

4.100 COMMITTEES OF PRESBYTERY: COMMITTEE ON MINISTRY, CHURCH PROPERTY

4.105 The Dissolution of a Church and the Disposing of its Property

- A. Ordinarily, the session of a church will first decide, in consultation with the Committee on Ministry, that it is prudent to dissolve the church. The Presbytery will then create an Administrative Commission consisting of not less than seven (7) members to oversee the dissolution of the church, which will include an elder and a minister of the church, the area representatives from the Committee on Ministry, and the Presbytery's Moderator or his/her designee. It shall then proceed to make a recommendation to the congregation that will include:
1. The date the last service will be held, which normally will be a celebration of the church's ministry, and a request that the church be formally dissolved upon the sale of the real property.
 2. A plan for how the contents of the building(s) will be disposed. This plan should be clearly communicated with all members so that all will feel treated equally and fairly.
 3. Permission to list the property for sale or to transfer the property.
 4. A plan for how the building will be cared for after the last service until it is actually sold.
 5. A statement that the proceeds from the sale of the church is being dissolved will be first used to pay all outstanding bills and that the remainder will be given to the Presbytery for use in its dedicated funds for new church development and church redevelopment within the Presbytery. Any other use requires prior Presbytery approval.
 6. A plan for the transfer of members to either another church or the rolls of the Presbytery.
 7. The Call for the congregational meeting should be read for at least three weeks and preferably four weeks in advance. The call shall be read at the regular worship time and shall include the purpose of the meeting. An affidavit may be required of the Secretary of the Corporation stating that this process was followed. If the church does not have a Secretary for the Corporation, it may elect one at the Congregational meeting, but such an election must be part of the call. (The clerk of the session shall be secretary of meetings of the congregation (BOO G7.0307)).
- B. Once the congregation has voted to dissolve, the following will need to be done:
1. Investigate as to whether there are outstanding obligations to the Presbytery, Synod, and/or General Assembly.

2. Appraise the building, secure the services of a realtor, it that seems prudent.
3. Secure Presbytery's written permission to sell the real property and presbytery's approval of the congregation's plans.
4. Carry out the plan for the celebration of ministry.
5. Carry out the plan for disposing of the building's contents.
6. Ask the members where they would like to transfer their membership and carry out the transfer, effective the date of the congregation dissolution.
7. If a buyer is not found by the date of the last service, the congregation may choose to not dissolve the church until after the sale is consummated.
8. Before an agreement can be entered into, the Abstract of Title must be located and brought up to date, and a Warranty Deed drawn. It may be appropriate to seek legal opinion regarding the marketability of the title. It is the policy of the Presbytery that the Deed shall contain a declaration that the church building shall not be used as a place where alcohol is sold.

C. Once a buyer is found the session will:

1. Review the purchase offer with the Presbytery's commission, in order to make sure that it is in keeping with the plans and in the best interests of the congregation and the Constitution of the Presbyterian Church (U.S.A.). Once approved by Presbytery's commission, the transaction may be completed.
2. Make sure that the insurance is canceled, utilities are transferred and the Presbytery is notified.
3. Make sure that all bills and obligations are paid.
4. Notify the Secretary of State that the corporation has been dissolved.
5. Notify the Office of the General Assembly and the Synod of Lakes and Prairies telling them of the church's dissolution and requesting that the per capita for the succeeding years be forgiven. The church will also transmit to Presbytery the per capita payment for members placed on the rolls of Presbytery.
6. Provide a legal description to the Presbytery of Northern Waters along with a cashier's check made out to the Presbytery for what remains of the proceeds of the sale and other assets.

- D. Once the work of the administrative commission is completed, it will make a report to presbytery along with a request that the Commission be dissolved upon approval of its report.