FILED NO. 2536
BOOK 31 PAGE 96
1976 APR 16 PM 4:46
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
5 pgs. Fee $12.50

tw

AFFIDAVIT

STATE OF IOWA :
:ss
MADISON COUNTY :

I, Lyle Hart, being first duly sworn on oath state that I am the Chairman of the Board of Trustees of the Truro United Methodist Church, formerly known as the Truro Methodist Church. I further state that I am familiar with the chain of title to the following-described real estate:

> The South 33 Feet of Lot Three (3), and all of Lot Four (4), in Block Three (3) of Atkinson's First Addition to the Town of Truro, Madison County, Iowa,

which real estate is owned by said church. I further state that said church proposes to sell said real estate to Patricia D. Edwards, for the sum of $11,000. Said property was devised to the church by Lulu E. Reed, who died on July 4, 1954. The Will of Lulu E. Reed devised said property to the Trustees of the Truro Methodist Church. I further state that the current Trustees of the Truro United Methodist Church are the successors in interest to the Trustees of the Truro Methodist Church who were in office at the time of the death of Lulu E. Reed. I further state that the procedure for selling real property is set forth in Section 1433 of the Discipline of the Methodist Church. A true and correct copy of Section 1433 is attached hereto and marked Exhibit "A". I further state that pursuant to subparagraph 1 of Section 1433, notice of the proposed sale of said real estate to Patricia D. Edwards was properly given to the members of the Charge Conference at least ten (10) days prior thereto as provided in subparagraph 1. I further state that said Conference was held on Sunday evening, February 15, 1976, at 6:30 P.M. Attached hereto and marked Exhibit "B" is a copy of the resolution adopted at said Conference held on February 15, 1976, at 6:30 P.M. Attached hereto and marked Exhibit "C" is the consent of the Pastor of the Truro United Methodist Church and attached hereto and marked Exhibit "D" is the consent of the District Superintendent, both of which consent to the sale of said real estate.

Dated this 8 day of April, 1976.

Lyle L. Hart
Lyle Hart

Subscribed and sworn to before me by Lyle Hart this 8 day of April, 1976.

EVALENE J. HANNAH
MY COMMISSION EXPIRES
September 30 197

Evalene J. Hannah
Notary Public in and for the State of Iowa

EXHIBIT "A"

action shall be given by the pastor and the district superintendent. (*See* ¶ 1436.)

¶ 1430. If the local laws do not prescribe that title to real property of an incorporated local church shall be otherwise taken and held, in which event the provisions thereof shall take precedence and shall be observed and the provisions hereof subordinated thereto, the title to all property, both real and personal, now owned or hereafter acquired by an incorporated local church, and any organization, board, commission, society, or similar body connected therewith, shall be held by and/or conveyed to the corporate body in its corporate name, in trust, nevertheless, for the use and benefit of such local church and of The United Methodist Church. Every instrument of conveyance of real estate shall contain the appropriate trust clause as set forth in the Discipline (¶ 1403).

¶ 1431. Prior to the purchase by a local church corporation of any real estate, a resolution authorizing such action shall be passed by the Charge Conference in corporate session, or such other corporate body as the local laws may require, with the members thereof acting in their capacity as members of the corporate body, by a majority vote of those present and voting at any regular or special meeting called for that purpose; *provided* that not less than ten days' notice of such meeting and the proposed action shall have been given from the pulpit or in the weekly bulletin of the local church; and *provided* further, that written consent to such action shall be given by the pastor and the district superintendent; and *provided* further, that all such transactions shall have the approval of the Charge Conference.

¶ 1432. Any real property owned by, or in which an unincorporated local church has any interest, may be sold, transferred, or mortgaged subject to the following procedure and conditions:

1. Notice of the proposed action and the date and time of the regular or special meeting of the Charge Conference at which it is to be considered shall be given at least ten days prior thereto (except as local laws may otherwise provide) from the pulpit of the church or in its weekly bulletin.

2. A resolution authorizing the proposed action shall be passed by a majority vote of the Charge Conference members present and

voting and by a majority vote of the members of said church present and voting at a special meeting called to consider such action.

