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Presbytery of Mackinac Coordinating Council Proposed Minutes of the October 25, 2016, Special Meeting First Presbyterian Church, Petoskey, Michigan

- 1 The Coordinating Council of the Presbytery of Mackinac met Tuesday, October 25, 2016, at First Presbyterian Church in Petoskey, Michigan. As determined at the stated meeting of the Presbytery of Mackinac held on September 16 and 17, 2016, a special meeting of the Coordinating Council was called by the Coordinating Council Chair, Ruling Elder Steven Asher, to review the legal documents containing the terms and conditions for the dismissal of the Church of the Straits from the Presbytery of Mackinac, a mid council of the Presbyterian Church (U.S.A.). Coordinating Council Chair called the meeting to order at 10:00 a.m. with prayer. He declared a quorum.
- 1.1 Coordinating Council Members present were Coordinating Council Chair, Ruling Elder Steven Asher; Budget and Financial Services Chair, Ruling Elder Beach Hall; Education and Leadership Development Chair, Teaching Elder Elizabeth Broschart; Ministry Chair, Ruling Elder James Halsey; Worshiping Communities Chair, Ruling Elder Kenneth Visser; Presbytery Point Camp and Conference Center Board President, Ruling Elder Daniel Richards, ex officio; Transitional Designated General Presbytery, T. Ewen Holmes, ex officio; Treasurer, Ruling Elder John Fought; and Stated Clerk, Ruling Elder Kay Morrill.
- 1.1.1 Also present were several members of the Administrative Commission for the Church of the Straits of Mackinaw City, Ruling Elder Al Beamish, Teaching Elder Elizabeth Broschart (Moderator), Teaching Elder Michael Riggins (Vice Moderator); Attorney at Law Joel Schraw; and representatives from the Church of the Straits, Teaching Elder David Wallis, Ruling Elder Commissioner William Marvin, and Ruling Elders Diane Fry-Robbins and Janet Schaefer, and Ms. Marilyn Imeson.
- 1.1.2 On motion duly made and seconded, Coordinating Council **VOTED** to excuse Presbytery Moderator, Teaching Elder Jessica Paulsen; Presbytery Vice Moderator, Ruling Elder Richard Wissell; Mission Chair, Teaching Elder Maxine Hall; Personnel Chair, Teaching Elder Russell Brandt; Representation and Nominations Chair, Ruling Elder Caron Christopherson; Session Records Chair, Ruling Elder Margaret

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LaPonsie; Moderator of Presbyterian Women, Ruling Elder Florence Morrison; Representative to Synod Assembly, Teaching Elder Patricia Megregian; Administrative and Financial Assistant, Raeann Dunlop, ex officio.

- 2 **ADMINISTRATIVE COMMISSION FOR THE CHURCH OF THE STRAITS OF MACKINAW CITY** Teaching Elder Elizabeth Broschart
- 2.1 Commission Moderator, Teaching Elder Elizabeth Broschart, reported that the terms and conditions of the agreement between the Presbytery of Mackinac and the Church of the Straits have been met. The Church of the Straits has provided all of the original records of the church prior to federation and copies of records during the federation noting that some of the earlier pre-federation records were destroyed by fire. The official records of the Church of the Straits were given to the Stated Clerk to be deposited with the Presbyterian Historical Society in Philadelphia, Pennsylvania. In the final walkthrough of the building, anything that displayed the Presbyterian Church (U.S.A.) emblem, including a stained glass hanging window, was removed. She noted that there is nothing that continues to link the Church of the Straits with the Presbyterian Church (U.S.A.).
- 2.2 Attorney Joel T. Schraw advised Coordinating Council that the *Release of Trust and Quitclaim of Property* was the same as the one approved by the Presbytery, this one including two exhibits: Exhibit A being the real property legal descriptions for both the church and the manse; and Exhibit B, an inventory of personal property left.
- 2.3 Copies of the document approved by both the Presbytery of Mackinac and the Church of the Straits were given to Coordinating Council for review. There was opportunity for questions and discussion. With the Quitclaim, the Presbytery gives up all interest in the property, both real and personal to the Church of the Straits. The Council Chair, the President of the Corporation, and the Stated Clerk signed the document on behalf of the Presbytery. The Presbytery Treasurer abstained from signing. The Church of the Straits President, Secretary, and Treasurer signed the document on behalf of the Church of the Straits. The Presbytery Treasurer's name was struck from the notary section, and Attorney Schraw notarized the

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remainder of the signatures in each section.

