

THE EPISCOPAL DIOCESES OF  
**Western New York &  
Northwestern Pennsylvania**

**Application for Consent for a Parish to Sell Real Estate**

*Revised March 2020*

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 and by Article 2.12.2 of Religious Corporation Law of the State of New York.

The application is in two parts and anticipates that a congregation will first meet with a member of the Bishop's staff and then the Standing Committee. Part A includes the background information. What do you want to sell? Why do you want to sell it? What do you plan to do with the proceeds?

The Standing Committee expects that congregations will complete Part A and will have a meeting with a member of the Bishop's staff and the Standing Committee PRIOR to listing and accepting bids for the real estate (Part B).

Following approval for listing the property, when a bid is received that a congregation wishes to accept, Part B is completed.

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.

## Part A

Pursuant to the provisions of Title I.7.3. of the Canons of The Episcopal Church, and Section 12.2 of the Religious Corporation Law of New York State, attached Schedule "A", \_\_\_\_\_, a religious corporation, hereby applies for consent to offer for sale certain of its real estate in support of this application certifies are follows:

1. Legal description of real estate to be sold. A copy of the vesting deed is preferred. This is available from the County Clerk's Office
2. Address of the property
3. A full description of the property in question, including location, lot size, square footage of the living space, number and types of rooms, etc. Please provide a copy of the tax map and/or survey if available.
4. Condition of the property at the time of application.
5. Restrictions, conditions, trusts, etc. on the property (quote exact language).
6. Market value and basis thereof (two appraisals from licensed real estate brokers must be attached).
7. Any fixtures of unusual value (windows, etc.).

8. Assessed valuation and equalization rates.

9. A list of all encumbrances and liens against the property.

10. Reasons for the proposal sale of the real estate. (Why do you want to sell at this time? What will you gain? What might you lose?)

11. 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 must be made that the principal will not be invaded. For consideration to revoke this guarantee, a Vestry Resolution must be completed.)

12. Description and fair market value of the applicant's other real and personal property. These are items not attached to the church.

13. Amount of the applicant's debts and liabilities and how they are secured. A copy of the annual budget for review is required.

14. If this sale is part of an existing parcel, or a subdivision of a parcel, is municipality approval required? (Village, Town, County, etc.)

15. If you are using a Realtor for the sale of this property, what commission have you agreed to pay?

16. Statement of undersigned applicant's financial obligations to the Diocese of Western York and its status.

17. Names, residences, and phone numbers of:

Priest:

Wardens:

Vestry Members:

Treasurer:

Clerk:

18. A copy of the resolution authorizing this application must be attached.

Date \_\_\_\_\_

19. If you have any questions contact: the Bishop's office

Corporate Title of the Church \_\_\_\_\_

Authorized officer \_\_\_\_\_

Additional attachments: Two appraisals, Certified Vestry Resolution regarding Housing Allowance (if applicable), a Personal Property Inventory and evidence of first priority of sale to diocesan churches (if personal property associated with this real property has been or will be offered for sale).



## PART B

Pursuant to the provisions of Title 1.7.3. of the Canons of The Episcopal Church, and section 12.2 of the Religious Corporation Law of the State of New York, attached Schedule "A",

-----, a religious corporation hereby applies for consent to sell certain of its Real Estate and in support of this application certifies as follows:

### 1. 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 (Please indicate whether each expense is a buyer or seller responsibility):

### 2. Any additional information:

### 3. Names, residences, and phone numbers of:

Priest:

Wardens:

Vestry Members:

Treasurer:

Clerk:

4. A copy of the resolution authorizing this application must be attached.

5. Have you contacted legal counsel to prepare a court order and represent \_\_\_\_\_  
\_\_\_\_\_ for this transaction?

Date \_\_\_\_\_

Corporate Title of the Church \_\_\_\_\_

Authorized officer \_\_\_\_\_

Required attachments: A copy of the sale contract.

**Regarding Item 4: Clerk of the Vestry Certification**

I do certify that the resolution set forth in Item 4 above is a true and complete copy of a resolution duly adopted in the presence of the priest (or if no priest, the warden) 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 \_\_\_\_\_.

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

\_\_\_\_\_  
Date

**CONSENT OF THE STANDING COMMITTEE FOR THE SALE OF REAL ESTATE**

Resolved, that the consent of the Standing Committee of the Diocese of Western New York is hereby given to \_\_\_\_\_ 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 held at \_\_\_\_\_, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, a majority of said Standing Committee being present.

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

\_\_\_\_\_  
Date



**CONSENT OF THE BISHOP FOR THE SALE OF REAL ESTATE**

I, the Right Reverend Sean W. Rowe, Bishop of the Episcopal Diocese of Western New York do hereby give my consent to \_\_\_\_\_, 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 of the terms set forth in said application, except as follows:

\_\_\_\_\_  
Bishop of the Episcopal Diocese of Western New York

\_\_\_\_\_  
Date

State of New York  
County of Erie

On this \_\_\_\_\_ day of \_\_\_\_\_ before me personally appeared the Right Reverend Sean W. Rowe 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

## Schedule "A"

Canons of the Episcopal Church

Title I.7.3.

No Vestry, Trustee, or other Body, authorized by Civil or Canon Law to hold, manage, or administer real property for any Parish, Mission, Congregation, or Institution, shall encumber or alienate the same or any part thereof without the written consent of the Bishop and Standing Committee of the Diocese of which the Parish, Mission, Congregation, or Institution is a part, except under such regulations as may be prescribed by Canon of the Diocese.

New York State Religious Corporation Laws

Real Property

§ 12. Sale, mortgage and lease of real property of religious corporations.

1. A religious corporation shall not sell, mortgage or lease for a term exceeding five years any of its real property without applying for and obtaining leave of the court therefor pursuant to section five hundred eleven of the not-for-profit corporation law as that section is modified by paragraph (d-1) of subsection one of section two-b of this chapter, except that a religious corporation may execute a purchase money mortgage or a purchase money security agreement creating a security interest in personal property purchased by it without obtaining leave of the court therefor.
2. The trustees of an incorporated Protestant Episcopal church shall not vote upon any resolution or proposition for the sale, mortgage or lease of its real property, unless the rector of such church, if it then has a rector, shall be present, and shall not make application to the court for leave to sell or mortgage any of its real property without the consent of the bishop and standing committee of the diocese to which such church belongs, or execute and deliver a lease of any of its real property for a term exceeding five years without similar consent of the bishop and standing committee of the diocese to which such church belongs; but in case the see be vacant, or the bishop be absent or unable to act, the consent of the standing committee with their certificate of the vacancy of the see or of the absence or disability of the bishop shall suffice.