

TRUST DEED AND CONSTITUTION OF HILLCREST BAPTIST CHURCH

PREFACE

A constitution is drawn up in order that the Church may be governed and administered in a responsible manner in the light of biblical instruction. This preface is supported by the following Scriptural statements:-

- The Lord Jesus Christ as head of the church calls to Himself out of the world those who have been given to Him by His Father that they might live in His sight, giving to Him the love and obedience prescribed by Him in the Word.
- He commands those He calls to gather in local churches.
- All believers are therefore to associate themselves with local churches, when and where they have the opportunity to do so.
- All who enjoy the privileges of church fellowship must also subject themselves to the discipline and government of the church in accordance with the rule of Christ.

To formalise the biblical principles governing church life, to give a clear statement of belief and practice and to provide guidelines for good order in the church, the following constitution has been drawn up.

1. NAME AND THEOLOGICAL PERSUASION

The name and designation of this Church shall be the Hillcrest Baptist Church, (herein styled “the Church”). The Church strives to uphold Reformed Theology.

Reformed Theology gets its name from the sixteenth century Protestant reformation, with its theology solidly based on the Bible itself. To be reformed includes belief in the Scriptures as the inerrant Word of God; belief that God is sovereign in this world; that He has elected His people to salvation and will effectually call them in His time, through evangelism and the preaching of the true gospel; that all worship must be in accordance with Scripture; and that the lives of believers as individuals, family members, members of the State and members of the Christian church, must be increasingly conformed to the standard of God’s Word.

2. DELETED

3. CHURCH GOVERNMENT

We believe in:

- 3.1 the principle of congregationalism, namely that each member has the privilege and responsibility to use his/her gifts and abilities to participate fully in the life of the Church. We recognise that God gifts His church with pastors/elders who lead in a spirit of servanthood, equip and provide spiritual oversight, and with appointed servants who facilitate the smooth functioning of the Church. This principle further recognises that each member should participate in the appointment of the church’s leaders and that a constituted church meeting, (under the direct Lordship of Christ and the authority of Scripture), is the highest authority for the local church.
- 3.2 the principle of separation of Church and State, in that in the providence of God, the two differ in their respective nature and functions. The Church is not to be identified with the State nor is it, in its faith or practice, to be directed or controlled by the State. The State is responsible for administering justice, ensuring an orderly community and promoting the welfare of its citizens. The Church is responsible for preaching the gospel and for demonstrating and making known God’s will and care for all mankind.
- 3.3 the plurality of elders providing spiritual leadership supported by appointed servants.

4. DECLARATION OF BELIEF

4.1 We believe:

- 4.1.1 in the Scriptures of the Old and New Testaments in their original writings with God as their author and written by men divinely inspired by God. The Scriptures are inerrant and authoritative. They do not merely contain the Word of God but are the Word of God and the final authority in all matters of faith and conduct.
- 4.1.2 in one God, creator of all, holy, sovereign, eternal, existing eternally in three equal persons, Father, Son and Holy Spirit.
- 4.1.3 in the absolute and essential deity of Jesus Christ, in His eternal existence with the Father in pre-incarnate Glory, in His virgin birth, true humanity, sinless life, substitutionary and propitiatory death, bodily resurrection, triumphant ascension into heaven; His present life as our High Priest and Advocate and His personal return.
- 4.1.4 in the absolute and essential Deity and personality of the Holy Spirit who convinces men of sin, of righteousness and of judgment; who regenerates, abides in, sanctifies, illuminates, comforts, encourages and equips for service the body of Jesus Christ.
- 4.1.5 in the personal existence of Satan as one who is totally evil and who is the originator of sin, the arch enemy of God and man.
- 4.1.6 that Adam was immediately and specially created by God after His own image and holiness, to enjoy perfect fellowship and communion with Him; that the historic fall of man from his original righteousness was the result of the one sin of Adam as head and representative of the human race; that as a consequence of Adam's sin, all mankind is born into the world under the guilt and condemnation of sin (imputed to it), in possession of a sinful nature, corrupt in every part, under the wrath of God, and subject to eternal death, the punishment of sin and that sin is any lack of conformity to, or transgression of, the law of God.
- 4.1.7 that none but those who exercise repentance from sin and faith in the Lord Jesus Christ shall be saved and that salvation is by the sovereign grace of God; that justification is by faith alone in the all sufficient sacrifice and resurrection of the Lord Jesus Christ and that those who are saved shall be divinely preserved and finally perfected in the image of the Lord.
- 4.1.8 in the personal, bodily and glorious return of the Lord Jesus Christ; in the resurrection of the just and the unjust; in the eternal blessedness of the redeemed and in the judgment and conscious, eternal punishment of the wicked. A position on the exact timing and sequence of eschatological events will never exclude anyone from membership or eldership of this Church.
- 4.1.9 that a church is a company of believers who have been called out from the world to worship God, separated unto the Lord Jesus, voluntarily associated for the ministry of the Word, the mutual edification of its members, the propagation of the faith and the observance of the ordinances which are baptism and the Lord's supper; that the local church is the manifestation of the universal church and is fully autonomous, exercising its own divinely awarded gifts, precepts and privileges under the Lordship of Christ, the great head of the church, and in the priesthood of all believers; and that the elders (also called pastors and bishops in the Bible) have oversight over the church assisted by appointed servants.
- 4.1.10 in the priesthood of all believers by which we understand that each Christian has direct access to God through Christ our High Priest, and is involved in the work of reconciliation which

