Book 2011 Page 3473

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by Sarah W. Cochran, Attorney at Law, P.O. Box 30, Fairfield, Iowa 52556, (641)472-3129 Return to Preparer.

AFFIDAVIT EXPLANATORY OF TITLE

REGARDING: Land in Delaware County, Iowa described as:

Grantor: Charles W. Smith
Grantee: Iowa Annual Conference of The United Methodist Church

Lots Seventeen (17) and Eighteen (18), Block Four (4), H. A. Carters 3rd addition to Hopkinton, Iowa, according to plat recorded in Book 19 L.D., Page 104A, except the Westerly six (6) feet of said Lot Seventeen (17) and except the Easterly forty eight (48) feet of said Lot Eighteen (18).

AND

Lots One (1) and Two (2), Block Four (4), H. A. Carter's Third Addition to Hopkinton, Iowa, same being a part of the North East quarter of South East quarter of Section Thirteen (13), Township Eighty Seven (87) North, Range Four (4), West of the Fifth Principal Meridian, and of the North West quarter of South West fractional quarter of Section Eighteen (18), Township Eighty Seven (87) North, Range Three (3), West of the Fifth Principal Meridian, EXCEPT the North Ninety Five (95) feet of Lots One (1) and Two (2), Block Four (4), H. A. Carter's Third Addition to Hopkinton, Iowa, same being a part of the North East quarter of South East quarter of Section Thirteen (13), Township Eighty Seven (87), Range Four (4), West of the Fifth Principal Meridian, and of the North West quarter of South West fractional quarter of Section Eighteen (18), Township Eighty Seven (87) North, Range Three (3), West of the Fifth Principal Meridian.

AND

The West twenty (20) feet of the East forty three (43) feet of Lot Two (2), Block Eleven (11) of Carter's Addition to Hopkinton, Delaware County, Iowa and the North one hundred six (106) feet of the West twenty two (22) feet of the East twenty three (23) feet of Lot Two (2), Block Eleven (11) of said Carter's Addition to Hopkinton according to the Plat recorded in Book E, L.D., page 529.

This Affidavit is recorded to explain title to the real estate described above.

STATE OF IOWA)
COUNTY OF POLK) ss:

I, Charles W. Smith, under oath do depose and state that I am the Director of Administrative Services and Treasurer of The Iowa Annual Conference of the United Methodist Church. Based upon my own knowledge and, after reviewing the records of the above organization and of Hopkinton Methodist Church of Hopkinton, Iowa, state as follows:

1. Any reference in this Affidavit to The Book of Discipline of the United Methodist Church or numbered paragraph in The Book of Discipline (hereinafter "Discipline"), refers to The Book of Discipline of the United Methodist Church, 2008, The United Methodist Publishing House, which is the book of law of The United Methodist Church. It is the instrument for setting forth the laws, plan, polity, and process by which United Methodists govern themselves. (Discipline, Episcopal Greetings)

The term "United Methodist Church" refers to the overall denomination and connectional relation and identity of its many local churches, the various conferences and their respective councils, boards, and agencies, and other church units, which collectively constitute the religious system known as United Methodism. It is not an entity, nor does it possess legal capacities and attributes. It does not and cannot hold title to property. Conferences, and local churches (and other units) are the legal entities capable of possessing legal capacities. (§140 Discipline)

The United Methodist Church, and all its predecessor entities, is organized as a connectional structure. Title to all properties held by a local church is taken in the name of the local church trustees or charge trustees or in the name of a corporation organized for the purpose, or otherwise. Title is held, however, in trust for the United Methodist Church and subject to the provisions of Discipline of the United Methodist Church. (§2501 Discipline)

The Annual Conference is the basic body in the United Methodist Church. (§33 Discipline) It has boundaries within which local churches are located, and thus the local churches are connected with the Annual Conference. The boundaries of The Iowa Annual Conference of the United Methodist Church (hereinafter referred to as "Conference"), the Annual Conference encompassing the United Methodist Church activities and entities in the State of Iowa, are the boundaries of the State of Iowa. The Iowa Annual Conference is further divided into districts for administrative purposes.

2. The Hopkinton Methodist Church of Hopkinton, Iowa, which owned the above-described real property, is no longer used, kept, or maintained as a place of divine worship and has effectively been discontinued and abandoned effective June 30, 2011. A board of trustees of Hopkinton Methodist Church, with authority to transfer the subject real estate, therefore no longer exists. With the consent of the presiding bishop, a majority of the district superintendents, and of the district board of church location and building, the Annual Conference trustees may assume control of the real property owned by a discontinued and abandoned local church. (§2548.2 and 3, Discipline) After the Conference trustees have assumed control of the property, the Conference trustees have the authority to transfer said property. (§2512.3.c Discipline) The Annual Conference property may be transferred with the consent of the Annual Conference or, ad interim, (a) the consent of the presiding bishop and of a majority of the district superintendents, and, in the case of discontinued or abandoned local church property, the consent of a majority of the District Board of Church Location and Building; and (b) the bishop's determination that such transfer conforms to the Discipline. (§2515 Discipline)

3. Pursuant to requirements of the Discipline, with the consent of the presiding bishop, a majority of the district superintendents, and of the district Board of Church Location and

Building, the Conference trustees have assumed control of the above-described property owned by the Hopkinton Methodist Church in Hopkinton, Iowa.

4. All properties of United Methodist churches or institutions are held in trust for the benefit of the entire denomination but can be released or transferred free of trust as allowed by the Discipline. (§2501 Discipline)

5. The transfer of the subject property may be transferred free of trust to Hopkinton Community Church, who is not affiliated with the United Methodist Church and the property will not be used as a place of divine worship, parsonage or other activities for members of the United Methodist Church. (§2503 Discipline)

6. The Articles of Incorporation of The Iowa Annual Conference of the United Methodist Church, an Iowa corporation, provide in Article XI, Section 1, that all conveyances of real estate shall be made in the name of the corporation and signed by the Chairperson of the Board of Trustees, and attested by the Secretary of the Board of Trustees and/or the Secretary or Treasurer of the corporation. I further state that the Board of Trustees of the Conference has, in a properly convened meeting, duly resolved that the Conference be authorized by and through its Board of Trustees to convey to Hopkinton Community Church, its interest in the above-described real estate, and that a warranty deed be executed by the President of the Board of Trustees of the conference, Douglas Harding, and attested by the Treasurer, Charles W. Smith, to carry out this transfer. I further state that the action of the Board of Trustees of the Conference is in compliance with all of the applicable provisions of the Discipline.

Dated this 14 day of October, 2011.

Charles W. Smith

Subscribed and sworn to before me by the said Charles W. Smith on this 14 day of October, 2011.

Notary Public in and for the State of Iowa

CYNTHIA DAVIS
Commission Number 10[illegible]13
My Commission Expires
May 26, 2013