

APPENDIX

Discontinuance Guidelines

*Adapted from 2016 Book of Discipline and previous GFCA checklists
(Cabinet approved February 2013, reviewed 2017)*

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APPENDIX I.

Sample Letter to a real estate attorney requesting a title opinion:

November 30, 2012

Jane E. Doe, Esq.
444 E. Main St.
Anytown, Florida 33333

Re: Request For Opinion On Title Re The
Trinity United Methodist Church
777 E. Vine St.
Everytown, Florida 32222

Dear Ms. Doe:

Serious consideration is being given to discontinuing the above referenced congregation. Before we move very far down the path our *Book Of Discipline*, along with prudent process, requires that an opinion be obtained as to the state of the title to real property owned by the congregation. As the District Superintendent of the _____ District of the Florida Annual Conference, I am writing to inquire about retaining your services to accomplish this task.

One of the key items to be determined is whether title to any parcel is subject to a reverter or other clause that restricts the use or transfer of the designated property. Additionally, we need to identify the name(s) in which the property is titled so that we can prepare for an orderly and proper transfer of title at the appropriate time.

The location of the potentially affected property is as follows:

1. The sanctuary and educational buildings located at _____.
2. The parsonage located at _____.
3. The gymnasium located at _____.

The entity that would be retaining your services is the _____ District, Florida Annual Conference, United Methodist Church, Inc. Any inquiries and statements for services rendered should be directed to me at the address on this letter.

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If you are willing to undertake this assignment, I ask that you please get back to me with the terms of your engagement, an estimated cost for this representation, and an estimate of the time required to complete the assignment. Assuming we move forward we may also need to retain your services to help resolve any title issues and / or to assist in the preparation of deeds; however, at this time please limit your response to rendering an opinion on the state of title.

Although the issue of discontinuation is a matter known by leaders in the congregation and leadership in the District, it is prudent that the matter not be discussed publically at this time. Therefore, please treat the matter accordingly.

Thank you very much. I look forward to hearing from you at your earliest convenience.

Very truly yours,

John Smith,

District Superintendent

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APPENDIX II.

Sample Charge/Church Conference Announcement:

[Wednesday May 9th, 2012 at 7:00pm](#)

After a lengthy process of consultation and consideration in multiple areas of leadership, Christ UMC will hold a **Charge / Church** Conference to vote on discontinuing as a United Methodist Congregation. *All Full (Professing) members may vote at the **Charge / Church** Conference (all Associate, Affiliate and Constituent members may attend but may not vote).*

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APPENDIX III.

Sample Charge/Church Conference Motion To Discontinue:

MOTION FOR DISCONTINUANCE OF

CHRIST UNITED METHODIST CHURCH OF LAKELAND

WHEREAS, the **CHRIST UNITED METHODIST CHURCH OF LAKELAND** located in Polk County, Florida, and operated by **CHRIST UNITED METHODIST CHURCH OF LAKELAND, INC.**, a Florida non-profit corporation (collectively, "**Christ UMC**") has had a long and proud history; and

WHEREAS, the leadership of the **CHRIST UNITED METHODIST CHURCH OF LAKELAND** recommends discontinuance,

WHEREAS, the District Superintendent consents to and agrees with the decision to discontinue,

WHEREAS, all requirements for discontinuance under the *Book Of Discipline* have been fulfilled,

IT IS HEREBY MOVED THAT:

- (1) **Christ UMC** be closed and discontinued effective the **30th day of June, 2013**;
- (2) All Assets of **Christ UMC** be transferred to the **South Central** District, Florida Annual Conference, United Methodist Church, Inc; and
- (3) The Directors and Officers of the corporation, the Trustees and all others are authorized and directed to take any and all actions necessary to transfer all assets as directed in this motion, and to carry out all procedures described in *The Book of Discipline*, including but not limited to the transfer of members to other congregations, and to accomplish all of the intent of this motion.

