

GUIDE FOR CHURCHES SELLING PROPERTY

When the Baptist Union of Victoria (BUV) is the Registered Proprietor on the Title of Land for a property, the church will need the involvement of the Union to sell the property.

Schedule B of the BUV Incorporation Act dictates how a church must go about making the decision to sell a property and what they can do with the proceeds from the sale. It is advisable to obtain a copy of Schedule B from the BUV office or from our website at www.buv.com.au.

When considering selling property, the BUV suggests that our churches use the following checklist.

- 1. Contact the BUV office to let us know you are considering selling and to confirm the property details.** This will ensure that Union processes do not hold you up. You will need to ask for the Certificate of Title Volume and Folio numbers of the property if you do not already know them. This information will be required at various times throughout the sale process and on your documentation. There are also restrictions upon use of proceeds of sale (capital must be used for further property purchase or building improvements). Under the Trust Deed for properties held by the BUV for churches, proceeds of sale need to be held in trust and invested with the BUV.
- 2. Get the property valued** to gain an idea of market value, (under the Trust Deed, a church is not free to sell a property at substantially less than current market value). If you do not have a local agent to do the valuation or are looking for some guidance, please feel free to contact the BUV's property advisor who may be able to assist in valuing the property (and if required, may also act as your Real Estate Agent for the sale).

Please note that our Advisor is not an employee of the BUV and that fees apply for his services.

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- 3. Arrange a Special Church Meeting.** As per Schedule B, you need to give at least two weeks (normally two Sundays) notice to your church members. The notice should advise the purpose, date, time and location of the meeting. Where possible, you may wish to provide the minimum sale price (in confidence) and include an indication of the proposed use of the proceeds for the church meeting to approve. At a minimum you will need to:

3.1 Vote on whether or not to sell the property. In order to sell the property, you must have a minimum two-third majority in favour of selling (66.67%) of those members present and eligible to vote. Suggested wording for this resolution: *Sample Baptist Church resolves to sell the property on Certificate of Title Volume 12345 Folio 678 known as 123 Church St, Baptistland Victoria 3777.*

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3.2 Authorise at least 2 people to engage a solicitor or conveyancer, negotiate the details of the sale, and to sign the Section 32 (Vendors Statement) on behalf of the Church once it has been resolved to sell. The BUV will need to authorise these "local signatories" and requires a copy of the minutes of the church meeting approving the sale and making the authorisations. Suggested wording for this resolution:

Sample Baptist Church authorises Alan Smith, Lorna Jones and Tom Brown to negotiate the sale of 123 Church St, Baptistland Victoria 3777 and to jointly sign any Contracts of Sale on behalf of Sample Baptist Church.

- 4. Appoint a Real Estate Agent** to represent the church and manage the sale for you. It is a good idea to use a reputable company that is local to your area. If you do not have a local agent or are looking for some guidance, please feel free to contact the BUV's property advisor who may be able to assist in selling the property by acting either as your Real Estate Agent (normal fee apply) or by directing you to a local agent.
- 5. Appoint a solicitor or conveyance company** to prepare the Section 32 (Vendors Statement) and scrutinise documentation on its behalf. The Baptist Union is not equipped to act in this capacity and does not scrutinise the Transfer of Land; effectively the Union is signing in place of the Church and it is for the Church to be satisfied that the documentation is in order. A solicitor with a proper understanding of property law related to churches, the relationship between the Union and the Church, and Baptist practice is a considerable advantage. If you do not already have a preferred solicitor, you are welcome to contact the Baptist Union's Honorary Legal Advisor, Mr Stephen Morton, can be engaged independently by churches for a very reasonable fee.

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- 6.** In order for the property title to change hands to the new owner at settlement **the BUV must sign the Client Authority Form and Goods Statement.** The Client Authority must be signed under Common Seal, which requires the BUV Council approval. The wording for the Common Seal will need to be provided to the *solicitor of the purchaser*, as they are the ones who draw up the Client Authority Form. The wording is available by contacting the Admin Dept at the Union office on 9880 6111 or admin@buv.com.au. Please send this document to the BUV Admin Dept as soon as it's available. As a general rule, we require it be received at our office at least 2 weeks prior to settlement so that there is sufficient time to get it signed.

Please contact the BUV Admin Dept on 9880 6111 or admin@buv.com.au for more info!