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Drafted By and Return To:
 Charles F. Powers III
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 P.O. Box 1801
 Raleigh, N.C. 27602-1801

STATE OF NORTH CAROLINA)
)
 COUNTY OF NEW HANOVER)

**AFFIDAVIT OF DECLARATION OF OWNERSHIP
 IN THE BOARD OF TRUSTEES OF THE NORTH CAROLINA CONFERENCE,
 SOUTHEASTERN JURISDICTION,
 OF THE UNITED METHODIST CHURCH, INC.**

H. Gray Southern, being duly sworn, hereby deposes and states as follows:

1. I am over the age of eighteen. I suffer from no disabilities that would render me incompetent to testify in this matter. I have personal knowledge of the facts stated in this affidavit, unless they are stated as being upon information and belief, in which case I believe them to be true.

2. I am a resident of Wake County, North Carolina. I currently serve as Assistant to the Bishop and Conference Secretary of the North Carolina Conference, Southeastern Jurisdiction, of The United Methodist Church, Inc. ("the North Carolina Conference"), and am fully informed as to the laws, rules and polity of the Conference, including the requirements of *The Book of Discipline of The United Methodist Church* ("The Book of Discipline") with respect to the Board of Trustees of the Conference and its title to and sale of real estate.

3. The Book of Discipline, the instrument setting forth the laws, plan, polity, and process by which United Methodists govern themselves, provides (and provided at all relevant times herein), in pertinent part, that "(i)f the presiding bishop, the majority of the district superintendents, and the appropriate district board of church location and building all consent, they may in their sole discretion, declare that exigent circumstances exist that require immediate protection of the local church's property, for the benefit of the denomination. In such case, title to all the real and personal, tangible and intangible property of the local church shall immediately vest in the annual conference board of trustees who may hold or dispose of such property in its sole discretion subject to any standing rule of the annual conference. Exigent circumstances include, but are not limited to, situations where a local church is no longer

...serving the purpose for which it was organized or incorporated....” Book of Discipline, Paragraph 2549.3 (b).

4. The following resolution was approved and adopted as of March 24, 2023 with respect to the property of Fifth Avenue United Methodist of Wilmington, having an address of 409 S. 5th Avenue, Wilmington, North Carolina, a member church of the North Carolina Conference, in the Harbor District thereof:

RESOLUTION FOR CLOSURE OF FIFTH AVENUE UNITED METHODIST CHURCH

Pursuant to the recommendation of Rev. Tara Lain, District Superintendent of the Harbor District of the North Carolina Conference, Southeastern Jurisdiction, of the United Methodist Church, Inc. (the “North Carolina Conference”), the following resolution is adopted by Presiding Bishop Connie Shelton, the District Superintendents of the North Carolina Conference, and the Harbor District Board of Church Location and Building to declare that exigent circumstances exist that require immediate closure of Fifth Avenue United Methodist Church in Wilmington, North Carolina in accordance with Paragraph 2549.3(b) of The Book of Discipline of the United Methodist Church (“The Book of Discipline”):

BE IT RESOLVED:

WHEREAS, under The Book of Discipline local churches are organized to serve the local community in which the Church is located, and church property is held in trust to ensure that the property is used solely for purposes consonant with the mission of the entire denomination for the maintenance of worship, the edification of believers, and the redemption of the world; and

WHEREAS, Fifth Avenue United Methodist Church in Wilmington, North Carolina (the “Church”) was organized in 1847 and has served the Wilmington community as part of the United Methodist denomination (and its predecessors, including the Methodist Episcopal Church South) for more than 170 years; and

WHEREAS, the original property for the Church was donated to the Church trustees by Miles Costin in trust pursuant to a deed which provided that the land was donated for the purpose of constructing a place of worship at which the ministers of the Methodist Episcopal Church South (now the United Methodist Church) would be permitted to preach God’s Holy Word “forever hereafter.” This property and all other properties owned by the Church are held in trust for the benefit of the United Methodist Church and uses of Church property are subject to The Book of Discipline; and

WHEREAS, though the Church has a rich and robust history of serving its membership and the local community as a thriving United Methodist Church, membership and missional activity of the Church has recently declined and the Church has a current membership of 205 and average weekly attendance of approximately 20 members; and

WHEREAS, contrary to the expressed intention of the donor of the original property for the Church that the property be used “forever after” as a place for preaching God’s Word by United

Methodist ministers, the congregation has initiated a procedure seeking for the Church to disaffiliate from the United Methodist Church; and

