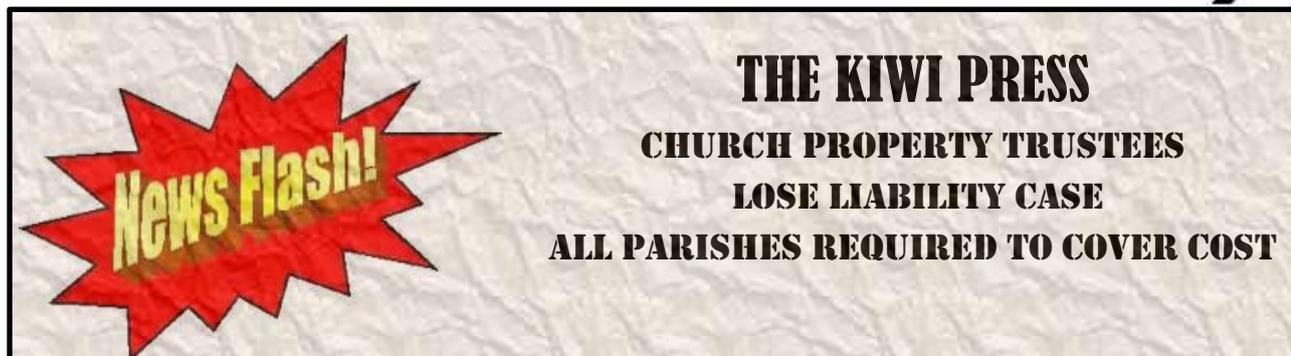




## The Presbyterian Church Property Trustees



### **No - this hasn't happened, but it could**

This is one of the reasons that the guidelines in the Property Handbook for the sale and purchase of property, leasing of property and undertaking major building projects must be followed. **In particular - parishes must not sign property sale and purchase agreements or lease agreements.** These must be signed only by the Trustees (as the legal owner of the property) and only after the documents have been reviewed and approved by the Trustees' solicitor.

The same applies to a variety of other legal documents such as easements (e.g. granting a right of way or consenting to a change of land use) and loan agreements where there is a mortgage.

One of the most important clauses that must be included in sale & purchase agreements and lease documents (which are the two legal documents parishes most commonly deal with), is a **Limitation of Liability**.

#### **Why is this so important?**

Because the Trustees are the legal owner of hundreds of properties, their liability must be limited to the value of the particular property being dealt with. If the Trustees' liability is not limited to that property, and a claim exceeding the value of the property is successfully made against the Trustees, the cost would have to be paid from other funds or properties held on behalf of the parish.

In a worse case scenario, the Court could require payment to be made from other funds or properties - that is, funds or properties of other parishes or Presbyteries. This is because the Trustees hold all funds and properties on behalf of parishes and Presbyteries, not on their own account.

In the interest of your parish and congregation and in fact, the wider Church community, please refer to the Property Handbook before setting out on any project or seek the guidance of your CPT crew - they are trained to assist and happy to help.

## New Property Handbook

For the past several months the Trustees have been working on a new edition of the Property Handbook that we believe will provide parishes and Presbyteries with a comprehensive guide to the wide variety of property matters they now have to deal with.

It covers in detail the processes around selling, buying and leasing property, undertaking major renovations and building projects, subdividing land, the use of capital funds, borrowing by parishes, gifting of property or funds and applying for lottery and community trust grants.

There's also information about dealing with the property of closed congregations, about the constraints of land use that can result from heritage listings and local authority controls, about health & safety and earthquake prone buildings and about property maintenance and insurance.

In order to keep the Property Handbook right up to date and relevant, we will not be printing it in hard copy. Instead, it will shortly be available on the Trustees' page of the Church's website, where we will be able to update it as and when required. You will be able to download and print the whole Handbook, or just the particular section you need.

We'd be very interested in your feedback once you've had a chance to look at the new Handbook which can be found at [www.presbyterian.org.nz/for-parishes/church-property-trustees/the-property-handbook](http://www.presbyterian.org.nz/for-parishes/church-property-trustees/the-property-handbook)

## The Property Handbook

A GUIDE FOR PARISHES & PRESBYTERIES  
WHEN DEALING WITH PROPERTY



## Property Application Forms

The current property application forms have been in use for almost two years now and to a large degree are accomplishing what the Trustees set out to do - that is, encourage congregations to focus on the purpose of each property application and how it will contribute to the mission and growth of the Church. For this reason, the front page of every property application refers to the Important First Principles stated in the Property Handbook reminding us all that:

- 1. Everyone making decisions about property or finance within the Church is a "trustee"*
- 2. We are a Church - not a collection of independent congregations*
- 3. Our decisions must keep faith with the long-term interests of the whole Church*
- 4. The congregations of the future will inherit our choices*

Property application forms can be requested from the CPT office on (04) 381 8290 or [trustees@presbyterian.org.nz](mailto:trustees@presbyterian.org.nz). The forms are not available on the website as we want to ensure that the most up to date versions are used. Also, it can be helpful for the parish, Presbytery and CPT to talk about a proposal in the early planning stages.