consists of intercession, worship, faithful service and bearing witness to Jesus Christ, even to the end of the earth.

4.1.11 in the principle of religious liberty, namely that no individual should be coerced either by State or by any secular, ecclesiastical or religious group in matters of faith; the right of private conscience is to be respected which for each believer means the right to interpret Scripture responsibly, however the infallible rules for interpreting Scripture and understanding it are that it must always be within its context, by comparison with other relevant portions, and under the guidance of the Holy Spirit.

4.1.12 that God has sanctioned marriage only between one man and one woman, therefore we believe that the only sexual relationship ordained by God and acceptable in the Bible is a consensual sexual relationship between a natural man and a natural woman within the confines of lawful matrimony. Adherence to this stated principle of sexual behaviour is an inherent requirement for membership of the Hillcrest Baptist Church.

4.2 The above Declaration of Belief shall be agreed to and signed by all the members of the Hillcrest Baptist Church.

4.3 Each applicant for membership shall be given a copy of the Declaration of Belief and the following certificate should be signed and dated by each applicant:

I, the undersigned, freely and voluntarily subscribe to the basic principles set out in this Declaration of Belief and understand and consent to the fact that should I violate such principles, I may be required by the leadership to either accept its counsel and discipline or forfeit my membership of Hillcrest Baptist Church.

4.4 The Church subscribes, in general, to The Baptist Confession of Faith of 1689, Carey Publications Ltd, which is a useful reference in relation to the Church's beliefs.

5. THE ORDINANCES

5.1 The Lord Jesus appointed only two ordinances – Baptism and the Lord's supper – to be observed as acts of obedience and as a perpetual witness to the cardinal facts of the Christian faith.

5.2 Baptism is the immersion of the believer in water in the name of the Father, Son and Holy Spirit as a confession of identification with Christ in burial and resurrection. Baptism may be performed by any suitable believer appointed by the elders.

5.3 A candidate for baptism shall at the same time be urged to make application for membership in accordance with Section 6.

5.4 The Lord's supper is the partaking of bread and wine as symbolic of the Saviour's body and shed blood in remembrance of His sacrificial death until His return. This ordinance shall be observed regularly and all true believers may participate. Any believer in good standing may lead the service and serve at the table.

6. MEMBERSHIP

6.1 The Church shall be constituted of and shall include among its members:

- (a) those who were members of the Church and agreed to the Declaration of Belief on 13 August 2000, and who have not been removed from the membership roll.
- (b) such persons as may hereafter be received into its fellowship in accordance with the provision of Sections 6.2 to 6.5 and whose names have not been removed from the membership roll.