3. The written consent of the pastor of the local church and the district superintendent to the proposed action shall be necessary and shall be affixed to the instrument of sale, transfer, or mortgage.

4. The resolution authorizing such proposed action shall direct that any contract, deed, bill of sale, mortgage, or other necesssary written instrument be executed by and on behalf of the local church by any two of the officers of its Board of Trustees, who thereupon shall be duly authorized to carry out the direction of the Charge Conference; and any written instrument so executed shall be binding and effective as the action of the local church.

¶ 1433. Any real property owned by, or in which an incorporated local church has any interest, may be sold, transferred, or mortgaged subject to the following procedure and conditions:

1. Notice of the proposed action and the date and time of the regular or special meeting of the members of the corporate body, i.e., members of the Charge Conference at which it is to be considered, shall be given at least ten days prior thereto (except as local laws may otherwise provide) from the pulpit of the church or in its weekly bulletin.

2. A resolution authorizing the proposed action shall be passed by a majority vote of the members of the corporate body present and voting at any regular or special meeting thereof called to consider such action and by a majority vote of the members of said church present and voting at a special meeting called to consider such action; *provided* that for the sale of property which was conveyed to the church to be sold and its proceeds used for a specific purpose a vote of the members of said church shall not be required.

3. The written consent of the pastor of the local church and the district superintendent to the proposed action shall be necessary and shall be affixed to the instrument of sale, conveyance, transfer, or mortgage.

4. The resolution authorizing such proposed action shall direct and authorize the corporation's Board of Directors to take all necessary steps to carry out the action so authorized and to cause to be executed,

97

EXHIBIT "A" continued

as hereinafter provided, any necessary contract, deed, bill of sale, mortgage, or other written instrument.

5. The Board of Directors at any regular or special meeting shall take such action and adopt such resolutions as may be necessary or required by the local laws.

6. Any required contract, deed, bill of sale, mortgage, or other written instrument necessary to carry out the action so authorized shall be executed in the name of the corporation by any two of its officers, and any written instrument so executed shall be binding and effective as the action of the corporation.

¶ 1434. Real property acquired by a conveyance containing trust clauses may be sold in conformity with the provisions of the Discipline of The United Methodist Church when its use as a church building or parsonage, as the case may be, has been, or is intended to be, terminated; and when such real estate is sold or mortgaged in accordance with the provisions of the Discipline of The United Methodist Church, the written acknowledged consent of the proper district superintendent representing The United Methodist Church to the action taken shall constitute a release and discharge of the real property so sold and conveyed from the trust clause or clauses; or in the event of the execution of a mortgage, such consent of the district superintendent shall constitute a formal recognition of the priority of such mortgage lien and the subordination of the foregoing trust provisions thereof; and no bona fide purchaser or mortgagee relying upon the foregoing record shall be charged with any responsibility with respect to the disposition by such local church of the proceeds of any such sale or mortgage; but the Board of Trustees receiving such proceeds shall manage, control, disburse, and expend the same in conformity to the order and direction of the Church Local Conference, subject to the provisions of the Discipline of The United Methodist Church with respect thereto.

¶ 1435. 1. No real property on which a church building or parsonage is located shall be mortgaged to provide for the current (or budget) expense of a local church, nor shall the principal proceeds of a sale of any such property be so used. This provision shall apply alike to unincorporated and incorporated local churches.

2. A local church, whether or not incorporated, on complying

with the provisions of the Discipline, may mortgage its unencumbered real property as security for a loan to be made to a conference Board of Global Ministries or a city or district missionary society; *provided* that the proceeds of such loan shall be used only for aiding in the construction of a new church.

¶ 1436. Any local church planning to build or purchase a new church or educational building or a parsonage, or to remodel such a building if the cost will exceed 10 percent of its value, shall take the following steps:

1. It shall secure the written consent of the pastor and the district superintendent.

2. It shall secure approval of the proposed site by the district Board of Church Location and Building as provided in the Discipline.

