

Lutheran Church- Canada, Central District Act

being a Private Act

Chapter 02 of the *Statutes of Saskatchewan, 1997*
(effective May 9, 1997).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Short title
2	Interpretation
3	Powers
4	Bylaws
5	Attorneys
6	No Personal Liability
7	Management by Directors
8	Requirements for Execution of Documents
9	Amending Titles
10	Winding-up of corporation
11	General Legislation for Religious Societies
12	Coming into force

1997

CHAPTER 02

An Act to Provide for the Continuation of Lutheran Church-Canada,
Central District

(Assented to May 9, 1997)

Preamble

WHEREAS The Manitoba and Saskatchewan District of the Evangelical Lutheran Synod of Missouri, Ohio and Other States was incorporated on July 24, 1928 in Saskatchewan under *The Benevolent Societies Act*; and

WHEREAS the name of The Manitoba and Saskatchewan District of the Evangelical Lutheran Synod of Missouri, Ohio and Other States was changed to The Manitoba and Saskatchewan District of the Lutheran Church-Missouri Synod on October 29, 1948; and

WHEREAS The Manitoba and Saskatchewan District of Lutheran Church Missouri Synod was continued under *The Societies Act* on March 26, 1959; and

WHEREAS The Manitoba and Saskatchewan District of Lutheran Church Missouri Synod was continued under *The Non-Profit Corporations Act* on August 24, 1982; and

WHEREAS the name of The Manitoba and Saskatchewan District of the Lutheran Church-Missouri Synod was changed to Lutheran Church-Canada, Central District on October 16, 1991; and

WHEREAS a petition has been presented by Reverend Roy Holm, of Regina, President of Lutheran Church-Canada, Central District; Reverend Howard Ulmer, of Southey; Pastor of Emmanuel Lutheran Church at Southey; Art Timm, of Saskatoon, member of St.Paul's Lutheran Church at Saskatoon; Reverend Lowell Guebert, of Saskatoon; Pastor Emeritus of Lutheran Church-Canada, Central District; and Lawrence Spetz, of Regina, Treasurer for Lutheran Church Canada, Central District, praying that an Act be passed by the Legislature of Saskatchewan as hereinafter set forth with regard to the property, rights and powers of Lutheran Church-Canada, Central District;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Lutheran Church-Canada, Central District Act*.

Interpretation**2** In this Act:

- (a) **“corporation”** means Lutheran Church-Canada, Central District continued under this Act;
- (b) **“directors”** means the board of directors of the corporation as constituted from time to time;
- (c) **“Registrar”** means the Registrar of Land Titles for any of the Land Registration Districts within the Province of Saskatchewan;
- (d) **“Synod”** means Lutheran Church-Canada.

1997, c.02, s.2.

Powers

3(1) The corporation has the capacity and, subject to the other provisions of this Act, the rights, powers and privileges of an individual.

(2) Without limiting the generality of subsection (1), the corporation has the power to:

- (a) solicit and accept gifts, devises and bequests of real or personal property for the benefit of the corporation;
- (b) purchase, acquire and hold any real or personal property useful and convenient for the carrying out of the aims, objects and purposes of the corporation;
- (c) sell, alienate, transfer, mortgage, lease, exchange or otherwise dispose of all or any of its property;
- (d) invest and deal with the moneys of the corporation in any manner that the corporation may determine;
- (e) borrow from any person, firm or corporation any sums of money that may be necessary for the purposes of the corporation and secure any loans to the lenders by bonds, debentures, bills of exchange, promissory notes, mortgages or any other instruments that may be considered advisable;
- (f) adopt a corporate seal and change it at will;
- (g) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable instruments;
- (h) solicit, collect and accept funds or other subscriptions for the carrying on of the work of the corporation and for any other religious, charitable or benevolent purpose;
- (i) guarantee, as joint maker, endorser, covenantor, or otherwise, loans secured by bonds, debentures, bills of exchange, promissory notes, mortgages or other instruments of any entity or agency of the corporation or of any society or corporation formed for the religious, charitable, educational, congregational or social purpose of the corporation; and
- (j) do any and all other things that are incidental or conducive to the attainment of the objects for which the corporation is established.