- 2.4 Attorney at Law Joel T. Schraw advised that the document is binding and will be recorded with the Register of Deeds in Cheboygan County, as follows:

RELEASE OF TRUST AND QUITCLAIM OF PROPERTY

This **RELEASE OF TRUST AND QUITCLAIM OF PROPERTY** (“***Release***”) is made by **PRESBYTERY OF MACKINAC**, a Michigan non-profit corporation (“***Presbytery***”) in favor of **THE CHURCH OF THE STRAITS (METHODIST AND PRESBYTERIAN) OF MACKINAW CITY**, a Michigan non-profit corporation (the “***Church***”), whose address is 307 N. Huron Avenue, Mackinaw City, Michigan 49701.

Recitals

A. The Church is a federated church insofar as it is comprised of a single congregation, but is affiliated with both the United Methodist Church and Presbyterian Church (U.S.A.) (“***PCUSA***”) under the governance of the Michigan Area of the United Methodist Church and the Presbytery, respectively.

B. Section G-4.0203 (“Church Property Held in Trust”) of the *Book of Order*, Part II of THE CONSTITUTION OF THE PRESBYTERIAN CHURCH (U.S.A.) (the “***Trust Clause***,” formerly in Chapter 8 of the *Book of Order*), states that: “All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)”

C. Church and Presbytery have engaged in discussions as facilitated by an Administrative Commission of the Presbytery and it has been determined, agreed and affirmed by majority vote (by Church on August 7, 2016; by Presbytery on September 16, 2016) that the Church be dismissed from membership in Presbytery and PCUSA (the “***Dismissal***”).

NOW THEREFORE, for the consideration as stated below and other good and valuable consideration hereby acknowledged, the parties agree as follows:

Agreements

1. In consideration of the Church’s Dismissal from Presbytery, Presbytery (on behalf of PCUSA) has agreed to (I) release all Church property, real and personal, held by or for the Church (collectively, the “***Property***”), including without limitation the real property described on **Exhibit A** and personal property described on **Exhibit B** attached hereto, from any trust, coverage, and obligations, express or implied, including those claimed to arise under the Trust Clause, and (ii) quitclaim to the Church Presbytery’s and PCUSA’s respective right, title, and interest, if any, in and to the Property.

2. In consideration of the Church’s Dismissal from Presbytery, Church has agreed to make one lump sum payment in the amount of \$56,390.00 to Presbytery, which shall

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disbursed in the amounts of (I) \$28,359.00 to the General Fund of Presbytery, and (ii) \$28,031.00 without restriction to Presbytery Point Camp, Inc.

3. In consideration of Church's Dismissal from Presbytery and in honor of the Reformed heritage of Church, Church agrees to the following payment schedule to Presbytery should Church vote to terminate its relationship with a Reformed body as recognized by the World Communion of Reformed Churches at any time prior to September 30, 2026:

- a. Termination occurring between Oct. 1, 2016 and Sept. 30, 2018: Payment equating to the value of one-half of the Church's assets* as of December 31, 2015.
- b. Termination occurring between Oct. 1, 2018 and Sept. 30, 2020: Payment equating to the value of one-fourth of the Church's assets* as of December 31, 2015.
- c. Termination occurring between Oct. 1, 2020 and Sept. 30, 2022: Payment equating to the value of one-eighth of the Church's assets* as of December 31, 2015.
- d. Termination occurring between Oct. 1, 2022 and Sept. 30, 2024: Payment equating to the value of one-sixteenth of the Church's assets* as of December 31, 2015.
- e. Termination occurring between Oct. 1, 2024 and Sept. 30, 2026: Payment equating to the value of one-thirty-second of the Church's assets* as of December 31, 2015 .

* "Assets" for the purpose of this Paragraph 3 shall refer only to real property and personal property, specifically not including financial assets and other intangibles.

4. Church agrees to release all original records pertaining to PCUSA and its antecedents to Presbytery for archival purposes. These records shall include, without limitation, the minutes, register and rolls.

5. Church agrees to prepare and produce to Presbytery copies of all records pertaining to Church that were generated between the date of federation and the date of the execution of this Release. These records shall include, without limitation, Board of Governor's minutes, register and rolls, and any other pertinent information.

6. Church agrees to remove any signage and/or archival items that display the PCUSA emblem. If applicable, items bearing PCUSA emblem will become the property of Presbytery.

7. Church agrees to discontinue any media use of name or emblem of PCUSA.

8. For the foregoing, Presbytery desires to evidence, by execution of this instrument, the above-described release and quitclaim as follows:

- a. **Release by Presbytery.** Presbytery, for itself and as representative of and agent for PCUSA, releases and discharges the Property and the Church from any trust, coverage, and obligations, express or implied, including those claimed to arise under the Trust Clause.