WHEREAS, the North Carolina Conference has a clear, present and pressing need to respond to local needs in the community by providing space for, among other things, basic needs for unsheltered people, a gathering space for senior adults and persons with disabilities, space for providing shelter and other assistance following major storms, and a welcoming space for worship and study for one or more new United Methodist faith communities; and

WHEREAS, the current membership of the Church has declined opportunities to collaborate with and participate in important ministries and needs of the North Carolina Conference and the local community; and

WHEREAS, the location of the Church property is well-suited towards meeting these missional needs of the North Carolina Conference;

NOW THEREFORE, the undersigned Bishop Connie Shelton, the District Superintendents of the North Carolina Conference, and members of the Harbor District Board of Church Location and Building hereby declare that exigent circumstances exist that require immediate protection of the property of Fifth Avenue United Methodist Church in Wilmington, North Carolina for the benefit of the United Methodist denomination. Accordingly, Fifth Avenue United Methodist Church is hereby CLOSED in accordance with Paragraph 2549.3 (b) of The Book of Discipline because the Church no longer serves the purpose for which it was organized and incorporated. Title to all the real and personal, tangible and intangible property of the Church shall immediately vest in The Board of Trustees of the North Carolina Conference, Southeastern Jurisdiction, of the United Methodist Church, Inc. (the "North Carolina Conference Board of Trustees"). The North Carolina Conference Board of Trustees is hereby authorized to use or dispose of all properties of Fifth Avenue United Methodist Church under such terms and conditions as such the North Carolina Conference Board of Trustees may deem meet and proper.

5. Accordingly, under the above-quoted provisions of the Book of Discipline and pursuant to the above-quoted resolution of the North Carolina Conference with respect to the property of Fifth Avenue United Methodist of Wilmington in the Harbor District of the North Carolina Conference, the Board of Trustees of the North Carolina Conference, Southeastern Jurisdiction, of the United Methodist Church, Inc. (a North Carolina non-profit corporation domiciled and having its principal place of business in Wake County, North Carolina, with a mailing address of 700 Waterfield Ridge Place, Garner, NC 27529), is the successor in interest to, and owner of all property the title to which was formerly vested in, Fifth Avenue United Methodist of Wilmington in the Harbor District of the North Carolina Conference, including without limitation the following described real property:

Being all of those certain tracts or parcels of land located in the City of Wilmington, New Hanover County, North Carolina, and being more particularly described as follows:

Tract 1:

BEGINNING at a point in the northern line of Church Street which is eastwardly along said northern line 110 feet from the northeast intersection of 5th and Church Streets, said beginning point also marks the southeast corner of a parcel of land owned by Joseph O. and Pauline Maultsby, and described in deed in Book 1242, Page 59 of the New Hanover County Registry; runs thence from said beginning point, northwardly and parallel to 5th Street, and along and with the Maultsby eastern line and the eastern line of the parcel owned by Otis and Alice V. Pierce described in deed recorded in Book 1111, Page 690 of said Registry, 66 feet to the northeast corner of Pierce and the property of Fifth Avenue United Methodist Church (the "Church"); thence along and with one of the Church's lines eastwardly and parallel to Church Street 27.6 feet to a point; thence southwardly, parallel to 5th Street and along and with another of the Church's lines 66 feet to the northern line of Church Street; thence westwardly along and with the northern line of Church Street 27.6 feet to the BEGINNING.

Tract 2:

Parcel A:

BEGINNING IN THE SOUTHERN line of Nun Street eighty-two (82) feet six (6) inches east of the intersection of the southern line of Nun Street with the eastern line of Fifth Street, running thence eastwardly with an along the southern line of Nun Street forty-one (41) feet three (3) inches; thence southwardly parallel with Fifth Street sixty-six (66) feet; thence Westwardly parallel with Nun Street forty-one (41) feet three (3) inches; thence northwardly parallel with Fifth Street sixty-six (66) feet to the point of beginning, the same being part of lot One (1) in Block one hundred, four (104) according to the official plan of the City of Wilmington.

Parcel B:

BEGINNING at a point in the southern line of Nun Street 123 feet 9 inches eastwardly from the intersection of the southern line of Nun Street with the eastern line of Fifth Street; running thence eastwardly with and along the southern line of Nun Street 39 feet 7 inches; thence southwardly and parallel with Fifth Street 66 feet; thence Westwardly parallel with Nun Street 39 feet 7 inches; thence northwardly parallel with Fifth Street 66 feet to the point of Beginning.