This ____ day of _____, **2013**.

Jim J. Jones, Secretary of the Charge Conference

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APPENDIX IV.

District Board's Motion To Discontinue CHRIST UNITED METHODIST CHURCH OF LAKELAND And Consent Of The District Superintendent

WHEREAS, a duly called Church Conference was held on April 13, 2013 at CHRIST UNITED METHODIST CHURCH OF LAKELAND in full accordance and compliance with the charter and by-laws and the laws, usages and customs of The United Methodist Church, and

WHEREAS, it was decided by those attending the Church Conference to discontinue as a congregation as of June 30, 2013, and

WHEREAS, the Church Conference of the CHRIST UNITED METHODIST CHURCH OF LAKELAND voted and directed the Trustees and / or Directors and Officers of the corporation to transfer all assets, including but not limited to all real and personal property, to the South Central District, Florida Annual Conference, United Methodist Church, Inc.,

THEREFORE, I, _____, a member of the Board Of Church Location and Building of the South Central District hereby move that:

- 1.) The Board Of Church Location and Building of the South Central District of the Florida Annual Conference approve the discontinuance of the Christ United Methodist Church located in Lakeland, Florida as a United Methodist Church as of June 30, 2013, and,
- 2.) Approve the transfer of all real and personal property and all other assets of any kind or nature to the South Central District, Florida Annual Conference, United Methodist Church, Inc

Date: _____

By: _____

As A Member Of The South Central District
Board Of Church Location and Building

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Consent Of The District Superintendent

As District Superintendent of the South Central District of the Florida Annual Conference, I consent to the discontinuance of the **Christ United Methodist Church of Lakeland** effective **June 30, 2013**.

Dated this ____ day of ____, 201_ _____
Sharon G. Austin, District Superintendent

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APPENDIX V.

Cabinet's Motion To Discontinue CHRIST UNITED METHODIST CHURCH OF LAKELAND And Consent Of The Presiding Bishop

WHEREAS, a duly called Church Conference was held on April 13, 2013 at CHRIST UNITED METHODIST CHURCH OF LAKELAND in full accordance and compliance with the charter and by-laws and the laws, usages and customs of The United Methodist Church, and

WHEREAS, it was decided by those attending the Church Conference to discontinue, and

WHEREAS, the Church Conference of the CHRIST UNITED METHODIST CHURCH OF LAKELAND voted and directed the Trustees and / or Directors and Officers of the corporation to transfer all assets, including but not limited to all real and personal property, to the South Central District, Florida Annual Conference, United Methodist Church, Inc.,

WHEREAS, the District Superintendent and the Board Of Church Location and Building of the South Central District have given their approval in accordance with *The Book of Discipline Of The United Methodist Church*, including but not necessarily limited to paragraph 2549, for the discontinuance of the CHRIST UNITED METHODIST CHURCH OF LAKELAND effective June 30, 2013:

THEREFORE, I, Sharon G. Austin, in my capacity as District Superintendent of the South Central District hereby move that:

- 1.) The Cabinet of the Florida Annual Conference approve the discontinuance of the Christ United Methodist Church located in Lakeland, Florida as a United Methodist Church as of June 30, 2013, and,
- 2.) Approve the transfer of all real and personal property and all other assets of any kind or nature to the South Central District, Florida Annual Conference, United Methodist Church, Inc and

Date: _____

By: _____

Sharon G. Austin, Superintendent, South Central District

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Consent Of The Presiding Bishop

As presiding bishop of the Florida Area I consent to the discontinuance of the **Christ United Methodist Church of Lakeland** effective **June 30, 2013**.

Dated this ____ day of ____, 201_ _____

Kenneth Carter, Presiding Bishop

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APPENDIX VI.