- 6.2 Persons who have declared their faith in the Lord Jesus Christ and have confessed the same in baptism (immersion) shall be admitted to the membership of the Church by vote of the Church.
- 6.3 Persons desirous of joining the Church shall make application to the elders of the Church. Two members appointed by the elders of the Church shall interview such applicants and shall report to the elders who will, if satisfied with the report, submit the application to a Church meeting for approval.
- 6.4 Persons desirous of joining the Church shall give a clear confession of their faith in Jesus Christ as their Lord and Saviour and shall affirm in writing their acceptance of the Trust Deed and Constitution of the Church and their full agreement with the Declaration of Belief.
- 6.5 Persons desirous of joining the Church, who have declared their faith in the Lord Jesus Christ, but who have not been able to confess their faith through believer's baptism by immersion because of medical or other reasons, may, upon the recommendation of the elders, be admitted to the membership of the Church by vote at any church meeting, subject to the solemn undertaking not to teach contrary to, or in any way undermine, the Church's belief in a practice of believer's baptism by immersion.
- 6.6 Membership shall cease on death, transfer, resignation, excommunication, the member no longer accepting the Trust Deed and Constitution or no longer being in full agreement with the Declaration of Belief of the Church.
- 6.7 If any member is absent from the services of the Church for a prolonged period without good reason known to the elders, they shall make inquiry into the matter. In the event of such inquiry producing no satisfactory result, the name of the member concerned shall be reported to a church meeting for such action as the members present may decide.

7. CHURCH MEETINGS, REPORTING AND TRANSACTIONS OF BUSINESS

- 7.1 There shall be two types of meetings:
 - (a) The Annual General Meeting which will be held within three months of the financial year end, which shall be 30 June, and which shall confirm the budget. This meeting will also confirm reports from the elders on the various ministries of the Church, confirm the appointment of the secretary, treasurer and trustee, as well as conduct any other relevant business.
 - (b) Special General Meetings which shall be called by the elders whenever necessary for the purpose of dealing with a specific matter or matters, including but not limited to, constitutional amendments, disciplinary matters, budget presentation, election of elders, election of appointed servants, approval of new members and the introduction of new projects.
- 7.2 At the end of every quarter during the year, subsequent to the Annual General Meeting, each elder in charge of a ministry, ministry cluster or portfolio will produce a comprehensive report of his ministry which will be made available to all members.
- 7.3 Throughout this constitution "meeting" and "meetings" is used to refer to either of the above meetings and the meaning shall be determined by the context.
- 7.4 For all church meetings the notice will be read at all services on the two Sundays preceding the meeting and a notice of meeting will be placed on a general notice board. For Special General Meetings the notice shall include the main business of the meeting. In exceptional circumstances, as determined by the elders, it will be deemed sufficient notice if notice is given on one Sunday only.
- 7.5 At all church meetings any member of the Church who has attained the age of 18 years shall be entitled to vote.

- 7.6 Special General Meetings at which disciplinary matters are to be dealt with shall be closed to all except members who are entitled to vote.
- 7.7 Any resolution passed by a simple majority (except where the constitution requires a greater majority) of members present and entitled to vote at such meeting shall be binding on the Church until such resolution has been rescinded at another church meeting.
- 7.8 At all church meetings the vote shall be taken by show of hands except where a ballot is requested by at least five members.
- 7.9 A quorum shall be deemed to exist where at least 33% of members entitled to vote are present. If no quorum is present the Chair shall adjourn the meeting for seven (7) days, at which subsequent meeting those present will be deemed to form the quorum.
- 7.10 The Church shall function through the medium of its elders and appointed servants, who shall act as generally or specifically directed by the Church in church meetings, and who shall be accountable to the Church for the proper carrying out of all acts. The elders shall nominate from the church membership, the secretary and treasurer of the Church. Upon approval by the church at the Annual General Meeting, the secretary and treasurer will hold office for one year.

8. PRIVILEGES AND RESPONSIBILITIES OF CHURCH MEMBERS

- 8.1 Privileges of members include the privilege to:
- (a) join regularly with other believers in worship and in sharing the Lord's supper;
 - (b) be part of the local, visible manifestation of the body of Christ in mutual support and encouragement;
 - (c) be under the pastoral care of the elders;
 - (d) be free to participate in the business of church meetings and in decision making in the Church;
 - (e) serve one another with the gifts with which God has blessed each believer in accordance with 1 Peter 4:10.
- 8.2 Duties of members include the duty to:
- (a) make every effort, as far as possible, to attend worship, fellowship, prayer and church meetings regularly;
 - (b) exercise their special privilege and responsibility to seek to win others to Jesus Christ;
 - (c) be faithful stewards of what the Lord has entrusted to their care in time, talents and possessions; members ought to give systematically, proportionately, sacrificially and cheerfully of their means to God's work;
 - (d) work together in love and in humility bearing one another's burdens and exercising their gifts for the building up of the Church body;
 - (e) seek to live holy lives;
 - (f) court and marry only believing partners;
 - (g) remain faithful to their spouses and bring up their children in the training and instruction of the Lord;
 - (h) submit to the leadership and discipline of the Church, including the receiving of instruction and, if necessary, loving rebuke.

