

G-8.0701 (2), PCUS, 1982-83, pp 18-20, Chapter 6, *The Book of Church Order*

CHAPTER 6

Church Property

§ 6-1. If a particular church is not incorporated, it may, at a regularly constituted congregational meeting, elect certain of its confirmed members as trustees, to hold title to property in trust for the benefit of the particular church and of the Presbyterian Church in the United States. The trustees have power and authority to buy, sell or mortgage property for the church, to accept and execute deeds and to manage any permanent special funds entrusted to them for church purposes. In buying, selling or mortgaging real property, the trustees shall act under the instructions of the congregation adopted in a regularly constituted meeting. Their powers and duties cannot infringe upon the powers or duties of the Session or the Board of Deacons. The trustees do not hold title to personal property or have responsibility for it except to the extent expressly given to them.

§ 6-2. If a particular church is incorporated, the provisions of its charter and bylaws must be in accord with the Constitution of the Presbyterian Church in the United States. All of its confirmed members on the active roll are members of the corporation. The officers of the corporation, by whatever name they are given, shall be elected from the confirmed members of the corporation in a regularly constituted congregational meeting. The officers of the corporation may be given any or all of the following responsibilities: holding title to church property for the benefit of the corporation and the Presbyterian Church in the United States; acquiring and conveying title to the property; buying, selling and mortgaging the property of the church; and managing any permanent special funds entrusted to them for church purposes. In buying, selling and mortgaging real property, the officers shall act under the authority of the corporation granted in a duly constituted meeting of the corporation. Powers and duties of the officers cannot infringe upon the powers and duties of the Session or the Board of Deacons, who maintain control and disbursement of all funds collected for the support and expense of the church and for the benevolent purposes of the church.

§ 6-3. All property held by or for a particular church, whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of the particular church or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church in the United States.

§ 6-4. If a particular church is dissolved by the Presbytery, attempts by either majority or unanimous vote to withdraw from the Presbyterian Church in the United States or otherwise ceases to exist or function as a member of the Presbyterian Church in the United States, any property that it may have shall be within the control of the Presbytery and may be held for designated purposes or sold or disposed of in such manner as the Presbytery, in its discretion, may direct.

§ 6-5. The relationship to the Presbyterian Church in the United States of a particular church can be severed only by constitutional action on the part of the Presbytery (4-2). If there is a schism within the membership of a particular church and the Presbytery is unable to effect a reconciliation or a division into separate churches within the Presbyterian Church in the United States (see 16-7), the Presbytery shall determine if one of the factions is entitled to the property because it is identified by the Presbytery as the true church within the Presbyterian Church in the United States. This determination does not depend upon which faction received the majority vote within the particular church at the time of the schism.

§ 6-6. Nothing in this chapter shall be construed to render a particular church, church court, or its property liable for the debt or obligations of any other church court.

§ 6-7. Nothing in this chapter shall be construed to limit the power of Presbytery to receive and dismiss churches with their property, provided such requests are made in proper order.

§ 6-8. Nothing in this chapter shall be construed to require a particular church to seek or obtain the consent or approval of any church court above the level of the particular church in order to buy, sell or mortgage the property of that particular church in the conduct of its affairs as a church of the PCUS.

§ 6-9. The provisions of 14-5 and 14-6, and of other sections in this Constitution setting forth the manner in which decisions are made, reviewed and corrected within the Presbyterian Church in the United States, are applicable to all matters relating to property.

§ 6-10. This Chapter is declaratory of principles to which the Presbyterian Church in the United States and its antecedent church bodies have adhered from the inception of the presbyterian form of church government.