Annual Conference Motion for Voluntary Discontinuance CHRIST UNITED METHODIST CHURCH OF LAKELAND

WHEREAS, a duly called Church Conference was held on April 13, 2013 at CHRIST UNITED METHODIST CHURCH OF LAKELAND in full accordance and compliance with the charter and by-laws and the laws, usages and customs of The United Methodist Church, and

WHEREAS, it was decided by those attending the Church Conference to discontinue, and

WHEREAS, the Church Conference of the CHRIST UNITED METHODIST CHURCH OF LAKELAND voted and directed the Trustees and / or Directors and Officers of the corporation to transfer all assets, including but not limited to all real and personal property, to the South Central District, Florida Annual Conference, United Methodist Church, Inc.,

WHEREAS, the Bishop, Cabinet and all other required persons and entities have given their approval in accordance with *The Book of Discipline Of The United Methodist Church*, including but not necessarily limited to paragraph 2549, for the discontinuance of the CHRIST UNITED METHODIST CHURCH OF LAKELAND effective June 30, 2013:

THEREFORE, I, Sharon G. Austin, in my capacity as District Superintendent of the South Central District hereby move that:

- 1.) Christ United Methodist Church located in Lakeland, Florida should be discontinued, as a United Methodist Church as of June 30, 2013, and,
- 2.) All real and personal property and all other assets of any kind or nature be transferred to the South Central District, Florida Annual Conference, United Methodist Church, Inc and
- 3.) All actions necessary shall be taken by the affected entities and individuals in accordance with the procedures described in *The Book of Discipline* to deliver any and all instruments and documents necessary and proper to effectuate such transfer and to do and perform all other acts necessary and proper to carry out the intent and purpose of this motion.

Motion Made To The 2013 Session Of The Florida Annual Conference

Date: _____

By: _____

Sharon G. Austin, Superintendent, South Central District

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APPENDIX VII.

Post Vote Discontinuance Checklist

Following the recommendation and/or vote to discontinue:

When a church discontinuance seems possible it is very common for the leadership and congregation to disconnect in grief very quickly. It is also possible for financial giving to stop completely. While the members may be present, their hearts are hurting and their ability to lead and facilitate the process of closure often has to be assumed by the Pastor. The Pastor will need to take the lead in both the care of the congregation and in managing the closure process communicating clearly the steps of transitioning to a new congregation and closing the existing one. *If money runs out before the closing service to pay the bills, the Pastor needs to contact the District office immediately.*

Please Note: this is a continual work in process and is meant to be a guide. Sending this to the Sr. Pastor as soon as it is determined a discontinuance may be possible can allow the Pastor adequate time to plan for all the work involved in this process.

I. Maintenance of Property and Insurance

Local church handling:

- a. ___ Make arrangements to pay, adjust or handle any and all existing mortgages, loans or lines of credit
- b. ___ File all IRS statements and quarterly reporting, make sure to mark when it is the last one. Also make arrangements for all W2's to be written at the end of the year. Contact the Conference Treasure for assistance.
- c. ___ The Pastor and Trustees need to file a Notice of Dissolution with the Dept of State. Refer to the following link <https://efile.sunbiz.org/dissolve01.html>
- d. ___ Change the billing information for electric, phone and all other operating expenses to the District after annual conference.
- e. ___ Change Post office mailing address to District
- f. ___ Give neighbors and police District/Conference office numbers for emergencies.
- g. ___ Do not sign any contracts, leases or add events, weddings etc. beyond the date of the church/charge conferences
- h. ___ Review the church calendar and cancel all events after the closing date of the church.

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- i. ___ Send letters to all ministry and business partners to advise them of the changes.
- j. ___ Do not make any promises with regards to the Property or make any promises to list the Property with a real estate broker

District office handling:

- a. ___ Establish that property and liability insurance is maintained on the property.
- b. ___ Assign someone to check property regularly if not occupied.
- c. ___ Establish funding resource and accounting process to maintain all billing for upkeep of the facilities.
- d. ___ Establish care for ongoing repair, maintenance and upkeep of facilities (i.e. Lawn care, pest control, etc.).¹
- e. ___ When applicable, arrange for the formation of a Cemetery Association, deeding of the cemetery property to the Cemetery Association, and transferring designated assets for the care of the cemetery to the Cemetery Association. A separate survey of church and cemetery property may be required.