1997, c.02, s.3.

Bylaws

4(1) Subject to any conflict with the constitution and bylaws of the Synod, the corporation may make, and amend from time to time, any bylaws and adopt, and amend from time to time, a constitution not contrary to law for:

- (a) the administration, management and control of the property, business and other affairs of the corporation; and
- (b) generally for the carrying out of the objects, purposes and powers of the corporation.

Conflict between Bylaws and Act

(2) In the event of any conflict between the bylaws or constitution adopted by the corporation and the provisions of this Act, this Act shall govern.

1997, c.02, s.4.

Attorneys

5 The corporation may appoint one or more attorneys for the transaction of its business and may revoke such appointments and appoint one or more other attorneys from time to time.

1997, c.02, s.5.

No Personal Liability

6 No member or director of the corporation shall be individually responsible for any of the debts, contracts or liabilities of the corporation except as expressly provided by any applicable statute.

1997, c.02, s.6.

Management by Directors

7 The affairs of the corporation shall be managed by its directors.

1997, c.02, s.7.

Requirements for Execution of Documents

8 Any deed, transfer, mortgage, charge or other instrument relating to, or dealing with, real property or any interest therein shall be deemed to be duly executed and binding upon the corporation, and shall be sufficient for the purposes for which it is intended, if there are affixed thereto:

- (a) the signature of the signing officers of the corporation as appointed from time to time; and
- (b) the seal of the corporation.

1997, c.02, s.8.

Amending Titles

9(1) Where the title to any land stands in the name of individuals as trustees for a congregation of the corporation which has been disbanded or has otherwise ceased to exist, whether such individual or any of them be deceased or not, a certificate under the seal of the corporation attested by the signatures of the signing officers of the corporation as appointed from time to time, to the effect that such property belongs to or is held in trust for the corporation shall be accepted by the Registrar as conclusive proof of the facts stated.

(2) Where the title to any land stands in the name of any society, group, organization or congregation of the corporation which has been disbanded or has otherwise ceased to exist, a certificate under the seal of the corporation attested by the signatures of the signing officers of the corporation as appointed from time to time, to the effect that such property belongs to or is held in trust for the corporation shall be accepted by the Registrar as conclusive proof of the facts stated.

(3) Upon receiving a certificate pursuant to subsection (1), or subsection (2), the Registrar shall thereupon cancel the existing certificate of title for the subject land and issue a new certificate of title in the name of the corporation.

(4) The fee for the cancellation of the old certificate of title and the issuance of a new one under this section shall be equivalent to the fee payable under *The Land Titles Act* to amend or change the name of a registered owner on an existing certificate of title.

(5) Notwithstanding anything else in this section, the Registrar may, before issuing a new certificate of title, require the corporation to publish once a week for two consecutive weeks in a newspaper distributed in the area where the land described in the certificate of title is located, a notice from the Registrar of his intention to issue a new certificate of title for the subject land on a stated date, and requiring that any objections be submitted to the Registrar in writing within 4 weeks from the date stated in the notice.

1997, c.02, s.9.

Winding-up of corporation

10 In the event of the winding-up or dissolution of the corporation, all land standing in the name of the corporation shall vest in the Synod and all other assets of the corporation shall be distributed to the Synod.

1997, c.02, s.10.

General Legislation for Religious Societies

11 The provisions of this Act shall supersede any general act respecting the property of religious societies, congregations or institutions in force in the Province of Saskatchewan, however the provisions of any such general act shall, where not inconsistent with the provision of this Act, be construed as supplementary thereto.

1997, c.02, s.11.

Coming into force

12 This Act comes into force on assent.

1997, c.02, s.12.