

DIOCESE OF NORTH CAROLINA

Checklist A

Sale, Outright Conveyance or Alienation

(Updated through September 15, 2014)

To obtain the consent of the Standing Committee and the Ecclesiastical Authority for a sale, outright conveyance or alienation of Real Property or Tangible Personal Property, the seeker should provide the following documents to the President of the Standing Committee at least fourteen (14) days prior to the next regularly scheduled Standing Committee meeting:

___ Resolutions. A copy of resolutions of the Governing Body authorizing the sale or conveyance. For sample resolutions, please refer to **Exhibit A-1**. The resolutions shall:

- (a) Identify the property;
- (b) Set forth the terms of the sale (including the price agreed or sought);
- (c) Describe the main provisions of any listing with a real estate agent and attach a copy of any listing agreement;
- (d) Give the reasons for the sale, including the proposed application or reservation of the sale proceeds; and
- (e) Include a statement that the property is not needed for the ongoing operations of the congregation or institution.

___ Appraisal. A copy of a recent appraisal of the Real Property to be sold or conveyed, conducted by a real estate appraiser licensed by the State of North Carolina who is not connected to any party involved in the transaction. (If no appraisal is available and the Governing Body wishes to request that the Standing Committee waive the appraisal requirement, a representative of the Governing Body should contact the President of the Standing Committee. The Standing Committee may grant waivers in its discretion.)

___ Purchase Money Financing. If the sale contemplates any purchase money financing, a written explanation thereof with copies of any

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proposed legal documents (e.g., the sale agreement, promissory note and mortgage or deed of trust securing repayment of such note).

— Required Statement in Transaction Documents. If the Standing Committee consents to the transaction, every transaction document that is executed shall contain a recital that it is executed with the consent of the Bishop of North Carolina who has obtained the advice and consent of the Standing Committee of the Diocese. [Ref: Canons 23, § 2 (parishes); 10, § 2 (missions/Diocesan institutions).]

— Special Warranty Deed Only. Seekers of consent are advised not to enter into contracts of sale requiring the seller to execute and deliver a “General Warranty Deed” to the grantee. Diocesan policy requires that only “Special Warranty Deeds” or “No Warranty Deeds” be used to convey Real Property.

— Final Documents. Within thirty (30) days after a transaction has been completed, a full set of copies of the final executed legal documents shall be forwarded to the Diocesan House, office of the Bishop.