

THE FRANKIE GALLOWAY CEMETERY ENDOWMENT FUND FOR BETHEL PRESBYTERIAN CHURCH

WHEREAS it is the desire of the session of Bethel Presbyterian Church, Oconee County, South Carolina to encourage, receive, and administer gifts such as cash, checks, stocks, bonds, life insurance, real estate, bequest in wills, charitable remainder, and other trusts, together with other transfer of assets consistent with the faith expressed by the giver in accord with the policy of the Session of Bethel Presbyterian Church.

WHEREFORE be it resolved that the Session hereby approves and establishes a perm-anent endowment to be known as:

**THE FRANKIE GALLOWAY CEMETERY ENDOWMENT FUND
FOR BETHEL PRESBYTERIAN CHURCH
(Cemetery Endowment Fund).**

The Cemetery Endowment Fund shall be administered by the Investment Committee as established by the Session in accordance with the following:

ARTICLE ONE

A. ADMINISTRATION OF THE CEMETERY ENDOWMENT FUND.

The Session hereby authorizes the Committee to receive, accept and transfer property, whether real, personal, or mixed, by way of donation, gift, bequest, memorial or devise, from any person, firm, corporation, or other entity to be held, administered, and disposed of in accordance with and pursuant to the provisions herein; but no donation, gift, bequest, memorial or devise or any such property shall be received and accepted if it be conditioned or limited in such a manner which shall jeopardize the Federal Income Tax exemption of this Endowment Fund or Church pursuant to Section 501 © (3) of the Internal Revenue Code of 1986, as amended. The Committee has the right to reject any donations, memorials, gifts, bequests, or devise subject to concurrence of the Session.

B. RESTRICTED GIFTS.

A donor may designate the use for the principal and/or income from their gift provided such restrictions are within the uses and purposes set forth herein. The

Committee will make every reasonable attempt to comply with the donor's restrictions, subject to the Church's existing policies and its commitment to further the work of Jesus Christ. The Committee may counsel with any donor who has indicated an intention to make a restricted gift if the restrictions, conditions, form, or uses of such a gift would not, in the opinion of the Committee, be consistent with the Church's existing policies and missions.

C. UNRESTRICTED GIFTS.

The principal of the unrestricted funds shall be maintained in perpetuity, subject to the provision of Section IV, except that a portion may be distributed to defray the costs of repairing, rebuilding or equipping the real property caused by extraordinary circumstances as might result from a catastrophe such as fire, storm, flood, or vandalism. In such cases, an amount not exceeding 50% of the total value of the unrestricted principal as determined at the time of withdrawal may be distributed, provided the Session has requested such distribution in writing, including appropriate justification and the distribution has been approved by the Session.

D. DISTRIBUTION OF UNRESTRICTED INCOME.

This distribution from investments shall be made to the following areas to fund maintenance and improvements to the cemetery grounds of Bethel Presbyterian Church as specified by the Session.

E. RECORDS.

The Investment Committee shall keep records of the Endowment Funds which shall be reconciled not less than annually in accordance with the procedures prescribed in the *Book of Order* and reported annually to the Congregation.

The Committee shall be accountable to the Session for the proper application of the income and shall write a report no less frequently than quarterly to the

Session. Records shall be kept by the Committee of all actions that involve receiving, holding, and disbursement of assets of the Endowment Fund. All provisions of the Endowment fund shall comply with all rules and regulations of the Internal Revenue Service and shall be in compliance with all applicable laws of the State of South Carolina.

ARTICLE TWO

A. THE INVESTMENT COMMITTEE.

The Investment Committee shall consist of Five (5) members which shall include the Minister (*ex officio*), and Four (4) active church members selected by the Session for staggered terms of two (2) and three (3) years, respectively.

B. MEETINGS.

The Committee shall meet at least as frequently as quarterly during each calendar year. However, may meet more often at a called meeting with at least a quorum being present.

C. INVESTMENT OF FUNDS.

The Investment Committee shall invest the funds of the Endowment in a reasonable and prudent manner and in investment vehicles so as to maintain the safety of the investment and the secure growth of the Endowment Fund and its income, with a goal to providing sufficient income necessary to maintain the church cemetery and the cemetery grounds as specified by the Session.

D. DISTRIBUTION OF INCOME.

The income shall be distributed for the maintenance of the cemetery grounds, and expansions thereof as specified by the Session and shall be payable to Bethel Presbyterian Church Cemetery Fund for disbursement as specified.

