

**Sale of Church-owned Real Estate  
Approved by the Standing Committee: February 2000**

The Standing Committee of the Diocese of Western New York has adopted this application for Consent to sell Real Estate as required by Title I.7.3 of the Canons of the Episcopal Church, USA, and the Religious Corporation Law of the State of New York.

The application must be completed, fully. The application includes:

- Two appraisals of the property
- Assessed valuation and equalization rates
- A list of any and all encumbrances and liens against the property
- The intended use of the proceeds from the sale of the property  
    [Note: If the property has been clergy housing, a written guarantee by Vestry resolution must be made that the principal will not be invaded and that the principal will be used for the support of clergy housing. Any other use requires an additional consent by the Bishop and Standing Committee.]
- The condition of the property at the time of the application for consent to sell
- A full description of the property in question, including location, lot size, square footage of living space, number and types of rooms.

No consent for the sale of real estate will be granted or approved by the Standing Committee of the Diocese of Western New York unless these conditions are met.



## 9. Terms of sale:

a) Sale price: \_\_\_\_\_

b) Manner of payment:

c) Identity of purchaser:

d) Amount of commission paid on the sale and  
percentage it represents: \_\_\_\_\_/\_\_\_\_\_.

e) Total closing costs itemized:

10. Intended use of the proceeds from the sale of the property. (If the income from proceeds is to be used to provide a clergy housing allowance, written guarantee by a Vestry Resolution (page 7 of this application) must be made that the principal will not be invaded. For consideration to revoke this guarantee a Vestry Resolution (page 8 of this application) must be completed.)

11. Disposition to be made of proceeds of the sale:

12. Description and fair market value of the undersigned's other real and personal property:

13. Amount of undersigned's debts and liabilities and how they are secured:

14. Statement of undersigned's financial obligation to the Diocese of Western New York and its status:

15. Names and residence addresses of:

Rector:

Wardens:

Vestry Members:

Treasurer:

Clerk:

16. A copy of the resolution authorizing the undersigned to make this application must be attached.

\_\_\_\_\_ date

\_\_\_\_\_ corporate title of the Church

\_\_\_\_\_ authorized officer / Rector

Required attachments:

- Two appraisals,
- Certified Vestry Resolution re: Housing Allowance (if applicable);
- Certified Vestry Authorization

**Regarding Item 16: Clerk of the Vestry Certification:**

I do certify that the resolution set forth in Item 16 above is a true and complete copy of a resolution duly adopted by the vote of at least 2/3 (two -thirds) of the members of the Vestry of the above corporation at a meeting duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_ and further that the Rector and a quorum of the Vestry were present.

\_\_\_\_\_ date

\_\_\_\_\_ Clerk of the Vestry

**CONSENT OF THE STANDING COMMITTEE**

Resolved, that the consent of the Standing Committee of the Diocese of Western New York is hereby given to the applicant in the foregoing application to sell the real estate described therein and to make application to the Court for leave to make such sale pursuant to the provisions of the Religious Corporation Law, all on the terms set forth in said application except as follows:

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the resolution duly adopted at a meeting of the Standing Committee of the Diocese of Western New York duly called and held at \_\_\_\_\_, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, a majority of said Standing Committee being present.

\_\_\_\_\_  
date

\_\_\_\_\_  
Secretary of the Standing Committee

**CONSENT OF THE BISHOP**

I, the Right Reverend J. Michael Garrison, Bishop of Western New York, do hereby give my consent to the applicant in the foregoing application to sell the real estate described therein and further to make application to the Court for leave to make such sale pursuant to the provisions of the Religious Corporation Law, all on the terms set forth in said application except as follows:

\_\_\_\_\_  
date

\_\_\_\_\_  
Bishop of Western New York

STATE OF NEW YORK  
County of Erie

On this \_\_\_\_\_ day of \_\_\_\_\_ before me personally appeared the Right Reverend J. Michael Garrison to me known and known to me to be the same person described in, and who executed the above consent, and he duly acknowledged the execution thereof.

\_\_\_\_\_  
Notary Public

**VESTRY RESOLUTION RE: ITEM 10**

We, the Wardens and Vestry of \_\_\_\_\_ Church of \_\_\_\_\_, New York, guarantee that the proceeds from the sale of the property for which we request Standing Committee consent will not be invaded.

The action is binding on all future Wardens and Vestry members of our congregation, and may not be revoked, without further written consent from the Standing Committee and the Bishop.


I do certify that the resolution set forth above is a true and complete copy of a resolution duly adopted by the vote of at least 2/3 (two-thirds) of the members of the Vestry of the above corporation at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and the Rector and quorum of the Vestry were present.

\_\_\_\_\_ date

\_\_\_\_\_ Clerk of the Vestry

**EVOCATION OF THE VESTRY GUARANTEE RE: ITEM 10**

We, the Wardens and Vestry of \_\_\_\_\_ Church of \_\_\_\_\_, New York, request the consideration of the Standing Committee and Bishop to revoke the guarantee we made on

\_\_\_\_\_ that the proceeds from the sale of our property would not be invaded.

We have attached a Financial Plan for the use of the proceeds; and a Ministry Plan for the future of our congregation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do certify that the resolution set forth above is a true and complete copy of a resolution duly adopted by the vote of at least 2/3 (two-thirds) of the members of the Vestry of the above corporation at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and the Rector and quorum of the Vestry were present.

\_\_\_\_\_  
date

\_\_\_\_\_  
Clerk of the Vestry