Together with and subject to an easement over a strip of land described as follows: Beginning at a point in the southern line of Nun Street 163.4 feet east of the intersection of the southern line of Nun Street with the eastern line of Fifth Street, running thence eastwardly with the southern line of Nun Street 7 feet; thence southwardly parallel with Fifth Street 66 feet; thence westwardly parallel with Nun Street 7 feet; thence northwardly parallel with Fifth Street 66 feet to the point of beginning.

Together with all and singular the lands, tenements, easements and appurtenances thereto belonging or in anywise appertaining.

Parcel C:

BEGINNING at a point in the Eastern line of Fifth Street (now known as Fifth Avenue) Sixty-six (66) feet South from the Southern line of Nun Street, and running thence Southwardly with and along said Eastern line of Fifth Street Sixty-Six (66) feet; thence Eastwardly and parallel with the said Southern line of Nun Street One Hundred and Sixty-Five (165) feet, thence Northwardly and parallel with said Eastern line of Fifth Street Sixty-Six (66) feet; thence Westwardly and parallel with said Southern line of Nun Street One Hundred and Sixty-Five (165) feet, to the said Eastern line of Fifth Street, the point of beginning, same being the West One-half (1/2) of Lot Number Two (2), Block Number One Hundred and four (104), according to the official plan of the said City of Wilmington.

Parcel D:

Beginning in the Eastern line of 5th Street one hundred twenty feet south of the Southern line of Nun Street, running thence southwardly along the Eastern line of Fifth Street sixty six feet thence eastwardly and parallel with Nun Street one hundred sixty-five feet, thence northwardly sixty six feet and thence westwardly and parallel with Nun Street one hundred sixty-five feet to the beginning on Fifth Street, the same being Lot 3 in Block 104, according to the official plan of the said City of Wilmington and being the same land as described in Deed recorded in Book AAAA, Page 608, New Hanover County Registry. Together with all singular the tenements, houses, woods, waterways, privileges, appurtenance thereunto belonging or in any way appertaining.

Parcel E:

Lying and being in the County of New Hanover and State of aforesaid near the Town of Wilmington butted and bounded as follows to wit. Beginning at a stake in the East Boundary line of the East Boundary of Fifth Street of the Town of Wilmington between the streets of said Town known by the names of Church Street and Nunn Street were the same continued opposite to and directly East of Lot No. 40 under Letter A running North 84 East one hundred and sixty five feet to a stake thence North 6 West sixty six feet then South 84 West one hundred and sixty five feet to said Boundary Line then with that line South 6 East sixty six feet to the first station containing one fourth of an acre of land and being the same land as described in Deed recorded in Book II, Page 422, New Hanover County Registry. Together with all singular the tenements, houses, woods, waterways, privileges, appurtenance thereunto belonging or in any way appertaining.

Parcel F:

BEGINNING in the Eastern line of Fifth Street at a point Sixty-Six (66) feet North of the Northeast intersection of Church and Fifth Streets; running thence Northwardly with the Eastern line of Fifth Street Thirty-Three (33) feet; thence Eastwardly and parallel with Church Street One Hundred and Sixty-Five (165) feet; thence Southwardly and parallel with Fifth Street Thirty-Three (33) feet; thence Westwardly and parallel with Church Street One Hundred and Sixty-Five (165) feet to the Eastern line of Fifth Street, the Beginning, and being a part of the West half of Lot No. Five Block No. 104, according to the official plan of the said City of Wilmington,

SAVING, EXCEPTING and RESERVING to the heirs and assigns of Elizabeth P. LeGwin, Deceased, a right-of-way for ingress and egress, in, to and over that certain strip of land:

BEGINNING in the Eastern line of Fifth Street at a point Sixty-Six (66) feet North of the Northeast intersection of Church and Fifth Streets; running thence Northwardly with the Eastern line of Fifth Street Eight (8) feet; thence Eastwardly parallel with Church Street Sixty-Six (66) feet; thence Southwardly parallel with Fifth Street Eight (8)feet; thence Westwardly parallel with Church Street Sixty-Six (66) feet to the Beginning, for pedestrians, carts, wagons, vehicles, and any and all other means of transportation in, to, and over the said strip of land for the said Elizabeth P. LeGwin, Deceased, her heirs and assigns.

AND BEING the same property conveyed to Elizabeth P. LeGwin (now deceased) by John B. Taylor and Wife, Mary Taylor, by deed dated June 14th, 1901, recorded in Book 31, at pages 401, et seq., and subsequently conveyed by the said Elizabeth P. LeGwin to LeRoy C. LeGwin, by deed recorded December 19th, 1913, in Book 73, at Page 259, of the records in the Office of the Register of Deeds of New Hanover County. TOGETHER with all and singular the lands, tenements, easements and appurtenances there unto belonging, or in anywise appertaining.

