Presbyterian congregations need to appoint trustees to sign legal documents, and the like, as directed by the congregation. (See August 2010 issue of For Elders for why congregations appoint trustees.) Congregations should also prepare a trust deed for their trustees.

“What is a trust deed?”

Simply put, a trust deed is something of a job description for trustees.

Section 149 of the Book of Forms makes reference to trust deeds:

The property of the congregation is held by trustees appointed by the congregation, in the manner provided for in the trust deed. Trustees must be professing members of the church. Great care should be taken to define clearly the purpose of the trust and the powers, duties, obligations and mode of appointment of the trustees and their successors, and the perpetuation of the trust, this last point being specially important. (Declaratory Act: A&P 1991, p. 250, 37)

The Declaratory Act in this section makes five points:

1. If a trustee shall cease to be a member of the congregation s/he ceases automatically to be a trustee of that congregation.
2. Trustees have only the power delegated to them by duly called congregational meetings and such power can be amended or withdrawn by another duly called meeting of the congregation. Trustees are accountable to the congregation for the full and faithful performance of tasks delegated to them.
3. Trustees have no power to decide on the receipt or disposition of bequests and legacies. This prerogative remains with duly called congregational meetings.
4. Trustees cannot alter or go beyond the instructions of the congregation.
5. A trustee who cannot, for the sake of conscience or any other reason, carry out the wishes of the congregation must necessarily resign. A trustee is no more and no less than a pen in the hand of the congregation.

Appendix C in the Book of Forms is entitled “Trust Deeds” and should be read by any congregation preparing a trust deed. Since provinces may have unique laws that affect the trust deed, congregations are encouraged to seek local legal advice.

All of the above (Book of Forms section 149, the Declaratory Act and Appendix C) should help shape any trust deed. One sample trust deed I have on hand includes the following headings:

Constitution
(number of trustees, must be members of congregation)

Term of Office
(usually one year, may be re-elected)

Election and Appointment
(when and how, what to do if a trustee leaves the office for any reason)

Responsibilities
(listed, number of signatures needed, how responsibility amendments are made)

Feel free to contact the General Assembly Office for help with writing a trust deed.

Do you suppose the author of Hebrews was thinking about trustees when he wrote, “And let us consider how to provoke one another to love and good deeds..."?

Hebrews 10:24

Blessings,
Don Muir