

# INSTRUCTIONS FOR SELLING PROPERTY

(Including Granting Easements or Rights of Way)

## CENTRAL CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS

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### HOW TO BEGIN THE PROCESS (Steps 1-3)

#### STEP 1 – Church Business Session

Your Church Business Session or School Constituency Meeting should appoint a committee to take charge of this sale or empower a subcommittee.

This committee will make recommendations on:

- a. Sale price
- b. Listing agents
- c. Development costs (i.e. – reports to be obtained)

This committee will have only those powers expressly given to the committee. All other power still resides at the church business session or school constituency meeting level and the Central California Conference.

#### STEP 2 – Contact the Central California Conference

1. Inform the Central California Conference Property Management Director of your desire to sell your property. This will give conference administration time to assist you in your property sale planning.
2. Provide specific information regarding the property. *(Failure to inform the Central California Conference Property Department at this point may cause unnecessary questions and delays in the future.)*
  - a. Complete Form CCC – 1(A) Request to Sell Property
    - (1) Name of Church or School
    - (2) Address – Size – Type of building(s)
    - (3) Brief legal description
    - (4) Present use
    - (5) Reason for sale

#### STEP 3 – Determine Listing Price/Sales Price

To determine your sale price, you may use any or all of the following:

- a. Registered MIA Appraiser
- b. Comparable market analysis
- c. Other methods or approaches—income, replacement, square footage, comparables, past and present sales in your area.

## **LISTING YOUR PROPERTY/PUTTING IT ON THE MARKET (Steps 4-7)**

### **STEP 4**

1. A church business session or school constituency meeting must vote to authorize the listing agreement OR
2. The power to list the property for sale must be delegated to a subcommittee.
3. The listing agreement and any other documents **MUST** be signed by officers of the Central California Conference of Seventh-day Adventists. The Conference holds legal title to all church and school property. Therefore, all sale documents must be signed by Central California Conference officers.

### **STEP 5**

The local church/school should make recommendation to the Central California Conference about a listing agent/broker and how the local church/school plans to market the property.

1. Select church/school representative(s) to deal with your agent. It is best that you not allow every member opportunity to be contacted by or to contact your agent.
2. The Central California Conference Property Manager would be the individual to be contacted by your church/school representative.

### **STEP 6**

The actual listing agreement—Exclusive Authorization to Sell—will be signed after it has been approved by the Central California Conference Planned Giving & Property Management Board.

### **STEP 7**

The realtor may not be accustomed to dealing with two entities as sellers of property. Inform your realtor of the following points.

1. You are a subcommittee acting under the authority of the \_\_\_\_\_  
(church/school name)
2. The process may take additional time to complete because your decision to sell will require additional steps.
  - a. Approval of the local church business session or school constituency meeting AND
  - b. Approval of the Central California Conference of Seventh-day Adventists, with corporate headquarters located at 2820 Willow Avenue, Clovis, CA 93612.
  - c. All documents will require the signatures of the corporate officers of the Central California Conference of Seventh-day Adventists.
3. It would be good to give your realtor or any purchaser the Addendum under Step 9.

## ACCEPTING OR COUNTERING AN OFFER (Steps 8-11)

### STEP 8

The church/school subcommittee can NOT accept an offer. However, the subcommittee can negotiate offers and make counter offers with the following contingencies. **DO NOT OPEN ESCROW.**

### STEP 9

On any counter offer or tentative acceptance, the following addendum **MUST** be added:

“Acceptance of this offer is subject to the following:

1. Approval of the \_\_\_\_\_ in church business session or school  
(church/school name)  
constituency meeting. (Two to three weeks may be required).
2. Approval of the Central California Conference of Seventh-day Adventists, a California nonprofit religious corporation, the legal owner of the property. (four to five weeks may be required.)”

### STEP 10

Call a church business session or school constituency meeting. (Please do this according to the Church Manual as it may save you extra sessions in the future).

1. Explain the procedure to this point.
2. Provide copies of the contract for sale to all interested parties.
3. Have your committee ready to explain how your decisions were made.
4. When a vote is taken, count the
  - a. Attendance
  - b. Votes in favor of sale
  - c. Votes opposed to sale

### STEP 11

The approval of the Central California Conference may only take place after the local church business session or school constituency meeting has approved the sale.

1. Submit the form CCC-1B to Central California Conference. All sections must be completed. A copy of the contract and any other appropriate documents will also be required.
2. Central California Conference will inform the church/school representative and realtor immediately of the action taken. (The actual contract will be signed by the Central California Conference officers).

## **HOW TO OPEN ESCROW (Steps 12-14)**

### **STEP 12**

Escrow can be opened when local church/school and Central California Conference have approved the sale. The Conference Property Management Department will suggest escrow companies familiar with the process of working with the Conference.

### **STEP 13**

Open the escrow in the name of the Central California Conference of Seventh-day Adventists, a California nonprofit religious corporation, as seller.

1. Provide to the title company the name of your church/school and conference representative.
2. Provide to Central California Conference Property Manager the following:
  - a. Name of title company used
  - b. Name of title officer
  - c. Title company address
  - d. Title company telephone and fax numbers
  - e. Escrow number

### **STEP 14**

Instruct the title company that ALL funds in this transaction should pass through escrow. Monies can be disbursed in the following ways:

1. Monies come to Central California Conference to hold in account for the local church/school.
2. A check can be disbursed from the escrow company directly to local church/school.
3. If a note is to be collected as part of the sale, the note can be collected by the local church treasurer or school business manager. If the church chooses, the Central California Conference can collect the note on its behalf.