3. Its Charge Conference shall authorize the project at a regular or called meeting, not less than ten days' notice (except as local laws may otherwise provide) of such meeting and the proposed action having been given from the pulpit or in the weekly bulletin, and shall appoint a building committee of not fewer than three members of the local church to serve in the development of the project as hereinafter set forth; *provided* that the Charge Conference may commit to its Board of Trustees the duties of a building committee as here described.

4. The building committee shall:

a) Estimate carefully the building facilities needed to house the church's program of worship, education, and fellowship and/or to provide a residence for present and future pastors and their families.

b) Ascertain the cost of property to be purchased.

c) Develop preliminary architectural plans, complying with local building and fire codes, which shall clearly outline the location on the site of all proposed present and future construction. In all new church building plans and in all major remodeling plans, adequate provisions should be made to facilitate entrance, seating, exit, parking, and the use of facilities for persons with physical disabilities.

d) Secure an estimate of the cost of the proposed construction.

e) Develop a financial plan for defraying the total cost, including an estimate of the amount the membership can contribute in cash and pledges and the amount the local church can borrow if necessary.

EXHIBIT "B"

tw

RESOLUTION OF THE CONGREGATION
OF THE TRURO UNITED METHODIST CHURCH

The members of the Truro United Methodist Church, also known as the Charge Conference, held a special church conference at the church on Sunday evening, February 15, 1976, at 6:30 P.M., for the purpose of voting on the proposed sale of the following-described real estate:

> The South 33 feet of Lot Three (3), and all of Lot Four (4), in Block Three (3) of Atkinson's First Addition to the Town of Truro, Madison County, Iowa,

to Patricia D. Edwards, for the sum of $11,000.

Upon motion duly made and seconded, the following resolution was adopted by a majority vote of the members of the Truro United Methodist Church voting at said special meeting held on February 15, 1976, at 6:30 P.M.:

1. RESOLVED that the sale of the above-described real estate to Patricia D. Edwards for the sum of $11,000 is hereby ratified and approved.

2. BE IT FURTHER RESOLVED that the corporations board of directors and trustees take all necessary steps to carry out said sale and cause to be executed all necessary deeds to make said conveyance effective.

3. BE IT FURTHER RESOLVED that because said real estate was never conveyed to the church as a corporation, that the board of trustees are hereby authorized and directed to deliver to Patricia D. Edwards a warranty deed from the corporation and a warranty deed from the trustees of the Truro United Methodist Church, formerly known as the Truro Methodist Church. The deed from the trustees shall be executed by Lyle L. Hart as chairman of the board of trustees and by Ival Mease, a member of the board of trustees. The deed from the corporation shall be executed by Lyle L. Hart, chairman of the directors and board of trustees and by the secretary of the board of trustees.

Dated this 15th day of February, 1976.

Lyle L. Hart

Lyle L. Hart, Chairman of the Board of of Directors and Board of Trustees of The Truro United Methodist Church

ATTEST:

Harriet Hustead

Secretary of the Board of Directors and Board of Trustees of the Truro United Methodist Church

EXHIBIT "C"

February 23, 1976

Truro United Methodist Church
Truro, Iowa 50257

I give consent and do fully agree with the congregation to sell the parsonage property of the Truro United Methodist Church. This in accordance with paragraph 1433.3 of the 1972 Book of Discipline of the United Methodist Church.

David H Wagner

Rev. David H. Wagner

EXHIBIT "D"

UNITED METHODIST CHURCH

IOWA ANNUAL CONFERENCE

HAROLD W. DELLIT, SUPERINTENDENT
PERRY DISTRICT
2215 EVELYN STREET • PERRY, IOWA 50220 • PHONE 515-465-4274

February 6, 1976

Truro United Methodist Church
Truro, Iowa 50257

I give my consent to the sale of the parsonage property of the Truro United Methodist Church for the sum of $11,000.00. This consent is given in accordance with paragraph 1433.3 of the 1972 Book of Discipline of the United Methodist Church.

I further authorize the holding of a special Church Conference of the Truro United Methodist Church on Sunday evening, February 15, 1976 at 6:30 p.m. for the purpose of voting on the proposed sale of the present parsonage property of the Truro United Methodist Church.

Harold W. Dellit

Harold W. Dellit

Sent to Mr. Lyle Hart