

To all Presbytery of Great Rivers Congregations:

The Administration Team of the Presbytery of Great Rivers has been working to make sure our congregations have the ability to facilitate church property transactions as smoothly as possible. Because of how out-of-date many of our building deeds and by-laws are, we have learned some lessons about how clarifying language and making updates in your by-laws and or deeds can make the process of managing your property transactions run more smoothly, more efficiently, and less confusing for civil magistrates should you expand or decide sooner or later to sell part or all of your church property. Small steps now can also help you legally avoid and even stop any second party from improperly taking over an existing church property and make sure your people are protected during those transactions.

The most important step involves making sure there is a statement in your legal property documents that explicitly clarifies the interconnected relationship between your congregation and the presbytery. By the authority of the Book of Order (4.0206) and the Presbytery of Great Rivers by-laws, the Presbytery of Great Rivers already gives the Administration Team the responsibility for approving and guiding our churches in any transaction as it pertains to any action of any church property. These actions include the leasing, selling, loans against the property, donations of property, basically any transaction that affects the church deed of record. After consultation with legal counsel from the Presbyterian Church (USA) and an experienced Real Estate attorney, if any of our churches do not have the Presbytery of Great Rivers as an approving party, either in their by-laws or deeds, the following statement needs to be added to one of those documents, this statement is basically out of The Book of Order.

*“(NAME OF CHURCH) SHALL NOT SELL, LEASE, MORTGAGE, OR OTHERWISE ENCUMBER ANY OF ITS REAL PROPERTY AND SHALL NOT ACQUIRE REAL PROPERTY SUBJECT TO AN ENCUMBRANCE OR CONDITION WITHOUT THE WRITTEN PERMISSION OF THE PRESBYTERY OF GREAT RIVERS TRANSMITTED THROUGH THE SESSION OF THE CONGREGATION.)”*

As both of these documents are reviewed during escrow of the real estate, the real estate action should not proceed until all actions required are executed.

Churches need to follow the following instructions, and complete the appropriate form that will be found in the Presbytery of Great Rivers official web site under forms (MISC) which applies to their transaction.

- 1- The church will mail (Ok for e-mail) the appropriate form to the chair of the Administration Team. (if the church has any questions as what form to use please call or e-mail the Administration Team chair, Julio Garcia 309-235-3999 / julieman6@yahoo.com)
- 2- The Administration Team Chair within 5 days of receipt of the appropriate form will contact the church in question and advise them that an Administration Team member will be assigned to advise and assist them through the transaction.
- 3- The assigned team member will make first contact within 2 days of assignment.
- 4- The assigned team member will communicate to the Administration Team Chair and Administration Team as actions are taken.

Thank you for your cooperation in taking action now to ensure we can best come alongside of you should the time come to manage changes to your church property in ways that most expediently enable you to fulfill the mission of your congregation!

The Administration Team of the Presbytery of Great Rivers