

Presbytery of Milwaukee
Process for congregation selling property

January 4, 2016

Session takes action to sell property

Session, in its decision, will need to determine disposition of proceeds. Based on real estate and potential issues, the session may need to contract with a Presbytery approved attorney. The session may begin conversations with real estate brokers to prepare documents, explore any potential issues with obtaining a clear title, acquire a legal land description, and estimated sale price. The property shall not be listed or sold yet. (NOTE: depending on circumstances, the Presbytery through the Council may partner with the congregation and the presbytery would incur costs and then be reimbursed upon the sale of property.)

Documents sent to Presbytery office

The session sends the pertinent documents (land description, proposed listing sale price, and narrative of plan (rationale, future of property)) to the Stated Clerk to review. The Stated Clerk responds to Session with any required changes or need of extra documents. Documents are forwarded to the Council for review, pending congregational vote. The Council has right to meet with session or its designees if they have questions or issues with the proposal. If there are no issues from Council, the Stated Clerk communicates the approval of Council for the session to call a congregational meeting. The property shall not be listed or sold yet.

Congregational Meeting

Under the Constitution of the Presbyterian Church (USA), the congregation takes a vote on the session's recommendation to sell property. The congregation shall be fully informed and provided the same documentation, if not more, as provided to the presbytery.

The motion shall be similar to the following, "approve to sell the property with the registered legal description of [insert legal description], contingent upon approval of the presbytery, and empower the session, as trustees of the church, to accept offers on behalf of the congregation and convey the property, as well as authorize and empower the Clerk of Session, as corporate secretary, to execute the appropriate documents in accordance with the actions of the Session regarding the sale and conveyance." (Amend as needed, pending the session is also the trustees, the congregation is incorporated, etc.)

Congregational decision sent to presbytery office (Executive Presbyter, Stated Clerk, and Moderator of Council)

Minutes of the congregational meeting are reviewed by Stated Clerk and added to the documents previously mentioned for Council meeting (Includes land description, title search results, sale price, congregational vote results, and narrative of plan (rationale, future of property)). Council votes on approval to sell, concurring with the congregation vote.

Due to time constraints, if the next presbytery meeting is months away, the Council, under the bylaws of the Presbytery, has been commissioned to act on behalf of the presbytery in approving the sell of property. However, if a presbytery meeting is within a month, and there are no time-sensitive issues, the Council will place the item on presbytery meeting docket with their recommendation. As the approval vote goes to the whole presbytery for their deliberation, additional information may be requested.

Once the Council/Presbytery approves the sale of the property, nothing else needs to be approved by the council/presbytery.

After the sale, the presbytery shall be informed of the property sale and a copy of the closing documents for record shall be sent to the Stated Clerk.