

SUBJECT: TRUST CLAUSE

BY: Board of Administration

RELATED TO: Par. 6400.D

Rating: A

ASSIGNED:

**ACTION: Ministry Committee:
General Conference:**

1 WHEREAS, the Trust Clause in & 6400.D of the *Book of Discipline*, contains a
2 provision mandated by the Constitution of the Free Methodist Church, including, but not
3 limited to, & 227.2;

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5 WHEREAS, & 225 of the Constitution of the Free Methodist Church requires any
6 amendment to & 100-227 of the Constitution to occur only by concurrent approval of
7 two-thirds of the aggregate votes cast in all General Conferences of Free Methodism
8 and two-thirds of the aggregate votes cast in the Annual Conferences thereof;

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10 WHEREAS, the Trust Clause in & 6400.D may only be released pursuant to the
11 provisions of & 6400.F of the *Book of Discipline*;

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13 WHEREAS, & 6400.F requires any encumbrance, conveyance, or disposal of church
14 property to occur only after consent of the Superintendent of the Conference in which
15 the property is located and the Board of Directors of the Free Methodist Church of North
16 America;

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18 WHEREAS, & 6050 of the *Book of Discipline* prescribes to local churches certain non-
19 negotiable fundamentals of the Free Methodist Church, including a prohibition against
20 violating the Constitution of the Free Methodist Church;

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22 WHEREAS, the Board of Directors of the Free Methodist Church of North America,
23 General Conferences, Conference Superintendents, Annual Conferences, Societies and
24 members of the Free Methodist Church, pursuant to the Constitution of the Free
25 Methodist Church and the non-negotiable fundamentals of the local church, have
26 historically and consistently interpreted, applied, acted, and relied on the Trust Clause in
27 & 6400.D as irrevocable;

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29 WHEREAS, the historical and consistent interpretation, application, action, and reliance
30 on the Trust Clause contained in & 6400.D does not require the word *Irrevocable* in
31 the Trust Clause; and

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33 WHEREAS, the Board of Administration, pursuant to the authority and responsibilities
34 set out in & 4320 of the *Book of Discipline* desires to clarify that the Trust Clause in &
35 6400.D has always been and continues to be interpreted, applied, acted, and relied on
36 as irrevocable.

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THEREFORE, BE IT RESOLVED

that the word **Irrevocably** shall be added as the first word of the Trust Clause set out in & 6400.D of the *Book of Discipline* to every mortgage, land contract, or any other security or encumbrance of real property acquired, owned, or titled in the name of any local society, pastoral charge, Annual Conference, or other body or sub-body of the Free Methodist Church of North America, whether incorporated or unincorporated.

BE IT FURTHER RESOLVED

that the word **Irrevocably** shall be added as the first word of the Trust Clause set out in & 6400.D of the *Book of Discipline* to every deed or any other instrument of title or conveyance of real property naming as Grantee any local society, pastoral charge, Annual Conference, or other body or sub-body of the Free Methodist Church of North America, whether incorporated or unincorporated.

The trust clause would be amended to read:

“Irrevocably in trust for the use and benefit of the Free Methodist Church of North America, incorporated under the name of ‘The Free Methodist Church of North America,’ subject to the *Book of Discipline*, usages, and ministerial appointments of said church, as from time to time authorized and declared; and, if sold, the proceeds shall be disposed and used in accordance with the provisions of said *Book of Discipline*, and the civil law; and in further trust and confidence that in the houses of worship now constructed or that may hereafter be constructed on said promises hereby conveyed, the seats shall be forever free; and in further trust and confidence that the said trustees and their successors in office shall permit at all times the preachers who may be duly authorized according to the *Book of Discipline* of the said Free Methodist Church, to hold religious services in said houses of worship according to said *Book of Discipline*.”