

[OVT-007] On Streamlining the Sale of Property Given to a Congregation as a Gift to Fund Ministry and Mission

Source: Presbytery
Committee: Unassigned

IOB Link: <https://www.pc-biz.org/#/search/3000517>
Event: 224th General Assembly (2020)
Sponsor: Savannah Presbytery
Type: General Assembly Full Consideration

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1. Recommendation
1. Rationale
2. Advocates

Recommendation

The Presbytery of Savannah overtures the 224th General Assembly (2020) to direct the Stated Clerk to send the following amendment to the presbyteries for their affirmative or negative votes:

1. Shall G-1.0503d be amended as follows? [Text to be added or inserted is shown as italic.]

“d. buying, mortgaging, or selling real property (*with the exception as provided in G-4.0206a*);

2. Shall G-4.0206a be amended as follows? [Text to be added or inserted is shown as italic.]

“a. A congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation. *Property received by a congregation in the form of a gift, such gift intended for the purpose of funding ministry and mission activities, shall be exempted from this requirement if listed for sale within ninety days of receipt.*”

Rationale

From time to time, congregations receive gifts of real property. The donating of real property, not unlike the donating of appreciated securities, offers congregations the potential for gifts of significant size and at significant tax benefits for donors. Current federal tax law provides benefits to donors without cost or harm to receiving charitable organizations for these types of gifts.

Under current *Book of Order* requirements, the liquidation of such real-property gifts requires the approval of both the congregation and the presbytery, a process that is time-consuming and can delay or prevent a speedy sale of gifted property.

The proposed change in the *Book of Order* will simplify and streamline the receiving of real-property gifts and expedite the disposal of such properties, enhancing the congregation’s ability to pursue expanded ministry.

