

PART 8

PROPERTY

Chapter 1

GENERAL REGULATIONS

A. Application

4500. The general regulations set forth in this chapter shall be binding on all trustees and their governing bodies of The Wesleyan Church, whether local, district or General Church, including all institutions, subsidiary corporations and similar bodies, unless otherwise stated in *The Discipline* or in the articles of incorporation and bylaws governing such trustees.

B. Local Laws

4510. All provisions of *The Discipline* relating to property, both real and personal and relating to the formation and operation of any corporation, are conditioned upon their being in conformity with the local laws (4580) of the country, state, territory or other like political unit within the geographical bounds of which the property is situate; and in the event of conflict therewith, said provisions of *The Discipline* shall be modified to the extent required to conform with any such local laws. This regulation, however, shall not be construed to give the consent of The Wesleyan Church to deprivation of its property without due process of law, or to the regulation of its affairs by statute where such regulation violates the constitutional right of freedom of religion, separation of church and state or the rights of the Church to maintain its polity.

C. Requirements

4520. A trustee must be a covenant member of The Wesleyan Church. Whenever a trustee ceases to be a covenant member of The Wesleyan Church for any reason, the office as trustee shall be declared vacant and a successor shall be elected for the unexpired term in the manner provided in *The Discipline*.

4530. All trustees shall administer their duties in accord with *The Discipline* as from time to time amended, as directed by the governing body to which they are amenable, and subject to local laws as set forth in 4510. Whenever a trustee refuses to carry out properly given orders and instructions and submit to the authority to which amenable, the trustee may be removed from office and a successor shall be elected for the unexpired term as provided for in *The Discipline*.

4540. A board of trustees shall have and hold in trust for the use and benefit of the members and ministers of The Wesleyan Church any and all property committed to it; shall see that titles are good; that deeds and all written instrumentalities are in harmony with *The Discipline* and with local laws as set forth in 4510; that all property deeds and titles contain the required trust clause as set forth in 4610; that they are promptly recorded; that abstracts and all other legal papers are properly stored and secured; and shall perform such other duties as are required of them in *The Discipline* or by the governing body to which they are amenable, and in the case of incorporated bodies, as set forth in the articles of incorporation and bylaws or charter of the corporation.

D. Restrictions

4550. A trustee or board of trustees and/or its governing body may not divert property from the ownership and use of The Wesleyan Church.

4560. A board of trustees shall not normally accept a deed which contains a clause by which the land conveyed may revert to the original grantor, the heirs or assigns of the original owners.

E. Terms

4570. “*The Discipline*” shall always refer to *The Discipline* of The Wesleyan Church as from time to time legislated and declared (125-175; 185; 385; 1590:1-2; 1920:27).

4580. “Local laws,” whenever used in *The Discipline*, shall be construed to mean laws, including regulations and case law, of the civil jurisdiction(s) applicable to the matter at hand. With respect to property matters, this would normally be the law of the jurisdiction within which the property is located, and with respect to any other legal matters, would normally be the law of the civil jurisdiction(s) within which the matters arise.

F. Trust Clause and Release Therefrom

4590. All property, whether real, personal or mixed, acquired by any local church, circuit, district, institution, agency or other similar body of The Wesleyan Church, whether incorporated or unincorporated, shall be held in trust for The Wesleyan Church, incorporated as The Wesleyan Church Corporation under the laws of the state of Indiana, and shall contain the trust clause as set forth in 4610 (cf. 315:6; 323:8). The absence of the trust clause in the evidence of the title or other written instruments, regardless of whether such absence is due to mistake, inadvertence or willful omission, shall in no way exclude a local church, circuit, district, institution, agency or similar body, whether incorporated or unincorporated, from or relieve it of its responsibility to The Wesleyan Church and subjection to the authority of said Church, and such property can only be sold, transferred or otherwise disposed of in accord with the provisions of *The Discipline*, concerning the sale, transfer or encumbrance of property.

(1) For property in developing districts see 542; 4650; 4800; 4920; cf. 4200-4260; 4500-4630.

(2) For property in provisional districts see 1025:3; 1030:1, 3; 4650; 4810-4820; cf. 4200-4260; 4500-4630.

(3) For local property in established districts see 510:4; 518:4; 528:5; 655:13-14; 725:24-25; 782:27-31; 850-859; 1038:3; 1180:21-22; 1233:13-14; 1310:11; 1345; 1360-1365; 4000-4070; 4100-4150; 4500-4630; 4660-4780; cf. 4250-4260; 4830-4880.

(4) For district property in established districts see 1038:3; 1180:21-22; 1233:13-14; 1310:11; 1345; 1360-1365; 4100-4150; 4250-4260; 4500-4630; 4830-4880.

(5) For General Church property see 4200-4270; 4500-4630; 4900-4940; cf. 475; 2070.

(6) For property of a general educational institution see 4500-4630; cf. 2362; 4250-4260.

(7) For property of a subsidiary corporation, board or institution, other than a general educational institution see 4300-4370; 4500-4630; cf. 4250-4260.

4610. Trust Clause. All titles, deeds and other written instruments for the conveyance of property to or for The Wesleyan Church as set forth in 4590 shall contain the following trust clause:

In trust for the use and benefit of the ministry and members of The Wesleyan Church, incorporated under the laws of the state

of Indiana as The Wesleyan Church Corporation, subject to *The Discipline*, regulations and appointments of said Church as from time to time legislated and declared.

4620. Real property acquired by a conveyance containing the foregoing trust clause in 4610 may be sold in conformity with the provisions of *The Discipline*, and when such provisions have been complied with, the real property so sold or conveyed shall be released from the foregoing trust clause, and the trustees enabled to give a good and sufficient deed (cf. 4690:1).

4630. Real property acquired by a conveyance containing the foregoing trust clause in 4610 may be mortgaged or otherwise encumbered in conformity with the provisions of *The Discipline*, and when such provisions have been complied with, the foregoing trust clause shall be subordinated to the mortgage lien (cf. 4690:2).