9. CHURCH DISCIPLINE

The Lord Jesus Christ provides for discipline in His church. Discipline is one of the pastoral responsibilities of elders who labour to see the image of Christ formed in all believers in their care. The aim of church discipline is maintenance of the purity of the body of Christ and the restoration of the erring member. All disciplinary steps are taken in a spirit of love and concern. Church discipline is always corrective and instructive, never punitive. It is carried out prayerfully, tenderly, impartially and

firmly. Its ultimate sanction is the withdrawal of fellowship from the erring believer. It requires the support and submission of the Church if it is to be biblical and effective.

All believers have a role to admonish one another in love in the normal course of fellowship. However, some offences require the attention of the elders and ultimately the whole Church. Whilst biblical discipline is essential for the honour of the Lord Jesus Christ, it is recognised that the church has no right to legislate in matters of private judgement and that God alone is the Lord of conscience. The Scriptures enjoin conformity to the image of the Lord Jesus Christ, not to humanly instituted patterns of behaviour.

9.1 The grounds for church discipline include the following:

- (a) Holding beliefs about Christian doctrine which are contrary to the Declaration of Belief as set out in Section 4.
- (b) Acts of immorality or other public behaviour plainly contrary to biblical teaching.
- (c) Unreconciled interpersonal breaches threatening the unity and harmony of the Church.
- (d) Creating unnecessary divisions or factions within the Church.

9.2 The purpose of church discipline is:

- (a) for the repentance, reconciliation, and spiritual growth of the individual disciplined.
- (b) for the instruction in righteousness and good of other Christians, as an example to them.
- (c) for the purity of the church as a whole.
- (d) for the good of our corporate witness to non-Christians.
- (e) for the glory of God by reflecting His holy character.

9.3 The procedure for church discipline

Offences as between members are to be dealt with in accordance with Matthew 18:15 – 20. An offence must first be handled privately between the members concerned. If this does not resolve the matter, the aggrieved member should take one or two other members with him/her to address the matter with the offending member. If there is still no reconciliation, the elders should be approached. The elders must investigate the matter and if satisfied as to the accuracy of the complaint, the elders should visit, counsel and exhort the erring member to repentance. A member will be restored if there is evidence of the fruit of repentance in the opinion of the elders. If there is only one elder, the elder may appoint a suitable nominee to accompany him.

If there is no repentance, 2 Thessalonians 3:6, 14 – 15 will be applied during this period of counselling. The erring member may be suspended from partaking at the Lord's table, leading in public prayer, engaging in any ministry in the Church and voting at all church meetings. During the application of this measure, the member must receive special encouragement and ministry from the church leaders in accordance with 2 Thessalonians 3: 15. Should repentance follow, all suspensions must be lifted, and no further action taken.

If there is still no repentance, in accordance with Mathew 18: 15 – 20, the matter must be brought to the Church by the elders. The Church must be encouraged, in an appropriate manner, to call the person to repentance. If, after an appropriate time, there is still no repentance, a recommendation from the elders shall be brought to a Special General Meeting to remove the erring member from the membership role. An excommunicated person shall be treated with concern and courtesy. Should repentance ensue, the person's name will be brought before the Church at a Special General Meeting for re-instatement.

In the event that an elder is accused of a transgression requiring investigation then the procedure as for church members shall be followed bearing in mind the requirements of an elder as stated in 1 Timothy 3:1 – 7 and Titus 1:5 – 9. In addition to following the above procedure for members, and in

accordance with 1 Timothy 5:20, the erring elder will be rebuked publicly. Should repentance ensue no further measures need be taken.