II. Inventory of Personal and Real Property

- a. ___ Complete Inventory of all Real Property:
 - i. There needs to be an inventory of all Real Property (Photos/deeds/surveys of the facilities). This includes inside and outside of all buildings/facilities including any parsonages or homes owned by the church.
- b. ___ Complete Inventory of all Personal Property:
 - i. There needs to be an inventory of all personal property.
 - ii. *Note: With permission from the District Superintendent, some items may be given to family members as appropriate, such as plaques with the families name on it.*

III. Instructions Pertaining to:

- a. ___ History to be shared at Annual Conference

¹ The Florida Annual Conference has contracted with A. Anthony Corp for Property Management and Brokerage Services. Contact Julian Pinner at julian@aanthonycorp.com.

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- i. Have the lay membership and/or the Pastor prepare a history of the congregation to be presented at Annual Conference. This needs to be sent to the District office at least 2 weeks prior to Annual Conference.
 - b. Commission on Archives and History of the Annual Conference
 - i. Paragraph 2549.4 (*will add text when new BOD available*)
 - 1. Besides the legal documents, the most important records to be sent to the archives are the membership records, as they are frequently needed by researchers. In addition, the following should be sent to the archives: charge conference and administrative board reports, budget and fiscal reports, architectural drawings (if the conference still owns the building), church histories and directories, and photographs of the building and of special events and people (with identifications). According to the Discipline, the contents of the cornerstone are to be sent to the archives.
 - 2. Unless they are of special significance, newsletters and Sunday bulletins are not collected by the archives. Scrapbooks are difficult to manage; it is suggested that they be offered to a local historical society or library. The church should contact the archivist concerning artifacts. If there are any questions, the conference archivist should be consulted.
 - c. Gifts, Endowments and Foundations
 - i. Paragraph 2549.5 & 2549.6 (*will add text when new BOD available*)
- IV. Additional Recommendations and Actions:
 - a. The Pastor to provide the District Superintendent with the current year statistical and financial report forms to be completed and sent to the Conference Treasure for the year end reports and Conference Journal.
 - i. TABLE I –Membership Statistics
 - ii. TABLE II—Financial Statistics
 - b. ___Arrange to acquire/transfer remaining balances of all church accounts:
 - i. General Account
 - ii. Building Funds
 - iii. Memorial Funds
 - iv. CDs/Investment Accounts

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- v. Cemetery Fund
 - vi. Sunday School Accounts
 - vii. United Methodist Women
 - viii. United Methodist Men
 - ix. Endowment Funds
 - x. Other:
- c. ___ Identify any restrictions on funds held in separate accounts.
 - d. ___ All Keys are to be turned into the District office after close of the last service by the Pastor. Note: in many cases the District may decide to rekey the facility immediately following the last service.
 - e. ___ The Pastor is to make arrangements for all membership records to be deliver to both the District and Archives and History of the Annual Conference
 - f. ___ The Pastor is to make arrangements for all members wishing to transfer their membership to another UMC.
 - i. The Pastor will invite neighboring UMC Pastors and/or leadership to attend a church gathering in order to extend the invitation to participate in ministry at their local church and extend care during the time of transition.
 - ii. The Pastor will arrange with the neighboring UMC's for pastoral care and attention to the shut-ins or those in the hospital.
 - g. ___ Security system are to be maintained on the property.
 - h. ___ As directed by the discontinuance motion, either the District or the Conference Trustees are assigned the task to determine future use and/or sale of discontinued property.
 - i. If the discontinued church is associated with a cemetery, columbarium or memorial garden, consider in consultation with the families in the church the following:
 - 1. Identify options with attorney
 - 2. Assist the family members as instructed by the options available.
- V. Closing Service (BOW #648)
- a. The District Superintendent establishes the date of the final and/or closing service(s).