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- b. **Quitclaim.** Presbytery, for itself and as representative of and agent for PCUSA, quitclaims to the Church all of Presbytery's and PCUSA's right, title, and interest, if any, in and to the Property, to have and to hold it to the Church and the Church's successors and assigns forever, on an AS-IS, WHERE-IS basis, with all faults. Neither Presbytery nor PCUSA will have, claim, or demand any right to title to the Property or any part of it.
9. The parties agree to the following miscellaneous provisions:
- a. **Entire agreement.** This Release sets forth the entire understanding of the parties.
 - b. **Amendment.** The terms of this Release may not be changed except by a written document executed by the parties.
 - c. **Binding effect.** The terms of this Release shall be binding on and inure to the benefit of the parties and their respective heirs, successors, administrators, personal representatives, and assigns. Governing Law. This Release shall be governed by the laws of the State of Michigan.

EXECUTED effective as of the 25th day of October, 2016.

PRESBYTERY OF MACKINAC

By: _____

Beach Hall, President

By: _____

Kay Morrill, Secretary

By: _____

John Fought, Treasurer

By: _____

Steve Asher, Council Chair

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STATE OF MICHIGAN

COUNTY OF EMMET

This instrument was acknowledged before me on October 25, 2016, by Beach Hall, Kay Morrill, ~~John Fought~~ and Steve Asher, President, Secretary, Treasurer and Council Chair, respectively, of **PRESBYTERY OF MACKINAC**, a Michigan non-profit corporation, on behalf of said non-profit corporation.

J. Schraw, Notary Public

Charlevoix County, Michigan

My commission expires: July 8, 2017

Acting in Emmet County

EXECUTED effective as of the 25th day of October, 2016.

**THE CHURCH OF THE STRAITS
(METHODIST AND PRESBYTERIAN)
OF MACKINAW CITY**

By: _____

Rev. David Wallis, President

By: _____

Diane Fry-Robbins, Secretary

By: _____

Janet Schaefer, Treasurer

STATE OF MICHIGAN

COUNTY OF EMMET

This instrument was acknowledged before me on October 25, 2016, by Rev. David Wallis, Diane Fry-Robbins and Janet Schaefer, President, Secretary and Treasurer, respectively, of **THE CHURCH OF THE STRAITS (METHODIST AND**

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PRESBYTERIAN) OF MACKINAW CITY, a Michigan non-profit corporation, on behalf of said non-profit corporation.

J. Schraw, Notary Public

Charlevoix County, Michigan

My commission expires: July 8, 2017

Acting in Emmet County

EXHIBIT A

Real property legal descriptions:

1. Located in Village of Mackinaw City, County of Cheboygan, State of Michigan and legally described as Lots 14 & 15, Block 70 (Section 7 and 18, T39N, R3W)

Parcel No: 012-V07-070-014

Commonly known as 309 Jamet St., Mackinaw City, MI 49701

2. Located in Village of Mackinaw City, County of Cheboygan, State of Michigan and legally described as Entire Block 73 (Section 7 and 18, T39N, R3W)

Parcel No: 012-V07-073-001-00

Commonly known as: 307 N Huron Ave., Mackinaw City, MI 49701

EXHIBIT B

INVENTORY

Inventory Document will go here.

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- 2.5 On recommendation of the Administrative Commission, and on motion duly made and seconded, Coordinating Council **VOTED** that the stained glass hanging window of the Presbyterian Church (U.S.A.) emblem be displayed in the dining hall at Presbytery Point Camp and Conference Center if PPCCC agrees to accept it.
- 2.6 Concerns were raised about the remnant of Presbyterian Church (U.S.A.) members of the Church of the Straits and pastoral care. The Administrative Commission expressed their intent to follow up with those members who remained.
- 2.7 On motion duly made and seconded, Coordinating Council **VOTED** to recommend to the Presbytery at its February 18, 2017, meeting, that Presbytery dismiss the Administrative Commission for the Church of the Straits with thanks for their hard and diligent work. Members of the Commission are Ruling Elder Al Beamish, Commissioned Ruling Elder Brenda Ransom (Clerk), and Teaching Elders Elizabeth Broschart (Moderator), Jose Lopez, and Michael Riggins (Vice Moderator).
- 2.8 Because the Treasurer had abstained from the process, the Chair of the Committee on Budget and Financial Services and President of the Corporation, Ruling Elder Beach Hall, received for deposit a check from the Church of the Straits in the amount of \$56,390. When the check has cleared, in accordance with the agreement as set forth by and between the Church of the Straits and the Presbytery of Mackinac, the amount of \$28,031 will be paid directly to Presbytery Point Camp and Conference Center.
- 3 With no more business to come before the Coordinating Council at this time, Coordinating Council adjourned with prayer by Coordinating Council Chair, Ruling Elder Steven Asher at 10:45 a.m. The next meeting of the Coordinating Council has been scheduled for Tuesday, January 17, 2017, at 10:00 a.m. at First Presbyterian Church in Petoskey, Michigan.

Kay Morrill

Stated Clerk