**REQUEST TO SELL PROPERTY  
CENTRAL CALIFORNIA CONFERENCE  
Intent to Sell**

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Church/School Name \_\_\_\_\_

Description of Property to be Sold:

Address \_\_\_\_\_

Size \_\_\_\_\_

List of Buildings \_\_\_\_\_

Brief Legal Description. (Submit map showing location, if available.) \_\_\_\_\_

Present Use \_\_\_\_\_

Reason for Sale \_\_\_\_\_

Recommended Listing Agent \_\_\_\_\_

Recommended Listing Price \_\_\_\_\_

**Business Session or Constituency Meeting Action**

It was voted to request permission from the Central California Conference to sell the above described property.

Date, Time & Place of Meeting \_\_\_\_\_

Signed by \_\_\_\_\_

Church/School Representative

Date

Signed by \_\_\_\_\_

Church/School Representative

Date

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Current Church/Constituency Membership \_\_\_\_\_ Members Present \_\_\_\_\_  
(Number) (Number)

I certify that our church or constituent members met in a properly noticed church business session or school constituency meeting with 20% or more of the membership present and voted to:

Sell the property      Voting Tally:    “Yes” total \_\_\_\_\_    “No” total \_\_\_\_\_

Signed by \_\_\_\_\_

Church Clerk or School Board Secretary

Date

**REQUEST TO SELL PROPERTY  
CENTRAL CALIFORNIA CONFERENCE  
Sale Recommendation**

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Church/School Name \_\_\_\_\_

Description of Property to be Sold:

Address \_\_\_\_\_

Brief Legal Description (Submit map showing location, if available.) \_\_\_\_\_

Brief Description of Terms of Sale (Please attach contract). \_\_\_\_\_

Recommended Title Company \_\_\_\_\_

Officer Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Business Session or Constituency Meeting Action**

It was voted to recommend to the Central California Conference to sell the above described property for the sum of \$\_\_\_\_\_ and the proceeds handled as follows:

- Mailed to Church Treasurer or Business Manager
- Added to church/school account held by Conference Accounting

Note, if any, to be collected by:

- Local church/school
- Central California Conference

Date, Time & Place of Meeting \_\_\_\_\_

Signed by \_\_\_\_\_

Church/School Representative

Date

Signed by \_\_\_\_\_

Church/School Representative

Date

Current Church/Constituency Membership \_\_\_\_\_ Members Present \_\_\_\_\_  
(Number) (Number)

I certify that our church or constituent members met in a properly noticed church business session or school constituency meeting with 20% or more of the membership present and voted to:

Sell the property      Voting Tally: "Yes" total \_\_\_\_\_ "No" total \_\_\_\_\_

Signed by \_\_\_\_\_

Church Clerk or School Board Secretary

Date

Dear Church or School Representative:

Attached are guidelines for selling property along with forms you can use in the process. The Central California Conference of Seventh-day Adventists is the legal title holder of all property owned by the constituent entities. Our aim is to sell property to meet your needs and at a fair price. In addition, we must determine that we are indeed carrying out the expressed desires of the local congregation or school constituency.

To this end, the Planned Giving & Property Management Board adopted a policy on March 8, 1999.

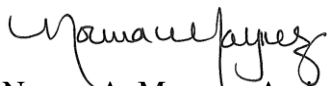
“Before a purchase or sale of any church or school real property can be approved by the Conference Property Board, the proposed purchase or sale must be recommended by a majority of local members present at a property-noticed business session or constituency meeting. If less than twenty percent (20%) of the local members attend such a meeting, it is required to mail a ballot giving each member ten (10) days within which to recommend approval of the proposed purchase or sale.”

“The Church Clerk or School Board Secretary must certify the mailing of such notice and the result of the vote by attaching it to the Request for Approval of Purchase or Sale form to be sent to the Conference Property Board for its consideration and approval. The purchase or sale cannot be completed until it has been approved by the Central California Conference Property Board.”

*Property Board Minutes 3/8/1999*

A form to complete and mail to us is available in this packet of information. As you follow the guidelines, you may have questions. I am available Monday through Thursday at 559-347-3121.

Sincerely,



Norma A. Maynez, Assistant Secretary  
Central California Conference of Seventh-day Adventists,  
a California nonprofit religious corporation

Enclosure/s

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**CERTIFICATION BY CHURCH OR SCHOOL  
REPRESENTATIVE  
TO SELL PROPERTY**

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Church/School Name \_\_\_\_\_

I, \_\_\_\_\_

hereby affirm and certify the following information as indicated by the appropriate checked boxes:

Our church/school membership met in a properly noticed Church Business Session/  
School Constituency Meeting on \_\_\_\_\_, 20\_\_\_\_; and more than 20%  
of the membership was present and voted to:

Sell the property

Voting Tally:       Yes     \_\_\_\_\_

(*Number*)

No     \_\_\_\_\_

(*Number*)

Our church/school membership met in a properly noticed Church Business Session/  
School Constituency Meeting on \_\_\_\_\_, 20\_\_\_\_. There were less  
than 20% of members present. Therefore, I mailed a voting ballot to each member asking  
each member to vote and return it within 10 days of receipt of the ballot. The members  
have expressed their approval or disapproval of the proposed sale of property.

I hereby certify that the ballots were mailed to each member not in attendance on  
\_\_\_\_\_, 20\_\_\_\_. The vote from the returned ballots was to

Sell the property

Voting Tally:       Yes     \_\_\_\_\_

(*Number*)

No     \_\_\_\_\_

(*Number*)

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Certified by:

Approved by:

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Church Clerk/School Board Secretary

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Church/School Representative

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Date

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Church/School Representative



# BALLOT

**Please express your vote on the church or school selling property:**

**I am** in favor of the proposed property sale.

**I am not** in favor of the proposed property sale.

Name \_\_\_\_\_

Date \_\_\_\_\_

Please return this ballot to the local church or school office within ten days.

Thank you.