10. RESOLUTION OF DIFFERENCES/AREAS OF CONCERN

10.1 In the event of a serious dispute arising as between:

- (a) a group of members and the remaining membership;
- (b) a pastor and the whole membership or a group within the membership;
- (c) a pastor and the elders

such that, in the opinion of the elders or the pastor, it is impinging on the effective ministry of the Church or is seriously threatening its unity, the elders or pastor shall call upon the Church to set aside a day of prayer and fasting in order to seek the Lord's gracious intervention.

After having exhausted all constitutional means, any of the above parties (ie the pastor, an elder, or a group of ten members) may call for a meeting with the elders with a view to resolving the differences. At such a meeting a pastor or elder of another like-minded church, acceptable to both disputing parties, shall be present and shall be the chairman of the meeting.

10.2 It shall be the obligation of those in dispute and of the church membership as a whole to afford the elders and appointed servants and the nominated pastor or elder every reasonable opportunity to assist in bringing about a God-honouring solution. The nominee may, if he so elects, submit a written report with appropriate recommendations which will be brought to a church meeting for voting.

11. ELDERS AND APPOINTED SERVANTS

11.1 ELDERS

In accordance with the New Testament the church is to be ruled and shepherded by elders who are equal in authority. Christ is the head of the church; the elders rule by His authority as revealed in the Scriptures. The elders and their flock are in union with Him; their relationship is one of mutual voluntary submission. The elders rule willingly by example and exhortation, not lording it over the flock, who submit to the elders knowing that elders watch for their souls and give account to Christ for their labours.

11.1.1 Appointment

Male members who exhibit the qualities laid down in Scripture (see 1 Timothy 3:1 – 7 and Titus 1:5 – 9) may be considered for this ministry in the Word, shepherding and prayer. The nomination of a suitable candidate is to be submitted by any member to the eldership/eldership committee for consideration. Any nominee must be over the age of 21 and, with the exception of a pastor called in terms of Section 11.1.3, have been an active member of the Church for at least 2 years.

Upon agreement, the name/s are to be submitted to a Special General Meeting. The nominees require approval of at least 75% of these present and eligible to vote in order to be appointed as elders by the Church. This vote shall be by secret ballot. An elder shall be set apart by the laying on of hands preferably by an elder or elders.

11.1.2 Duties

The duties of eldership include the following:

- (a) ensuring the continuation of sound preaching and teaching from the Word of God;
- (b) exhorting, admonishing and encouraging fellow believers;
- (c) visiting the sick and the members in order to exhort and encourage them by prayer and the ministry of the Word of God;

- (d) guiding the Church in decision making;
- (e) seeking out and nurturing the exercise of spiritual gifts by members so that in the local church the body of Christ may be built up and function effectively in the evangelisation of the community;
- (f) stimulating and maintaining interest in the world-wide church of Christ.

11.1.3 Pastors

For the purpose of this constitution, men called to the full time ministry to the Church shall be termed pastors. This appointment is vested in the membership of the Church and the procedure shall be as follows:

- (a) A special day of prayer and fasting will be called for church members to seek God's will in this regard.
- (b) The elders shall consider suitable names and shall bring their recommendation to the Church at a Special General Meeting. The elders shall put before the meeting only one name at a time. The elders will not recommend a man for the position of pastor at the church if he does not wholeheartedly espouse reformed doctrine, and if he does not practice expository preaching (preaching where the content of the sermon accurately reflects the content of the scripture text(s) being taught).
- (c) A call shall be extended provided at least 75% of the members present vote in favour. This vote shall be by secret ballot. The prospective pastor's appointment is contingent upon his affirming in writing his full agreement with the Declaration of Belief and his acceptance of the Trust Deed and Constitution of the Church.
- (d) On commencement of his ministry he will become both a member of the Church (if he is not a member already) and an elder (if he is not an elder already), but members of his family wishing to join the Church must make application in the manner set out in Section 6.
- (e) Termination of the appointment shall be by three months' notice in writing by either side unless otherwise mutually agreed provided that his duties may be suspended by the Church immediately.

