

12.3 BEQUESTS

INTRODUCTION

A bequest is a gift of money, property or real estate, owned by a person at the time of their death, which is directed by the provisions of their will to the Diocese or a parish.

All bequests to the Diocese are *charitable bequests* because they are gifts intended for the benefit of the community, or a segment of the community, through religion.

There are two main categories of bequest

- An *unrestricted* bequest in which there is discretion about how the bequest will be applied.
- A *designated* bequest, on the other hand, in which the person making the will directs how their gift is to be applied. Examples of designated bequests could be
 - Establishing a church in a new area
 - Theological training
 - Clergy support
 - Church building and renovation
 - Outreach projects
 - Special projects.

In some instances, a solicitor acting for an estate will approach a parish directly because provision is to be made in a will to leave money or real estate to that parish. *In such circumstances the parish should direct the solicitor to contact the Diocesan Business Manager for advice as to how this may be properly implemented on the Parish's behalf.*

All money, property or real estate held for church purposes is vested in the Trustees of Church Property. The Trustees are guided by trust law, church law, the terms of the bequest and Diocesan ordinances in ensuring the trusts are complied with.

BEQUESTS OF MONEY

Should a parish receive advice that a bequest of money has been made to the parish it should

- (i) Advise the Diocesan Business Manager of the bequest, and the type of bequest, i.e. charitable, unrestricted, or designated;
- (ii) Advise the Solicitor that the only legal entity able to receive such a bequest is the incorporated body known as the Trustees of Church Property for the Diocese of Newcastle. Moneys arising from any bequest, permanent endowment or sale must be deposited with the Trustees.

The Solicitor should be advised to write to the Diocesan Business Manager advising the terms and conditions of the bequest.

BEQUESTS OF REAL PROPERTY

Should a Parish receive advice that a bequest of property has been made to the Parish, it must advise the Diocesan Business Manager who will advise the Bishop and the Property Approvals Board the details of the property and seeking their advice concerning the acceptance, or refusal, of the gift. The Property Approvals Board will make a recommendation to the Diocesan Council.

ADVICE OF INTENTION TO MAKE A BEQUEST IN A WILL

Should a parish receive advice that a person intends to provide in their will for real estate to go to the Diocese or a parish on their death, and seeks advice on the wording of such a bequest, this request must be forwarded to the Diocesan Business Manager as Secretary to the Trustees of Church Property for the Anglican Diocese of Newcastle.

WORDING OF BEQUESTS FOR INCLUSION IN A WILL

The appropriate wording to be used when someone wishes to remember the work of God when making their Wills is as follows:

- (i) I bequeath to the *Trustees of Church Property for the Diocese of Newcastle* in the state of New South Wales the sum ofto be applied for the benefit of [name of parish, institution or to be used for the general purpose of the Diocese of Newcastle] in such manner as the said Trustees may approve.

- (ii) I give, devise and bequeath all that piece or parcel of land beingto the *Trustees of Church Property for the Diocese of Newcastle* in the state of New South Wales for the general purposes of [name of parish, institution or the Diocese of Newcastle].

- (iii) I bequeath to the *Trustees of Church Property for the Diocese of Newcastle* in the state of New South Wales the sum ofin trust to apply the income arising from the investment of such sum for the benefit of [name of parish, institution or for the general purposes of the Diocese of Newcastle].