

**From:** Terry Huneycutt

**Sent:** Thursday, March 26, 2020 9:17 AM

**To:** terry1965@windstream.net; sheilamorgan@ctc.net

**Subject:** Cemetery Trust

There are no minutes to support the "Proposed Amended Cemetery Trust Fund" or "Cemetery Trust Indenture" that went before the congregation in the church office. I checked meetings from 2007 until 2011. This was a called conference per the copy that we have, but no documentation. I will check the register of deeds when this virus has cleared up. Norma Jean would not have carried it to the register of deeds but maybe someone did it properly. She argued that nothing had every been sent or registered but finally gave in when I got her to read the copy that she had given us.

Terry

May 20, 2007

## PROPOSED AMENDED CEMETERY TRUST FUND

Since October 9, 1988 the Pleasant Grove Baptist Church cemetery has operated under a Trust Indenture wherein the Trustees of the Church also served as Trustees of the Cemetery Trust, a copy of which is attached hereto.

On September 14, 1999 Pleasant Grove Baptist Church was incorporated as Pleasant Grove Baptist Church of Oakboro, NC and the Trustees then serving executed a warranty deed conveying the church real estate to the corporation to protect the individual members from personal liability for any act of negligence on church real estate which deed included the existing cemetery. This conveyance did not alter the duties and responsibilities of the Trustees in their capacity as trustees of the cemetery as required in the Trust Indenture.

Because of the delicate responsibilities of the Trustees in locating and designating grave sites upon the death of a member the Deacons in a special called meeting on May 20, 2007 approved a motion that the present Trustees of the Cemetery Trust Fund, namely, C. J. Speights, Billie J. Lee, Nevin M. Huneycutt, Sr., Nevin M. Huneycutt, Jr., and Jefferson T. Barbee shall continue to serve until their respective deaths, resignation, voluntary removal of membership from the church rolls, or removal by the congregation duly assembled at a church conference.

The number of Trustees shall remain at five (5) until the congregation elects to change the number. The remaining Trustees shall place in nomination the name of a person to fill a vacated position as Trustee of the Cemetery Fund to the Deacons. Upon approval by the Deacons the nominee shall be presented to the congregation at the next quarterly conference. Upon approval by the congregation the new Trustee(s) shall assume his, her or their duty as member(s) of the Cemetery Trust.

Note (1) – If the congregation approves the recommendation from the Deacon the Trust Indenture will be amended.

Note (2) - Amend Article VII of the Articles of Incorporation designating that upon dissolution the Directors – Deacons shall have the cemetery lands surveyed and convey title to the cemetery to then Trustees of the Cemetery Trust Fund to be administered according to the Trust Indenture and Amendments thereto.

## CEMETERY TRUST INDENTURE

THIS AMENDED TRUST INDENTURE made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and among Nevin M. Huneycutt, Sr., C. J. Speights, Billie J. Lee, Nevin M. Huneycutt, Jr., and Jefferson T. Barbee, as Trustees of the Cemetery Trust Fund of Pleasant Grove Baptist Church of Oakboro, Inc., lby and on behalf of themselves and their successors and assigns in trust therein in trust (herein called "Trustees");

### WITNESSETH:

That the Trust Indenture dated October 9, 1988 shall be amended as follows:

#### ARTICLE IV.

The Trustees herein named shall serve as the initial Trustees hereunder. Hereafter a vacancy in the number of Trustees shall be nominated by the existing Trustees to the Deacons of Pleasant Grove Baptist Church of Oakboro, NC, a nonprofit corporation of the State of North Carolina. Upon approval by the Deacons the nominee(s) shall be presented to the congregation of the church at the next regularly scheduled quarterly conference by the congregation duly assembled by a simple majority of those present. Upon approval by the congregation those persons nominated shall begin serving their offices.

Trustees shall hold office until their respective deaths, resignation, voluntary removal of membership from the church rolls, or removal by the congregation duly assembled at a church conference.

In the event that Pleasant Grove Baptist Church of Oakboro, NC files Articles of Dissolution and ceases to exist the then Trustees of this trust serving at such time shall be authorized to fill vacancies, and otherwise to determine the manner of selecting the Trustees to serve hereunder from time to time in the future. For said purposes, a majority of the Trustees then serving shall have authority to act as herein provided. In the event that at any time for any reason there are no persons serving as Trustees hereunder, the clerk of Court of Stanly County, North Carolina (or such other public official with original probate jurisdiction in Stanly county) shall be authorized upon request of any person in interest to designate successor Trustees hereunder. As used herein the term "Trustees" shall include the Trustees herein named and any successor Trustees.

IN WITNESS WHEREOF, this Amended Trust indenture has been executed as of the date above written.

Trustees of Pleasant Grove Baptist Church  
Cemetery Trust Fund

By: \_\_\_\_\_ (SEAL)  
Trustee

By: \_\_\_\_\_ (SEAL)  
Trustee

By: \_\_\_\_\_ (SEAL)  
Trustee