

1901-12

Southampton County - Chancery - Franklin Baptist Church, ex parte

"To sell and
encumber property."

Trustees of Franklin Baptist Church

Ex parte
Bill and Exhibits

R. E. L. WATKINS,

- - ATTORNEY-AT-LAW, - -

FRANKLIN, - - VA.

Exhibit A.

At a called Conference of Franklin Baptist Church, held in their Church on Wednesday evening June, 20th A.D. 1900.

The following preamble and resolutions were submitted and adopted:

"We your Committee appointed to draft resolutions authorizing the Trustees of the Franklin Baptist Church to dispose of the Church property, beg to report as follows:

Whereas the members of the Franklin Baptist, located in Franklin Southampton County, Virginia, in Conference assembled, deem that their interest would be promoted by a sale of a part of their property, and by mortgaging or placing a deed of trust on a part and an investment of the proceeds in other property in said town for their use and benefit, be it

Resolved, First, That the Trustees of this Church be and hereby are authorized and instructed to apply to the Honorable Judge of the Circuit Court of Southampton County for an order to sell by convey, that certain lot or parcel of land upon which stands the house used by this congregation for public and divine

worship with all improvements and appurtenances thereto belonging, which said lot or parcel of land lies in the said Town of Franklin, and is bounded and described as follows: Beginning at the Eastern intersection of main street and Fourth Avenue and running Thence East One Hundred nine and a half feet and thence South One hundred and five feet and thence West One hundred and nine and a half feet to main street and thence North along main street to the point of beginning.

Secondly That the Trustees of this Church be and hereby are authorized and instructed to apply to the Honorable Judge of the Circuit Court of Southampton County, Virginia, for an order to borrow money not to exceed in amount \$1000.00 but as much less as they in their discretion may deem best, and place a mortgage or deed of trust upon that certain lot or parcel of land known as the "Parsonage Lot" lying situate and being in the Town of Franklin, Southampton County, Virginia, and used by this congregation as a home for their Pastor, which lot or parcel of land is bounded and described as follows:

Third. That the Trustees shall exercise
Their own discretion as to the best
manner in which to dispose of and
incumber said property.

Respectfully Submitted

R. J. Camp } Committee
J. H. Mills }

A copy.

Teste: L. A. Gay ch. clk.

In the Circuit Court of Southampton County, Virginia.

In the matter of the petition of the Trustees of the Franklin Baptist Church of Franklin, situated in Franklin, Southampton County, Virginia, to mortgage or incumber a part of certain land which they hold for the use and benefit of said church, and to sell certain land which they hold for the use and benefit of said church.

Ex parte

To the Hon. Robert R. Prentiss, Judge of the Circuit Court, of Southampton County, Virginia.

Your petitioners J. P. Gay, L. A. Gay, A. L. Gardner, J. L. Camp and L. T. Joyner, trustees of the Baptist Church of Franklin situated in Franklin Southampton County, Virginia, respectfully represent and show to your Honor, the following case: The said Church is the holder and owner of two certain lots, or parcels of land situated in Franklin, Southampton County, Virginia, as follows:

1st A certain lot or parcel of land situated in said town of Franklin, Virginia, which was conveyed by

to
for the ^{use} and benefit of said church, bounded as follows:

Beginning at the eastern intersection of Main Street and Fourth Avenue and running thence East, one hundred and nine and one half feet, and thence South one hundred and five feet and thence West, one hundred and nine and one half feet, to Main Street, and thence north along main street, to the point of beginning, it being the same lot, upon which is erected the building for Public and Divine Worship. The deed for which property, is duly recorded in the Clerk's office of the County Court of Southampton, in deed book # 31, page 461.

minister of said church, and to execute a valid deed of mortgage, conveying the said land or any part of it as may be necessary, to secure the said sum of money to be advanced and disbursed by the said church, it being the duty of said

