

## Chapter 3

### DISTRICT PROPERTY

#### A. Developing District Property

**4800.** The regulations concerning property within the bounds of a developing district shall be set forth in the *Policy of the General Board for Evangelism and Church Growth* in accord with the following:

(1) The authority for the purchase, sale, encumbrance, transfer or other disposal of real property within a developing district shall be vested in the General Board (cf. 1655:34; 4810).

(2) All property shall be held by and/or conveyed to The Wesleyan Church Corporation and shall be General Church property (4920), except when otherwise required by local laws or otherwise directed by the General Board (cf. 1655:38), in which case it shall be held in trust for the benefit and use of the members and ministers of The Wesleyan Church and shall contain the appropriate trust clause as set forth in 4610 (cf. 4590-4630).

(3) The superintendent and any other workers of the developing district shall supervise, control and maintain the property under their care in accord with *The Discipline*, the *Policy of the General Board for Evangelism and Church Growth* and other directives, and as supervised by the General Director of Evangelism and Church Growth.

(4) All legal and property records shall be in the custody of the General Secretary unless otherwise directed by the General Board, in which case certified or true copies shall be filed in the General Secretary's custody.

#### B. Provisional District Property

**4810.** The regulations concerning property within the bounds of a provisional district shall be the same as for an established district, with the exception that the official actions of a provisional district are subject to the approval of the General Board (cf. 1020-1030), and that no property within a provisional district may be received, transferred, bought, leased or sold without the written permission of the General Director of Evangelism and Church Growth, and with the further exception that the General Board may give special directions as deemed necessary (cf. 1655:34).

**4820.** A provisional district may be incorporated when so recommended by the General Director of Evangelism and Church Growth and authorized by the General Board (1655:34) as set forth in 4100-4150.

### **C. District Property**

#### **1. Ownership**

**4830. Unincorporated District.** Except when local laws shall otherwise require, all grants, conveyances, devises, gifts, transfers and assignments, now owned or hereafter made, of any property, real, personal or mixed, to or for any unincorporated district or any organization, board or similar body connected thereto and for any local property held by such a district (4660; 4680), shall be held by and/or conveyed to its duly elected board of trustees (cf. 1360-1365; 4855), and to their successors in office and to their assigns, as the board of trustees, of said district, in trust for the benefit and use of the members and ministers of The Wesleyan Church and subject to its *Discipline*, regulations and appointments, as from time to time legislated and declared and shall contain the trust clause as set forth in 4610 (cf. 4590-4630). (The regulations for an incorporated district are set forth in 4100-4150.)

#### **2. Management and Control**

**4840.** The district board of administration shall have the following duties and powers concerning the district property and such local property as may be held by the district (4660; 4680):

(1) To carry out the directions of the district conference (1180:22; 1233:14), and, in the interim of its sessions, to have power to act on its own resolution to acquire, purchase, sell, exchange, mortgage, deed in trust, pledge, rent, lease and convey any property, real, personal or mixed, as may be deemed necessary or convenient for the purpose of the district and so to order the district board of trustees (1360-1365; 4855), provided that in transactions concerning real property used for district purposes such as a district parsonage, headquarters or campground, the district board of administration shall consult with the General Superintendent over the district (1935:17), and further provided that said district board of administration shall be subject to the general regulations concerning property as set forth in 4500-4630.

(2) To carry out the directions of the district conference (1180:22; 1233:14), and in the interim of its sessions, to direct the district board of

trustees (1360-1365; 4855) concerning any and all donations, bequests and devises of any kind or character, real or personal, that may be given, devised, bequeathed or conveyed to the district, or to the district board of trustees as such, for any benevolent, charitable or religious purpose, and to direct the board of trustees in the administration of such in accordance with the directions of the donor, trustor or testator, and in the interest of the church, institution, organization or agency contemplated by such donor, trustor or testator.

(3) To supervise, control and maintain all district property.

(4) To receive a report from the district building committee as set forth in 1345 and to approve in writing the proposal of a local church to acquire, purchase, encumber, sell, transfer or otherwise dispose of real property as set forth in 4040-4070 and 4700-4720.

(5) To act in regard to the disposition of the proceeds from the sale of local church or circuit property as set forth in 4720, and the discontinuance or disposal of abandoned property as set forth in 4730.

(6) To intervene and institute all necessary legal and equitable actions to safeguard and protect the rights and interests of the district and of The Wesleyan Church, including all matters relating to the property and rights to property, including any property held by a local church, circuit or other organization within the district, whether arising by gift, devise or otherwise, or where held in trust for the benefit and use of the members and ministers of the district and The Wesleyan Church (4770-4780).

(7) To direct the district superintendent in the care and preservation of all legal and property records for the local churches and the district (4760).

### **3. District Board of Trustees**

**4855.** The district conference of each established district shall be incorporated or shall cause a corporation to be formed and maintained to facilitate the management of its legal and corporate affairs as set forth in 4100-4150. In places where local laws prohibit such incorporation, or where the local laws require property to be held by trustees, the district conference shall elect from among the members of the district board of administration the members of the district board of trustees in such number as desired (1180:22; cf. 1360-1365). The district trustees shall hold office as trustees until their term of office expires as members of the district board of administration and until their successors are qualified and elected. The district board of trustees shall be amenable to the district board of administration and shall hold all district property, and such local property as

may be held by the district (cf. 4660; 4680), in trust for The Wesleyan Church as set forth in 4590-4610, shall attend to all legal matters pertaining to the district property and other business as directed, and shall carry out such transactions for the purchase, acquisition, sale, encumbrance, transfer or other disposal of district property as ordered by the district board of administration (4840). Whenever a trustee shall refuse to carry out the directions of the district board of administration, the trustee may be removed from office by a two-thirds vote of all the members of the district board of administration, who shall also fill the vacancy for the unexpired term (cf. 1233:27a; 1360).

#### D. Rights to Property

**4870.** A district, whether incorporated or unincorporated, that has been placed under discipline in accord with the procedures set forth in the Judiciary (5006; 5355-5370), and each local church within that district, shall be suspended from the right to acquire, purchase, sell, mortgage, transfer or otherwise dispose of any real property without the approval of the General Superintendent or general official appointed to have charge of the district (5365). Whenever a district is reorganized as set forth in 5375, the members and ministers affirming loyalty to The Wesleyan Church shall be and constitute the district and shall have the right to control and manage all district property as set forth in *The Discipline*.

**4880.** No district conference may vote to withdraw as a body from The Wesleyan Church, or in any way sever its relation thereto, and no district board and/or committee and/or board of trustees can divert property from The Wesleyan Church (4540-4550). Provided, however, that no sale, exchange, mortgage, deed in trust, pledge, lease, conveyance or other alienation of property, in whole or in part, whether such property is real, personal or mixed, as may be necessary or convenient for the purposes of the district, and when undertaken in accordance with the provisions and requirements of *The Discipline*, shall constitute a "diversion" of such property from The Wesleyan Church. If a district conference violates or in any way attempts to circumvent these provisions, then all right, title and interest in and to all district real property shall thereupon immediately vest in The Wesleyan Church Corporation (4200-4270). The General Conference or, in the interim, the General Board shall have the authority to deny the use of any such property to the offending party or parties and to order the immediate eviction of any such party or parties who do not comply therewith from such property.

**E. Loan Guarantees**

**4890.** The district board of administration of an unincorporated district may authorize and direct the district trustees to guarantee in writing any note, mortgage, contract or any other evidence of indebtedness, of any local church of said district.