

# GUIDE FOR CHURCHES PURCHASING PROPERTY

Our Baptist member churches need the involvement of the Union to purchase property. Whilst The Baptist Union of Victoria usually stands as title holder, a Trust Deed needs to be drawn up to reflect the equitable ownership of the Church. When considering purchasing property, the Union suggests that our churches use the following checklist.

- **Contact the Baptist Union office.** Make a quick telephone call to the office of the Administration Manager to let us know that you are seeking to purchase a property. This will ensure that Union processes do not hold you up. The office will ask how the proposal would be financed.
- **Arrange a special church members meeting.** You must give a minimum of two weeks (normally two Sundays') notice to your members. The notice should provide at least the address and the price range of the property that is being considered.
- Should the church members agree to the proposed purchase, the church members should also **authorise at least 2 people** to negotiate the deal within agreed limits (including costs) and to sign all necessary documents on behalf of the Church. The Baptist Union should be advised of the outcome of the meeting, as the Baptist Union will need to provide a letter of authorisation for these "local signatories".
- If the transaction is to proceed, the **Transfer of Land** document must be signed by the **Baptist Union** before settlement and must be done so under Common Seal, which requires the Baptist Union's **Executive Council approval**. The persons authorised by the Church (and the Baptist Union) are able to sign and deal with everything else. Please note that the Baptist Union's Executive Council meet on the fourth Tuesday of each month from January to November.
- The Church will also be required to **appoint a solicitor or conveyancing company** to prepare and scrutinize all documentation on its behalf. The Baptist Union is not equipped to act in this capacity and does not scrutinize the Transfer of Land; effectively the Baptist Union is signing in place of the Church and it is for the Church to be satisfied that the documentation is in order.
- The Baptist Union's Honorary Legal Advisor can be engaged independently by churches for a very reasonable fee. (Please refer to the Baptist Union year book for these details) A solicitor with a proper understanding of church law and Baptist practice is a considerable advantage. Any solicitor is likely to recommend that a contract of sale be entered into by "**Joe Bloggs**" (*one of those authorised by the church meeting and the Union*). The Union, by a very simple form, can then be nominated as the purchaser immediately. A solicitor acting for you is encouraged to contact the Manager of Administrative Services at the Baptist Union office, to discuss matters of process.
- The Union requires a **copy of the minute of the church meeting approving the property purchase and those authorised to sign all necessary documents on behalf of the church.**