

## **Procedural Guide for Sale of Parish Property**

1. Parish first obtains approval from Bishop to explore the possibility of selling parish property, by working with Finance Office (Finance Office contact can be either Finance Officer or Director of Property Management).
2. Parish specifically identifies the property and building to be sold (whole or partial).
3. Partial Sale / Sub-division of Property
  - Parish checks local town / city ordinances by contacting municipal planning and/or zoning officials.
  - Parish checks municipal set-back, minimum lot size, density and other requirements.
  - Legal assistance of Diocese's attorney is available if authorized by Finance Office.
  - Establish new boundaries by having property surveyed (survey costs born by parish). Parish works with Finance Office and Diocese's attorney (attorneys' cost born by Chancery).
  - Consult with Chancery Finance Office and Diocese's attorney if desired division of property cannot be accomplished without either a variance or Planning Board approval.
  - Diocese's attorney in consultation with surveyor will draw up new deeds or property descriptions based on new survey.
4. Prior to putting property on the market, parish must obtain two independent market analyses from realtors or appraisers and forward to Finance Office.
5. Pastor must formally request in writing that the property be sold. The Pastor should indicate the proposed asking price and preferred realtor. The market analysis with the higher value normally determines the asking price and the realtor with the higher asking price is normally the preferred realtor. Reasons should be given for a lower asking price or a different choice of realtor. The letter must also indicate that the Parish Finance Council has been consulted and is in agreement with the proposed sale.
6. Bishop seeks approval for sale from:
  - College of Consulters
  - Diocesan Finance Council
  - If the property is a church, Bishop must consult with Priest Council to return the building to a "Profane but Not Sordid Use".
7. Parish selects realtor.

8. Parish will prepare Listing Agreement and disclosure forms with realtor.
  - All legal documents, including the Listing Agreement, dealing with sale of property must identify the Seller as the “Roman Catholic Bishop of Portland, a corporation sole” (RCBP).
  - Listing Agreement must specify that the conveyance will be made by a Release Deed. The RCBP will NOT convey by Warranty Deed
  - Under Additional Information in the Listing Agreement, note is to be made that the property will be sold containing the following deed restriction language: “The above-described premises are conveyed SUBJECT to the restrictions that the Grantee, Grantee’s successors and assigns, shall not use the premises in any way relating to: 1) counseling regarding or performance of abortions; 2) sale or distribution of pornographic materials; or 3) erotic displays or activities.”
  - Sale of some types of properties require disclosure forms typically supplied by broker.
  - Person familiar with the property should supply initial answers to questions in disclosure forms, but then leave disclosure form unsigned.
  - Disclosure forms must include the above deed restriction language in Section V, regarding “restrictive covenants.”
  - Listing agreement (unsigned) and any disclosure forms (unsigned) should be forwarded to Chancery with a cover letter from the Pastor asking permission to sell the property.
  - Listing agreement and disclosure forms are reviewed by Diocesan Attorney.
  - Bishop signs listing agreement and disclosure forms.
9. If needed, the Director of Property Management will assist in the inventory of all sacred vessels, artifacts and other assets for proper relocation and disposal.
10. Any offers received will need the approval of Bishop before they can be signed.
11. Diocese’s attorney reviews language of sales contract/offer before it is signed by the Bishop.
12. Only the Bishop signs the offer or contract for sale.
13. After the contract for sale is signed, the Diocese’s Attorney works with realtor and buyer’s title company/attorney to prepare further legal documents.
14. Bishop will not typically attend closing, but will sign required legal documents prior to the formal closing. Pastor may attend closing but will not sign deed or other primary documents.
15. Attorney arranges for formal closing.
16. Proceeds from sale of parish property are credited to parish. Proceeds are sent to Chancery and then distributed to parish.