

SUPREME COURT : SUFFOLK COUNTY

\_\_\_\_\_ x  
:   
In the matter of the Pettition of :   
THE BROOKFIELD PRESBYTERIAN :   
CHURCH : P E T I T I O N  
to mortgage land at South Street, :   
Manorville, New York : INDEX NO.  
\_\_\_\_\_ x

TO THE SUPREME COURT OF THE COUNTY OF SUFFOLK:

The Petition of THE BROOKFIELD PRESBYTERIAN CHURCH, a  
New York Religious Corporation, respectfully shows:

1. That the name of said Corporation is THE BROOKFIELD  
PRESBYTERIAN CHURCH duly incorporated in the State of New  
York by a certificate of incorporation dated and filed in 1796.

2. Said corporation is a religious corporation conducting  
regular church services and such other activities as are  
customary in connection therewith at the corner of Wading River  
Road and South Street, Manorville, New York.

3. That the Unicameral Board of Trustees of said Corporation  
is composed of the following persons who all reside in the County  
of Suffolk, State of New York, and whose mailing addresses are  
set forth following their names:

Linda Bohleber	8 Par Dr. Manorville, NY
Mary C. Conlon	27 Florence Dr. Manorville, NY
Patti Minerva	133 Mayfield Dr. Mastic Beach, NY
Carol Lindsay	30-1 Winding Path, Manorville, NY
John Payne	P.O. Box 693 Eastport, NY
Patricia Williams	18 Marilyn Street, Manorville, NY

4. That there being no principal officer of said Corporation the Board designated Mary C. Conlon, a trustee residing at 27 Florence Dr. Manorville, New York, and Patricia Williams, a trustee residing at 18 Marilyn Dr. Manorville, New York, to represent the Board of Trustees and each may individually execute any and all documents relating to the mortgaging of the land at South Street, Manorville, New York.

5. A metes and bounds description of the real property to be mortgaged is annexed hereto marked Schedule A and made a part hereof, such property also known as Land at South Street, Manorville, New York and shown on the Suffolk County Tax Map as District 0200 Section 559.00 Block 03.00 Lot 034.001.

6. Petitioner purchased the property at South Street, Manorville, New York at a cost of \$130,000.00 with funds to purchase coming from specific gifts, unsecured loans, the Church's building fund and the proposed grant mortgage loan. The mortgage being given now is being given to secure a previously unsecured loan.

7. That the Presbytery of Long Island, which body has jurisdiction over the petitioner, on May 23, 1995, did authorize and consent to the mortgaging of the South Street land by the Brookfield Presbyterian Church and did on June 7, 1995 issue a formal letter of consent to the mortgage by the petitioner which is annexed hereto and made a part hereof (Schedule ) the consent of the Presbytery of Long Island being required by Section 12 subdivision 5-a of the New York Religious Corporations Law.

8. That on April 9, 1995 a Special Corporate Meeting (Congregational Meeting) of the Brookfield Presbyterian Church was duly held following the worship service and the congregation voted to approve and authorize the placing of a \$65,000 mortgage in favor of (The General Assembly of) the Presbyterian Church (U.S.A.) payable over 20 years with the first 5 years being payments of interest only at 3% per year and the remaining 15 years carrying a 5% interest rate with payments that will fully amortize the loan over the remaining 15 year term. The new mortgage will become a first lien, the existing \$32,000 grant mortgage to the Presbytery of Long Island being subordinated. While The Brookfield Presbyterian Church will be primarily liable the Presbytery of Long Island has agreed to be secondarily liable and to make the interest payments for the first 5 years through its Council on Evangelism. Payments on the remaining 15 year term shall be negotiated between the Presbytery of Long Island and the Brookfield Presbyterian Church based upon a review of Brookfield's ability to pay.

9. That the Board of Trustees (Session) of the petitioner met at a duly held special meeting of June 25, 1995 and resolved to place an additional mortgage on the new South Street Land in the amount of \$65,000 as agreed in the April 9, 1995 corporate (congregational) meeting and specifically authorized Pat Williams and/or Mary Conlon to sign any and all documents necessary including a promissory note in favor of the Presbyterian Church (U.S.A.).

10. That the mortgage financing sought herein will only secure a loan previously unsecured and is being done to satisfy the Presbyterian Church (U.S.A.) guidelines for loans to local churches and presbyteries. At the time of purchase the Presbytery of Long Island advanced the \$65,000, unsecured, with the agreement that when the Presbyterian Church (U.S.A.) was ready to complete their loan the Brookfield Presbyterian Church would do whatever was necessary to comply with their requirements.