2nd A certain lot or parcel of land situated in Franklin, Southampton County Virginia; which was conveyed by deed from J. D. Pretlow, Sarah D. Pretlow, Julia C. Pretlow, M. A. T. Pretlow, Fannie M. Pretlow and Jane D. Pretlow to J. P. Gay, L. A. Gay, A. L. Gardner, L. T. Joyner and J. L. Camp, trustees of the Franklin Baptist Church, said Church- lotbeing bounded and describedas follows:

a certain lot or parcel pf land situated in Franklin Southampton County Virginia, containing (0.43)one hundredths of an acre, and bounded on the northby the land of D. T. Webb, ~~and~~ on the south and west by Warfleet street, and on the east by High street. That there is now erected on the lot first described a house for public and divine worship, for the said congregation of the said church, and that now the said church, the members thereofand your petitioners wish to sell the said lot of land and invest the proceeds in the erection of a new house of public Worship, upon another lot of land, situated on High street in said town of Franklin, for the said congregation of the afesaidBaptist Church, and to execute a good and sufficient deed to the purchaser thereof,as will appear by the paper herewith filed, Marked exhibit, "A".

That there is now erected on the second lot herein described a house occupied by the minister of the said church as a residence, and that now the said church, the members thereof, and your petitioners wish to borrow a sum of money, not to exceed the sum of one thousand dollars (1000) but any amount less as may be necessary, to enable them to erect additional rooms and make such other improvements and repairs upon the said building, located on the said lot, as may be necessary to the comfort and convenience of a residence, for the minister of said church, and to execute a valid deed of trustor mortgage, conveying the said land or any part of it as may be necessary, to secure the said sum of money not to exceed one thousand dollars, it being the wish of said

State of New York
County of Albany
In SENATE
JANUARY 1800

church the members thereof and their lawful authorities, to borrow said money for the purpose aforesaid and to secure its payment by said deed of trust on said land, or a part thereof, sufficient to secure the same, as will appear by the papers herewith filed, marked exhibit 'A.' Your petitioners therefore pray that your Honor will make such order as may be proper, providing that the said land held by them as aforesaid with the improvements thereon, or any part thereof as may be necessary to secure the said sum of money borrowed may be incumbered in the manner specified, to secure the payment of such sum of money as they may see fit to borrow, not exceeding the sum of one thousand (\$1000) dollars for the purpose aforesaid, and that your Honor will make such order as may be proper for the sale of the first lot herein before described. And your petitioners will ever pray etc.

J. P. Gay
L. A. Gay
L. J. Jayner
J. L. Barker
A. S. Gordon

NOTARIAL PUBLIC

of the year 1800

Subscribed and sworn to before me in my County of Albany this
the 1st day of the month of January 1800.
Witness my hand and the seal of my office this 1st day of January 1800.
Notary Public for the County of Albany

State of Virginia

SOUTHAMPTON County, This day J.P. Gay, L.A. Gay, L.T. JOYNER, A.L. Gardner,

and *J.L. Camp* appeared in person before me ^{*C. J. Dwyer*} as a notary public for the
said County and state aforesaid, in said county, and made oath that the
statements made and contained in the foregoing ~~petition~~ petition
are true to the best of their knowledge and belief.

Subscribed and sworn to before me in my County aforesaid this *13th*
day of August 1900.

C. J. Dwyer

Notary Public.

Deere
Trusts of Franklin
Baptist Church,
Ex parte,

Entered Oct 8, 1901
Robert R. Mullis

Entered 22
C. D. B. B. - D. 391

R. E. L. WATKINS,
- - ATTORNEY-AT-LAW, -
FRANKLIN, - - VA.

Circuit Court of Southampton County, ~~in vacation~~ on the
8th day of October 1901,

In the matter of the petition of the Trustees of the Franklin Baptist church of Franklin, Southampton County, Virginia, to mortgage or encumber, ~~CERTAIN~~ lands which they held for the use and benefit of said church and to sell certain lands which they held for the use and benefit of said church.

Ex parte.