11.1.4 Eldership Committee

In the event of there being fewer than 2 elders an eldership committee shall be appointed and shall be made up of the remaining elder together with five male appointed servants, or all the male appointed servants if there are fewer than five male appointed servants. The five servants will be chosen by the elder. If there is no remaining elder the eldership committee shall consist of five male appointed servants or all the male appointed servants if there are fewer than five male appointed servants. If there are more than five male appointed servants, the five male appointed servants will be chosen by all the appointed servants. This eldership committee shall consist of at least 3 to constitute a quorum. Should the collective body be less than 3 then they shall by consensus co-opt a competent male church member who shall be given equal status for the necessary period. The chairman shall be the elder. If there is no remaining elder, the eldership committee will elect a chairman from amongst its members.

If there is no unanimity on a particular matter, the committee shall adjourn the discussion for further individual prayer and consideration. The committee shall reconvene within 14 days for final a decision. The eldership committee as distinct from the elders, shall act only where specifically required in terms of the constitution.

These areas are as follows:

- (a) considering applications for membership in terms of Section 6.5;
- (b) arranging interviews for candidates for membership;
- (c) dealing with disciplinary matters;
- (d) nominating the appointment of elders.

11.2 APPOINTED SERVANTS

Appointed servants serve the church by relieving the elders of administrative and practical duties. Each appointed servant shall have specific work to fulfil in the church. The elders shall define the roles and the number of people required. Members exhibiting the qualities laid down in Scripture may be considered. Appointed servants are concerned primarily with supporting the ministry of the Church through the implementation of the policies and decisions of the elders and advising where necessary.

In 1 Timothy 3:8 – 13 the word commonly transliterated as deacon is best understood when translated as servant. For the purpose of this constitution the phrase “appointed servant” or the word “servant” will be used to refer to the members addressed in 1 Timothy 3:8 – 13. For the purposes of clarity, the word “deacon” may be used when communicating with those outside of the Church.

1 Timothy 3:11 is best translated as “women likewise” (referring to women appointed servants) rather than “their wives” thus both biblically qualified men and women can be appointed as servants. In the case of women appointed servants, consideration must be given to the reporting structure in which the intended woman appointed servant will function to ensure that she will not have men reporting to her.

In accordance with the teaching in 1 Timothy 3:8 – 13, and the practice in Acts 6:1 – 6, the Church will elect, from among the members, those who are over the age of 21 who meet the biblical criteria and who are performing significant service to the body at Hillcrest Baptist Church, as appointed servants.

In order to facilitate the effective ministry of the Church and the efficient functioning of appointed servants, the elders should identify as many ministry clusters as are necessary and should determine which elder/s has oversight of each cluster. The elders should also determine the number of servants that are necessary to be appointed to each cluster. A servant may be appointed to more than one cluster.

An appointed servant will serve in a ministry cluster under the authority of the eldership in general and the elder in charge of that cluster in particular. The number of servants required, the functions of the servants and the manner in which the servants in a cluster operate will depend on the needs of the particular cluster and will be determined by the elder in charge.

The election of appointed servants can be done at any properly constituted church meeting. The procedure below will apply for any election of appointed servants.

- 11.2.1 The elder in charge of a cluster will determine the need for an appointed servant or servants within that cluster.
- 11.2.2 Subject to 11.3, and subject to the continued willingness of the appointed servant, the appointment of a servant shall be either for a definite or indefinite period as determined by the elders.
- 11.2.3 The elder in the cluster, after consultation with the other elders, will propose a candidate for that appointed servant role to the church for affirmation at a church meeting, after having regard to the candidate’s eligibility, suitability and desirability for that role.
- 11.2.4 A nominee shall obtain a simple majority of the votes of members present in order to be affirmed as an appointed servant.

11.3 TERMINATION

Elders and appointed servants shall be subject to the same discipline as other members of the Church and the same ultimate sanction of loss of membership and thus loss of appointment. In addition, the Church may consider the direct termination of an elder or servant's appointment on the following grounds:

- (a) open, unrepentant sin
- (b) deviating from biblical doctrine as summarised in the Declaration of Belief
- (c) neglect of duty or incompetence
- (d) use of office for personal gain
- (e) failing to adhere to the relevant qualifications as set out in 1 Timothy 3:2-12.

An appointment shall cease if after careful investigation and consideration the church meeting decides that there is just cause for terminating the appointment of an elder or appointed servant. This decision requires a simple majority of those present and entitled to vote.

