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This opinion is based on general principles of parliamentary law and Robert's Rules of Order Newly Revised (RONR), 11th edition, (or whatever parliamentary authority is being cited). Nothing in this opinion should be construed as an interpretation of statutory law.

Guidelines for the Selling of Post Property

Regulations

The American Legion Department of Alabama Constitution, Article XII, Section 3, Item (a), states, "No Post shall dispose of real property without prior approval of the Department Executive Committee."

Alabama Code, Section 10A-3-6.01, Item (1), covers the sale, lease, exchange, or mortgage of assets of non-profits. The law states all members are to be informed of the desired action (i.e., sale); to be provided adequate notice of meetings in which said decision to act is to be made; and the authorization to act requires two-thirds of the votes of those present.

Steps to be taken

- 1) A Post General Membership meeting needs to pass a motion to investigate the possible sell of Post Property.
- 2) The Post needs to get a current copy of the Post Deed on file with the city or county to show that it has a clear title on the property.
- 3) The Post needs to get an appraisal done on the property to show the fair market value.
- 4) At the next Post General Membership meeting a motion to proceed with the possible sell of Post Property, also at this meeting it needs to be approved to what Post program(s) or building fund the monies from the sale will be placed in.
- 5) Once that motion is approved a certified letter providing proof of delivery (or attempted delivery) needs to be sent to all Post Members, the District Commander, and the Department Headquarters addressed to the Department Executive Committee; the letter shall state that at the Post General Membership meeting held on (specific date) the Post voted and approved to sell the Post Property and at the Next Post General Membership Meeting to be held on (date and time) the final vote will be taken to determine whether to proceed with the sale of Post Property.
- 6) At the Post General Membership Meeting where the vote is to be taken the District Commander or a Department Officer must be present to verify the members present, the number of certified letters returned, and the number of letters delivered. This information shall be recorded in the minutes.
- 7) The Post General Membership must vote; two-thirds are required for approval to sell the property; and should include in the motion and minutes, the actual vote count, the name of the realtor with whom it shall be listed, the amount that will be listed, and the fair market value of the property.
- 8) Once the sale of the property is approved a letter must be sent to the Department Headquarters addressed to the Department Executive Committee requesting permission to sell the Post Property. In the letter to the Department everything listed above must be enclosed, including the minutes of the Post General Membership meetings, appraisal, and an explanation of why the Post is selling the Post Property.
- 9) The sale may not be completed without the approval of the Department Executive Committee.