This cause came on this day to be heard upon the petition *of* J.P. Gay, L.A. Gay, L.T. Joyner, J.L. Camp, and A.L. Gardner, Trustees of the Franklin Baptist church, situated in Franklin Southampton County, Virginia, and on the exhibit filed with said petition and was argued by counsel.

On consideration whereof, it appearing from said petition and the evidence, that it is the wish of the said congregation of the Franklin Baptist church, the members thereof, and of the Trustees thereof to borrow a sum of money, not to exceed the sum of (\$1000.) One Thousand dollars for the purpose in said petition stated, the Court doth order, adjudge and decree that the said Trustees be, and they are hereby authorized to borrow the sum of money not to exceed the sum of One thousand dollars to enable them to erect additional rooms and make such other improvements and repairs upon the residence of the minister of the said church as they may deem necessary to the comfort and convenience of a residence, and to execute a valid deed of trust or mortgage covering a part of said land or the whole if necessary, to secure the said sum of money that the said Trustees may borrow, not to exceed the sum of One Thousand dollars, payable at such time as they the said Trustees may deem best.

The land that the Trustees are hereby authorized to convey being the same land conveyed by J.D. Pretlow, Sarah D. Pretlow, Julia C. Pretlow, M.A.T. Pretlow, Fannie M. Pretlow, and

Jane D. Pretlow to J.P. Gay, L.A. Gay, A.L. Gardner, L.T. Joyner and J.L. Camp Trustees of the Franklin Baptist Church.

ORDER OF THE COURT OF COMMON PLEAS IN AND FOR THE COUNTY OF VIRGINIA
IN THE MATTER OF THE PETITION OF THE MEMBERS AND TRUSTEES OF THE
FRANKLIN BAPTIST CHURCH FOR THE SALE OF A CERTAIN LOT OF LAND
SITUATED IN FRANKLIN, SOUTHAMPTON COUNTY, VIRGINIA, FOR THE
ERECTING THEREON A HOUSE OF PUBLIC WORSHIP
IN THE MATTER OF THE DECISION OF THE COURT OF THE COUNTY OF
SOUTHAMPTON OF OCTOBER 1901

It being bounded and described as follows:
a certain lot or parcel of land, situated in Franklin, Southampton County Virginia, containing (0.43) one hundredths of an acre, and bounded on the north by the land of D.T. Webb, on the South and west by Norfleet street; on the east by High street. It further appearing from the said petition and the evidence, that it is the wish of the said congregation of the said Franklin Baptist church, the members thereof and the Trustees thereof, to sell the lot upon which is erected the house now used by the said congregation for public and divine worship and to apply the proceeds of such sale in the erection of a new house of public worship to be erected by the said congregation on a lot situated in the said town of Franklin on High street, for public and divine worship, the court doth order adjudge and decree, that the said Trustees be, and they are hereby authorized to sell the said lot, upon which is erected the building used for public and divine worship, by the congregation of the aforesaid Baptist church of Franklin, Virginia, in such manner and upon such terms as the said Trustees may deem best, and to execute a good and sufficient deed conveying the said lot or parcel of land to the purchaser thereof.

The land that the Trustees are hereby authorized to convey being the land that was conveyed to A. H. Goff Wiley Leavitt and others as Trustees by deed from William Peely J. R. Peely & John Peely Jr. for the use and benefit of said church, bounded and described as follows: Beginning at the eastern intersection of Main street and Fourth Avenue and running thence east one hundred and nine and one half feet; thence south one hundred and five feet; thence west one hundred and nine and one half feet to Main street; thence north along Main street to the point of Beginning.

It being the same lot upon which is erected the building now used by the congregation of the Baptist church of Franklin, Virginia for public and divine worship, the deed for which proper-

ty is duly recorded in the Clerk's office of the County Court
of Southampton County in Deed Book # 91 page 461, and
they the said Trustees shall make report to the court.

~~To the Clerk of the Circuit Court~~
~~of Southampton County.~~