

**ADOPTED**

Senators McKoon of the 29th and Shafer of the 48th offered the following amendment:

1 *Amend the House Committee on Judiciary substitute to SB 64 (LC 29 4845S) by inserting*  
 2 *after "14-5-7;" on line 7 the following:*

3 to 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;

8 *By redesignating Sections 6 through 9 as Sections 10 through 13, respectively, and by*  
 9 *inserting between lines 94 and 95 the following:*

**SECTION 6.**

11 Said title is further amended by revising Code Section 14-5-46, relating to conveyances to  
 12 churches or religious societies confirmed, as follows:

13 "14-5-46.

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

**SECTION 7.**

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

27 "14-5-47.

28 All trustees to whom conveyances are or shall be executed, for the purposes expressed in  
 29 Code Section 14-5-46, shall be subject to the authority of the ~~church~~ congregation or  
 30 religious society for which they hold the same in trust and may be expelled from said trust

31 by such ~~church congregation or religious society, according to the form of government or~~  
 32 ~~rules of discipline by which they may be governed."~~

33 **SECTION 8.**

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

37 "14-5-48.

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

52 **SECTION 9.**

53 Said title is further amended by adding a new Code section to read as follows:

54 "14-5-52.

55 A religious society may, as a condition to membership in the religious society, require a  
 56 member congregation to establish an express trust upon the real and personal property of  
 57 the member congregation for the benefit of the religious society. Such an express trust  
 58 shall comply with the requirements of Code Section 53-12-20. The trust instrument shall  
 59 be executed by the congregation and shall, within 30 days of the execution thereof, be filed  
 60 by the religious society in the office of the clerk of the superior court of the county in  
 61 which the principal office of the congregation is located. The religious society shall  
 62 concurrently pay to the clerk the fee prescribed in Code Section 15-6-77. No other trust,  
 63 whether express or implied under the form of government or rules of discipline of the  
 64 religious society, or otherwise, shall be enforceable against any member congregation or  
 65 its real or personal property."