

CONGREGATIONAL CHURCHES (EXCERPT)

Act 53 of 1901

458.308 Corporation declared extinct; dissolution, procedure; title, vesting in conference, powers and duties.

Sec. 8. In all cases where the property of any corporation subject to the provisions of this act has been abandoned, or is no longer used for the benefit of said corporation as a Congregational religious organization, or if said corporation has for a period of 2 years ceased to exercise its corporate functions, or to hold regular religious services, then, in any or all of such cases, the local association of churches with which it is, or has last been connected may, by resolution declare the said corporation extinct and may notify the Michigan Congregational Conference, a corporation organized and existing under and by virtue of the laws of this state, of such resolution. Upon receiving such notice the said conference by its executive committee or such officer as said committee may designate, may apply to any court of equity jurisdiction in the county in which said property may be, for a decree, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference. The application for such decree shall contain a statement of the reasons for said action and there shall be annexed thereto a duly certified copy of the resolution of the local association of churches to which said corporation belonged, declaring said church extinct, as above provided. Upon the filing of said application an order shall be entered, requiring all persons interested in said corporation, to show cause if any they have why such corporation should not be dissolved, at some time and place to be therein specified, not less than 4 weeks from the date thereof. Notice of the contents of such order shall be published once in each week for 3 successive weeks in a newspaper published in said county, if any such there be, and if not, in such newspaper of general circulation in said county as the court may direct. On the day appointed in such order, or on any day to which the court may adjourn the proceedings, if it shall appear to the court that the facts set forth in said application are true, a decree shall be entered, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference, and such corporation shall thereupon be dissolved and the title to its property shall vest in the said Michigan Congregational Conference, which shall hold the said property, or the proceeds thereof if, in its judgment, it shall be deemed wise to sell it, in trust for 2 years and if, within said time, a Congregational church shall be incorporated under this act as the successor of the church so dissolved and shall be received in due form as a member of the local association to which the said church belonged at the time of its dissolution, it shall be the duty of the said Michigan Congregational Conference, on receiving satisfactory proof of said facts, to convey the said property or the proceeds thereof to the said church so incorporated which shall then be deemed to be in all respects the successor of the said church so dissolved, and shall succeed to all of its rights, privileges, property and obligations, except as above provided, as if said corporation had not been dissolved. But if no such church is so organized and incorporated, the absolute title to said property shall vest in the said Michigan Congregational Conference, subject to all trusts affecting the same in the hands of the dissolved corporation.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11023;—CL 1929, 10957;—CL 1948, 458.308.