

Woolastook Presbytery Heritage & Resources Committee

Property Identification Project



Raison d'être / Objective

- Personal experience with local church closure
- Ownership and liability implications of an accident within a cemetery located in Woolastook territory at a property formerly associated with a United Church
- NOT an exercise to assume or take over ownership of local congregational property
- ONLY intended ensure local ownership records are in order



Current Status

- Listing of Woolastook properties on the Province's tax assessment roll and land registry records
- 113 current congregational properties, 30 Pastoral Charges
- Total 2008 assessed value of over \$20.4 million



Legal Advice – Abandoned Property

- Only legal entities are United Church of Canada and Trustees who hold title to congregational property under Trusts of Model Deed
- Presbytery, Conference do not have legal ownership status
- However, it may fall to either Presbytery or Conference to determine use of property; i.e., use, sale, distribution of proceeds, etc. on behalf of UCC
- Circumstances around abandonment must be carefully examined on an individual basis (may raise confidentiality issues)

Two Alternative Scenarios

- Before Presbytery declares a congregation ceases to exist – Presbytery approves (or makes, where a congregation has ceased to function) all decisions about a congregation's property
- After the declaration – ALL responsibility for the property reverts to Conference



Other Properties

- Apart from church buildings and manses (majority cemeteries)
- MURKY AREA!!
- When part of church property, same as previous slide re properties
- When held by local boards for other beneficiaries (community, purchasers of plots or heirs), circumstances must be carefully considered regarding ownership
- Liability and responsibility may rest with:
 - a) UCC, if formally closed and assigned to conference,
 - b) The beneficiaries,
 - c) The Congregation if existing, even abandoned.

IN ALL CASES – Trustees who hold title are responsible for insurance!!



Responsibilities

- If congregation exists, all legal costs accrue to it
- If non active and no funds, responsibility for action may? be Presbytery
- May? require that Presbytery and Conference work together



Distribution of Information

- H&R developing recommendations regarding distribution
- Requires further discussion with Executive, Presbytery and possibly others
- Meantime records are available for consideration as may be required
- H&R will carefully consider any specific situation using the information applicable to that case and take up with Executive for presentation to Presbytery as required
- If you know of any pastoral charge situation requiring resolution, please contact Presbytery via the Secretary
- Meanwhile the Committee owes a great debt of thanks to David Morrison, the project coordinator for this work to date



H&R Questions?

- When are congregational trustees required to obtain the “consent of Presbytery” regarding use of church property?



Presbytery Questions?



Information update to Pastoral Charges

- Pastoral Charge UCC Property ID Project
- “Major Personal Property” & “Major Renovations”
- Capital assistance – Loans & Grants
- NNPP Update
- 2008/2009 H&RC membership