11. That the assets and liabilities of THE BROOKFIELD PRESBYTERIAN CHURCH are as follows:

Assets

Memorial Fund	\$725.00
Building Fund	\$4,650.00
Savings/Checking	\$6,600.00

1/3 Acre land with existing Church Building - undetermined value - undersized lot and Historic Building (Circa 1826)

Land on South St. - \$195,000.00 Appraised Value

Liabilities

Secured obligations	\$32,000.00 grant mortgage no fixed payment, no fixed repayment schedule, no interest
Unsecured obligations	\$4,800.00 to the Mid Suffolk Presbyterian Parish, no interest.

12. That Section 12 of the Religious Corporations Law of the State of New York and Section 5511 of the Not-for-Profit Corporation Law of the State of New York as modified by the Religious Corporation Law Section 2-b (1)(c), and all acts amendatory thereof and supplemental thereto have been in all respects complied with.

13. That no previous application for the same relief has been made.

WHEREFORE, Petitioner requests that an Order be made herein authorizing it to mortgage the real property herein before described to THE PRESBYTERIAN CHURCH (U.S.A.) for the sum of Sixty Five THousand (\$65,000.00) Dollars and to execute, acknowledge, and deliver, or cause to be executed, acknowledged, or delivered, its corporate note, secured by a mortgage providing for repayment over a 20 year term, with the first 5 years carrying a payment of 3% interest only per year and the remaining 15 years at 5% interest plus principal which will fully amortize the loan over the remaining 15 year term, subordinating the existing \$32,000.00 mortgage to the Presbytery of Long Island of the Presbyterian Church (U.S.A.) and for that purpose the designated trustee execute, acknowledge, and deliver said note, mortgage and subordination agreement as the Corporate act and in the name of the Corporation, and the Trustees thereof and for such other and further relief or order in the premises as may be just.

Dated: July 11, 1995.

THE BROOKFIELD PRESBYTERIAN CHURCH

By: Mary C. Carlson  
Trustee

At a Special Term, Part **II**  
of the Supreme Court of  
the State of New York,  
held in and for the  
County of Suffolk at the  
County Courthouse at  
Riverhead, N.Y. on the  
24 day of July, 1995.

**FILED**

**JUL 24 1995**

**EDWARD P. ROMAINE  
CLERK OF SUFFOLK COUNTY**

**P R E S E N T : Hon. ROBERT W. DOYLE**  
Justice.

<hr/>		
In the matter of the Petition of the :		
BROOKFIELD PRESBYTERIAN CHURCH :	Index No.	95-17153
to mortgage land at South St. :		
Manorville, New York :	ORDER	
<hr/>		

Upon reading and filing the petition of the Brookfield Presbyterian Church, dated and verified the 24 day of July, 1995 and the Schedules thereunto annexed from which it appears that it would be for the best interests of the petitioner that a mortgage for Sixty Five Thousand (\$65,000.00) Dollars be secured in favor of the Presbyterian Church (U.S.A.) upon its vacant real property at South Street, Manorville, County of Suffolk and State of New York payable over 20 years with the first 5 years bearing an interest rate of 3% per year, interest only payments, the remaining 15 years bearing an interest rate of 5% per year with payments including principal which would amortize the loan fully over the remaining 15 years.

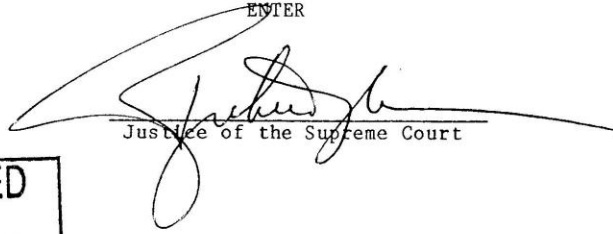
Now, on motion of Lorraine Petrigliano, attorney for the Petitioner, it is

ORDERED, ADJUDGED AND DECREED, that the petitioner be and it hereby is, authorized to mortgage the real property mentioned and described in the petition herein to the Presbyterian Church (U.S.A.) said mortgage to have a repayment term of 20 years, 3% interest per year for the first 5 years, 5% interest plus principal to amortize over the remaining 15 years, and it is further

ORDERED, ADJUDGED and DECREED that the designated representative, authorized trustee, for the Board of Trustees of said religious corporation execute, acknowledge and deliver or cause to be executed, acknowledged, and delivered to the

Presbyterian Church (U.S.A.) the bond or note of said Brookfield Presbyterian Church for the repayment of said sum of SIXTY FIVE THOUSAND (\$65,000.00) Dollars. and the mortgage of said religious corporation to secure the same, which mortgage shall cover the property at South Street, Manorville, in the Town of Brookhaven, County of Suffolk and State of New York as the corporate act and in the name of The Brookfield Presbyterian Church which property is designated on the Suffolk County Tax Map as District 0200, Section 559.00, Block 03.00, Lot 034.001 more particular bounded and described as shown on the attached metes and bounds description (Schedule A).

ENTER



Justice of the Supreme Court

**GRANTED**  
JUL 24 1995  
Edward P. Romaine  
Clerk of Suffolk County

RM