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- b. The District Superintendent prepares the closing service and the District office prepares all materials needed. The Pastor both participates and holds responsibility of ensuring that the dates are communicated to all members
- c. The Pastor or a lay membership prepares a history of the congregation to print in the closing service. This needs to be sent to District office one week prior to closing service. (a copy also goes to Archives and History)

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APPENDIX VIII.

¶ 2549. *Disposition of Property of a Closed Local Church—*

1. Except as provided in ¶ 2549.3, the district superintendent may, pursuant to this paragraph, recommend the closure of a local church, upon a finding that:

- a) The local church no longer serves the purpose for which it was organized or incorporated (¶¶ 201-204); or
- b) The local church property is no longer used, kept, or maintained by its membership as a place of divine worship of The United Methodist Church.

2. *Procedure—*a) Prior to a recommendation to close a local church, the district superintendent shall:

- (1) Guide the congregation in an assessment of its potential as outlined in ¶ 213, in consultation with the appropriate agency assigned the responsibility of the conference parish and community development strategy;
- (2) Obtain and consider an opinion of legal counsel as to the existence of any reversion, possibility of reverter, right of reacquisition, or similar restrictions to the benefit of any party;
- (3) Develop, in consultation with the appropriate district board of church location and building, a plan for the future

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use of all the real and personal, tangible and intangible property
of the local church; and

(4) Develop a plan for the transfer of the membership
of the local church (§ 229).

b) Upon a recommendation by the district superintendent,
and with the consent of the presiding bishop, a majority of
the district superintendents, and the appropriate district board of
church location and building, the annual conference may declare a
local church closed. If the annual conference closes a local church,
title to all the real and personal, tangible and intangible property
of the local church shall immediately vest in the annual conference
board of trustees, who shall hold said property in trust for
the benefit of the annual conference.

c) The annual conference board of trustees may retain,
sell, lease, or otherwise dispose of the property of a closed local
church in accordance with the direction of the annual conference,
if any. It shall be the duty of the annual conference board of trustees
to remove, insofar as reasonably practicable or necessary, all
Christian and United Methodist insignia and symbols from such
property. In the event of loss, damage to, or destruction of such
local church property, the annual conference board of trustees, as

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the duly and legally authorized representative of such local church, is authorized to make a claim for, and collect on, any applicable insurance policies. If the annual conference board of trustees sells or leases the property, consideration should be given to selling or leasing the property to one of the other denominations represented in the Commission on Pan-Methodist Cooperation and Union.

d) If the annual conference closes any local church, the failure to complete any of the prior steps will not invalidate such closure.

3. *Ad Interim Procedures—**a)* At any time between sessions of annual conference, a local church may voluntarily transfer title to all its real and personal, tangible and intangible property to the annual conference board of trustees following the procedures set forth in ¶ 2540 or ¶ 2541. In such case, the annual conference board of trustees shall hold or dispose of such property in its sole discretion, subject to any standing rule of the annual conference. When it next meets, the annual conference shall decide whether to formally close the local church.

b) At any time between sessions of annual conference, if the presiding bishop, the majority of the district superintendents, and the appropriate district board of church location and building

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all consent, they may, in their sole discretion, declare that

exigent circumstances exist that require immediate protection of

the local church's property, for the benefit of the denomination.

In such case, title to all the real and personal, tangible and intangible

property of the local church shall immediately vest in the

annual conference board of trustees who may hold or dispose of

such property in its sole discretion, subject to any standing rule

of the annual conference. Exigent circumstances include, but are

not limited to, situations where a local church no longer serves

the purpose for which it was organized or incorporated (§§ 201-

204) or where the local church property is no longer used, kept, or

maintained by its membership as a place of divine worship of The

United Methodist Church. When it next meets, the annual conference

shall decide whether to formally close the local church.