The Church has a responsibility to uphold the biblical ideal of marriage. If an elder or appointed servant divorces such elder or appointed servant will be obliged to resign. However, after a suitable time has elapsed, the elder or appointed servant may be considered for re-election subject to the qualifications set out in 1 Timothy 3:1 – 13 and Titus 1:5 – 9.

12. DELETED

13. DELETED

14. DELETED

15. CHURCH PROPERTY

All property which the Church may acquire, whether movable or immovable, shall be held and administered solely for the furtherance of its objectives and the propagation of its principles. In the event of the Church at any time ceasing to exist, all property and rights to property owned by it shall *ipso facto* be vested in the trustees who will make a decision as to the property. The property (or its proceeds) must be used to further the aims of a like-minded church or church organisation in South Africa.

If there are no trustees that property will vest in an organisation with substantially the same beliefs, as articulated in Section 4, as the Church.

The Church shall be deemed to have ceased to exist when the dissolution of the Church shall have been resolved in accordance with Section 18 or when the members of the Church have become totally dispersed or when the public worship of God has been discontinued in connection with the Church for a period of 6 consecutive calendar months.

16. REGISTRATION OF IMMOVABLE PROPERTY AND CHURCH TRUSTEES

- (a) All immovable property acquired or hereinafter acquired by the Church shall vest in and be held by the trustees for the time being of the Church for and on behalf of the Church.
- (b) Immovable property shall be registered in the name of the trustees for the time being of the Hillcrest Baptist Church.
- (c) Trustees shall deal with property subject to the provisions of Section 15 as instructed and authorised in accordance with this constitution.
- (d) The trustees for the time being of the Church shall be the church secretary and the church treasurer, both *ex officio*, together with one other member of the Church who shall be

appointed annually at the Annual General Meeting after nomination by the elders, and they shall continue to hold office until the next Annual General Meeting.

- (e) Any interim vacancy shall be filled by a nominee appointed at any church meeting to hold office until their successors are appointed.
- (f) All documents requiring the signature by, or on behalf of, the Church, shall be signed by at least two trustees duly authorised thereto by the Church at any church meeting.

17. TRANSFER OR MORTGAGE OF MOVABLE AND IMMOVABLE PROPERTY

The Church shall have power to buy, sell, let or hire, exchange, transfer, receive by way of donation or otherwise movable and immovable property and to invest its funds in government or municipal stock, mortgage bonds, or on fixed deposit or otherwise, in banks or as otherwise specifically approved by a church meeting and shall further have power to borrow money with or without security in such a manner as the Church may think fit, negotiate loans from bankers or others by overdraft or otherwise and by passing mortgage or notarial bonds for registration with the proper authorities and to open and operate upon banking accounts, and to make, draw, accept, discount, execute and issue promissory notes, bills of exchange and other negotiable and transferable instruments. Any of the aforesaid shall be carried out upon the authority of a resolution of the Church passed at a Special General Meeting.

18. DISSOLUTION AND PROCEEDS OF SALE OF PROPERTY

- (a) The proceeds obtained from the sale or other disposal of any property of the Church shall be applied and devoted in such a manner as the Church may deem best to secure the furtherance of the objectives of the Church and the propagation of its principles. In the event of the Church having ceased to exist, the procedure in Section 15 will be applicable.
- (b) The Church may at any time be dissolved by resolution of a majority of 90% of the members present and entitled to vote at a Special General Meeting of the Church. In the event of such a resolution being passed the elders or, in the event of there being fewer than two elders, an eldership committee as per section 11.1.4, or, if there is no eldership committee, other persons appointed by the Church, shall take the necessary steps to wind up the affairs of the Church in accordance with Section 15 where applicable.

19. MODIFICATION OF CONSTITUTION

Any proposal to modify or alter this trust deed and constitution shall be considered only at a Special General Meeting. At such a meeting the proposal shall be discussed and may be voted upon. If at least 80% (90% for Section 4) of the members present and entitled to vote, vote in favour, the proposal shall be brought to a further Special General Meeting for confirmation. This second meeting shall not take place earlier than 2 months after the first meeting. If at least 80% (90% for Section 4) of the members present and entitled to vote, vote in favour, the proposal shall be carried.