Parcel G:

BEGINNING IN THE Eastern line of Fifth Street at a point ninety nine (99) feet northwardly from its intersection with the Northern line of Church Street, running thence Northwardly along said line thirty three (33) feet, thence eastwardly, parallel with Church Street one hundred, Sixty five (165) feet, thence southwardly, parallel with Fifth Street thirty three (33) feet, thence Westwardly parallel with Church Street one hundred, Sixty Five (165) feet to the Eastern line of Fifth Street, the point of Beginning. Same being part of Lot five (5) in Block one hundred and four (104) according to the official plan of the City of Wilmington, North Carolina.

Parcel H:

Beginning at a point in the Northern line of Church Street 137½ feet eastwardly from its intersection with the Eastern line of Fifth Street, and running thence eastwardly along said Northern line of Church Street 27½ feet, thence northwardly parallel with Fifth Street 66 feet, thence Westwardly parallel with Church Street 27½ feet, and thence southwardly parallel with Fifth Street 66 feet to the beginning. The same being part of Lot 6, Block 104, according to the official plan of the City of Wilmington, N.C.;

Being also the same lot conveyed by G.C. McIntire, Commissioner, to the New Hanover County and the City of Wilmington, municipal corporations, dated April 13, 1949, and recorded in Book 429, Page 547, office of the Register of Deeds of New Hanover County.

Together with all and singular, the lands, tenements, easements and appurtenances thereto belonging, or in anywise appertaining.

Less and Except the following two tracts:

Tract A:

Located in the City of Wilmington, New Hanover County, State of North Carolina and being described as follows: BEGINNING at a point in the southern right of way line of Nun Street (66' Public right of way), said point being located North 84 degrees 23 minutes 00 seconds East - 160.00' from the intersection of the southern right of way line of Nun Street and the eastern right of way line of S. 5th Street (99' Public right of way), and runs thence from said beginning point, North 84 degrees 23 minutes 00 seconds East - 3.33' to a point; thence South 05 degrees 37 minutes 00 seconds East - 66.00' to a point in the line of the Church property (Deed Book 606, Page 490); thence with the Church property, North 84 degrees 23 minutes 00 seconds East - 1.67' to a point in the Revitalize ILM property (Parcel #6, Deed Book 6418, Page 2923); thence with the Revitalize ILM line, South 05 degrees 37 minutes 00 seconds East - 66.00' to an iron rod, the southeast corner of the Church property (Deed Book 606, Page 490); thence with the Church line, South 84 degrees 23 minutes 00 seconds West - 5.00' to a point; thence North 05 degrees 37 minutes 00 seconds West - 132.00' to the point of beginning, containing 549.78 Square Feet, and being a portion of that land described in a deed to the Trustees of Fifth Avenue Methodist Church recorded in Deed Book 606, Page 490 of the New Hanover County Register of Deeds.

Tract B:

Located in the City of Wilmington, New Hanover County, State of North Carolina and being described as follows: BEGINNING at a point in the southern right of way line of Nun Street (66' Public R/W), said point being located North 84 degrees 23 minutes 00 seconds East - 163.33' from the intersection of the southern line of Nun Street and the eastern right of way line of S. 5th Street, and runs thence with the southern right of way line of Nun Street, North 84 degrees 23 minutes 00 seconds East - 1.67' to an iron rod, the northwest corner of Parcel #6 of the Revitalize ILM property, thence with their line, South 05 degrees 37 minutes 00 seconds East - 66.00' to a point, the northeast corner of the Fifth Avenue United Methodist Church property (Deed Book 118, Page 378); thence with the Church property, South 84 degrees 23 minutes 00 seconds West - 1.67' to a point, thence with the Church property (Deed Book 606, Page 490), North 05 degrees 37 minutes 00 seconds West - 66.00' to the point of beginning, containing 110.00 Square Feet.

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct, and that I executed this Affidavit of Declaration of Ownership on this the 24 day of March, 2023.

H. Gray Southern (SEAL)
H. Gray Southern
Assistant to the Bishop and Conference
Secretary
The North Carolina Conference,
Southeastern Jurisdiction of the United
Methodist Church, Inc.

I, Sandra J. Chrisawn, a Notary Public, do hereby certify that H. Gray Southern personally appeared before me this day and being duly sworn acknowledged the execution of this Affidavit of Declaration of Ownership for the purpose stated therein and in the capacity indicated.

Witness my hand and notarial seal this 24 day of March, 2023.



Sandra J. Chrisawn
Notary Public
Sandra J. Chrisawn
Notary's Printed Name