the corporate and ecclesiastical aspects of this transaction can be covered in the same congregational meeting, with notification requirements provided by their own rule. **Congregation** votes on the recommendation of its Session (or Trustees) using the phrase "contingent upon approval by the Presbytery." The decision is made by a simple majority vote, a quorum being present. Absentee and proxy votes are not permitted.
6. **If the recommendation(s) are adopted by the congregation,** the clerk of Session forwards the request for sale/encumbrance/etc. to the Stated Clerk of the Presbytery for the Board of Directors. The legal property description, appraisal (if appropriate), proposed disposition of funds, financing plan for repayment, financial statements and other pertinent documents must accompany the request. The Board of Directors will review/study and make their recommendations for approval or continuing evaluation of recommendations.
7. **Board of Directors and Presbytery Approvals as Required**
Some property matters require both Board of Directors approval AND action by the Presbytery. Those that require Presbytery action may not be completed until that action is approved. A session may be represented at the Board of Directors meeting or Presbytery assembly to answer questions.