

Senate Bill 280

By: Senators Shafer of the 48th, McKoon of the 29th and Millar of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated,
2 relating to corporations organized for religious, fraternal, or educational purposes, so as to
3 revise certain provisions regarding property held by congregations and religious societies;
4 to provide that conveyances of property to congregations and religious societies shall be
5 valid in accordance with Georgia law; to provide for the authority of congregations and
6 religious societies over trustees of property; to provide for express trusts of the property of
7 religious societies; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to
12 corporations organized for religious, fraternal, or educational purposes, is amended by
13 revising Code Section 14-5-46, relating to conveyances to churches or religious societies
14 confirmed, as follows:

15 "14-5-46.

16 All deeds of conveyance executed before April 1, 1969, or thereafter for any lots of land
17 within this state to any person or persons, to any ~~church~~ congregation or religious society,
18 or to trustees for the use of any ~~church~~ congregation or religious society for the purpose of
19 erecting churches or meeting houses shall be deemed to be valid and available in
20 accordance with Georgia property law for the intents, uses, and purposes contained in the
21 deeds of conveyance. ~~All lots~~ Any lot of land so conveyed shall be fully and absolutely
22 vested in such ~~church~~ congregation or religious society or in their respective trustees for
23 the uses and purposes expressed in the deed to be held by them or their trustees ~~for their~~
24 ~~use by succession, according to the mode of church government or rules of discipline~~
25 ~~exercised by such churches or religious societies."~~

26 **SECTION 2.**

27 Said article is further amended by revising Code Section 14-5-47, relating to authority of
 28 churches or religious societies over trustees holding land for their use, as follows:

29 "14-5-47.

30 All trustees to whom conveyances are or shall be executed, for the purposes expressed in
 31 Code Section 14-5-46, shall be subject to the authority of the ~~church~~ congregation or
 32 religious society for which they hold the same in trust and may be expelled from said trust
 33 by such ~~church~~ congregation or religious society, ~~according to the form of government or~~
 34 ~~rules of discipline by which they may be governed."~~

35 **SECTION 3.**

36 Said article is further amended by revising Code Section 14-5-48, relating to vacancies in
 37 administration of land trusts for use of churches and religious societies and certificate of
 38 appointment, as follows:

39 "14-5-48.

40 Every ~~church~~ congregation or religious society is authorized to fill all vacancies which may
 41 arise in the administration of the trusts described in Code Section 14-5-46 by the death,
 42 removal, or expulsion of a trustee or otherwise. When any vacancy shall be filled, the same
 43 shall be certified under the hand of the person presiding in the ~~church~~ congregation or
 44 society according to the form of government or discipline practiced by the ~~church~~
 45 congregation or religious society, which certificate shall express the name of the person
 46 appointed to fill the vacancy and the name of the person in whose place he or she shall be
 47 appointed. When the certificate has been recorded in the office of the clerk of the superior
 48 court of the county in which the land lies, the person so appointed to fill the vacancy shall
 49 be as fully vested with the trust as if he had been a party to and named in the original deed,
 50 provided that the failure to have recorded the certificate of appointment shall not operate
 51 to disqualify or render incompetent to act in any proceeding any trustee duly appointed by
 52 the form of government or discipline practiced by the ~~church~~ congregation or religious
 53 society having the power to appoint trustees."

54 **SECTION 4.**

55 Said article is further amended by adding a new Code section to read as follows:

56 "14-5-52.

57 A religious society may, as a condition to membership in the religious society, require a
 58 member congregation to establish an express trust upon the real and personal property of
 59 the member congregation for the benefit of the religious society. Such an express trust
 60 shall comply with the requirements of Code Section 53-12-20. The trust instrument shall

61 be executed by the congregation and shall, within 30 days of the execution thereof, be filed
62 by the religious society in the office of the clerk of the superior court of the county in
63 which the principal office of the congregation is located. The religious society shall
64 concurrently pay to the clerk the fee prescribed in Code Section 15-6-77. No other trust,
65 whether express or implied under the form of government or rules of discipline of the
66 religious society, or otherwise, shall be enforceable against any member congregation or
67 its real or personal property."

68 **SECTION 5.**

69 All laws and parts of laws in conflict with this Act are repealed.