E. POWERS.

In the administration of the Endowment Fund, subject always to the direction and control of the Session, the Committee shall have all powers necessary or available to carry out the purposes of the Endowment Fund, and, without limiting the generality of the foregoing, shall have the following powers, all subject, however, to the condition that no power shall be exercised by the Committee in any manner or for any purpose whatsoever which may not be exercised by an organization, donations to which are deductible from taxation income to the extent allowed by the provisions of the Internal Revenue Code and other applicable legislation and regulations as they now exist or may hereafter be amended:

1. To accept or reject donations, gifts, bequests, memorials, or devises;
2. To receive the income, profits, rents and proceeds of the same

Endowment

Fund, and to collect and receipt for the same;

3. To purchase, subscribe for, retain, invest and reinvest in securities or other property, whether or not productive, and without any requirement for diversification as to kind or amount. The investments and reinvestments made by the Committee shall not be limited to those which are commonly known as

those in which trust funds are authorized to be invested under the laws of the

State of South Carolina;

4. To pay the necessary expenses of the administration of the Endowment Fund, but no Committee member shall receive compensation for services as such, nor

for any other services rendered to the Endowment Fund;

5. To exercise any option or privilege with respect to any property owned by the

Endowment Fund, which could be exercised by an individual owner thereof;

6. To employ legal counsel, and to act on the advice given by such counsel; provided, however, that reliance in good faith upon any such advice shall fully relieve the Committee members from any liability for anything which they may do or suffer to be done in accordance with such advise;
7. To execute and deliver deeds, assignments, transfers, leases, mortgages, pledges, promissory notes, covenants, contracts, releases, and other instru-ments, sealed or unsealed, incident to any transaction in which they engage;
8. To employ and terminate an entity such as a bank, brokerage company, trust company, financial planner or investment advisor as custodian and/or or manager of any funds or securities, and pay the reasonable compensation and expenses of all such services.

Further, the powers of the Committee shall be exercised solely in a fiduciary capacity consistent with and in furtherance of the charitable purposes of this Endowment Fund as herein set forth and defined, and not otherwise.

ARTICLE THREE

A. ACCOUNTING.

1. The Committee shall present an annual report of the preceding year to the Session no later than its March meeting.
2. The chairperson of the Committee or designee shall report to the Session quarterly, or as needed, a summary of all activities of the Committee since the previous such report.
3. All financial records for the preceding year shall be made available to the Session for inclusion in the Church's annual audit.

4. A summary financial statement shall be provided for inclusion in the Church's Annual Report, giving a total of receipts and disbursements, the current status of investments, and the total value of the Endowment Fund. Any request for information beyond that included in the annual report shall be made through the Session.

B. LIABILITY AND INDEMNIFICATION.

No Committee Member shall be liable for loss in investments made in good faith, nor for any other loss or damage suffered by the Endowment Fund by reason of any action taken or omitted by them pursuant to the powers and authority herein conferred upon them, except in the case of willful misconduct or gross negligence.

ARTICLE FOUR

A. AMENDMENT.

This Endowment may be amended only by two affirmative votes of two-thirds of the total membership of the Session taken at two consecutive regularly scheduled monthly meetings of the Session. However, no such amendment shall result in a revocation or termination of the Endowment Fund.

ARTICLE FIVE

A. CHURCH CONSOLIDATION, MERGER AND DISOLUTION.

If at any time the Bethel Presbyterian Church is lawfully merged or consolidated with any other church, all provisions hereof in respect to the Fund shall be deemed to have been made in behalf of the merged or consolidated

church which shall be obligated to administer the same in all respects and in accordance with the terms thereto. If Bethel Presbyterian Church should ever be dissolved without any lawful successor thereof, the Fund, including both principal and interest to date, shall be deemed the responsibility of Foothills Presbytery and the Presbyterian Church (USA) with the continued distribution of income while maintaining the preservation of the endowment principal and authorizing a successor Presbyterian Church or institution to assume the powers afforded to Bethel Presbyterian Church.

ADOPTION OF THE RESOLUTION BY THE SESSION OF BETHEL PRESBYTERIAN CHURCH.
THE UNDERSIGNED CERTIFY THAT THIS ENDOWMENT WAS APPROVED BY A VOTE OF:

4 FOR 0 AGAINST _____ ABSTAINED

AT A DULY QUALIFIED MEETING OF THE SESSION OF BETHEL PRESBYTERIAN CHURCH HELD AT THE CHURCH ON THE 15 DAY OF JUNE, 2009, NOTICE OF THE PROPOSED ACTION HAV-ING BEEN GIVEN IN THE CALL OF THE MEETING.

Recording Secretary of the Session

Minister