4. All the deeds, records, and other official and legal papers,

including the contents of the cornerstone, of a closed local church

shall be collected by the district superintendent and shall be

deposited for permanent safekeeping with the annual conference

commission on archives and history.

5. The annual conference board of trustees shall review all

gifts held in trust, assets of any endowment funds, and assets of

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any foundation of the closed local church. The annual conference board of trustees shall dispose of the property in its discretion, unless otherwise directed by the annual conference or as required by law.

6. Any gift, legacy, devise, annuity, or other benefit that accrues to a closed local church shall become the property of the annual conference board of trustees. The annual conference board of trustees shall dispose of the property in its discretion, unless otherwise directed by the annual conference or as required by law.

7. If a local church in an urban center with more than 50,000 population is closed, any proceeds of the sale of its property must be used for new and/or existing ministries within urban transitional communities, as described in ¶ 212.

If a local church in a non-urban center is closed, any proceeds of the sale of its property may be used for new churches, new faith communities, new missional initiatives, relocating churches, churches building multi-campus facilities for the purpose of evangelistic church extension, or an organization that is a nonprofit and has values consistent with The United Methodist Church's values and is consistent with our Wesleyan heritage, theology, and United Methodist polity. In addition, the proceeds

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may be used to revitalize or enhance church ministry, or be given to an organization that is a vetted nonprofit and has values consistent with The United Methodist Church's values and is consistent with our Wesleyan heritage, theology, and United Methodist polity. In addition, the proceeds may be used to embrace or continue the work and vision of ministry with the poor in the community.¹²

exigent circumstances exist that require immediate protection of the local church's property, for the benefit of the denomination.

In such case, title to all the real and personal, tangible and intangible property of the local church shall immediately vest in the annual conference board of trustees who may hold or dispose of such property in its sole discretion, subject to any standing rule of the annual conference. Exigent circumstances include, but are not limited to, situations where a local church no longer serves the purpose for which it was organized or incorporated (§§ 201-204) or where the local church property is no longer used, kept, or maintained by its membership as a place of divine worship of The United Methodist Church. When it next meets, the annual conference shall decide whether to formally close the local church.

4. All the deeds, records, and other official and legal papers,

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including the contents of the cornerstone, of a closed local church shall be collected by the district superintendent and shall be deposited for permanent safekeeping with the annual conference commission on archives and history.

5. The annual conference board of trustees shall review all gifts held in trust, assets of any endowment funds, and assets of any foundation of the closed local church. The annual conference board of trustees shall dispose of the property in its discretion, unless otherwise directed by the annual conference or as required by law.

6. Any gift, legacy, devise, annuity, or other benefit that accrues to a closed local church shall become the property of the annual conference board of trustees. The annual conference board of trustees shall dispose of the property in its discretion, unless otherwise directed by the annual conference or as required by law.

7. If a local church in an urban center with more than 50,000 population is closed, any proceeds of the sale of its property must be used for new and/or existing ministries within urban transitional communities, as described in ¶ 212.

If a local church in a non-urban center is closed, any proceeds of the sale of its property may be used for new churches,

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new faith communities, new missional initiatives, relocating churches, churches building multi-campus facilities for the purpose of evangelistic church extension, or an organization that is a nonprofit and has values consistent with The United Methodist Church's values and is consistent with our Wesleyan heritage, theology, and United Methodist polity. In addition, the proceeds may be used to revitalize or enhance church ministry, or be given to an organization that is a vetted nonprofit and has values consistent with The United Methodist Church's values and is consistent with our Wesleyan heritage, theology, and United Methodist polity. In addition, the proceeds may be used to embrace or continue the work and vision of ministry with the poor in the community.¹²

12. See Judicial Council Decision 1202