

1907-06

Southampton County Chancery - Blackwater Lodge #41 I.O.O.X. - Ex parte. Southampton

Court

Sell property - then
borrow an additional sum
to rebuild.

Trustees:

Fagan, R.S.

Eley, Elmo M.

Holland, J. H. Jr

To the Honorable Jas.L.McLemore, Judge of the Circuit Court of Southampton County:

Your petitioners, R.S.Fagan, Elmo M.Eley and J.H.Holland, Jr., respectfully represent that they are the legal trustees of Blackwater Lodge NUMBER FORTY ONE of the INDEPENDENT ORDER OF ODD FELLOWS of the jurisdiction of the State of Virginia,, that the legal title is vested in them as Trustees, of said Lodge, to all that certain lot of land lying, situate and being in the Town of Franklin of Franklin Southampton County, Virginia, described as follows, situate at the corner of Main street and Fourth Avenue, fronting 105 feet on Main street, which is the western boundary, and running back between two parallel lines to the property of J.T.Duck, 105 feet, which said property is held for the use and benefit of the said Lodge as their meeting place; that at a general meeting of the said Lodge held on the 12th day of April 1907, resolutions were introduced and adopted, stating that it was the wish of the said lodge to sell the property above described, and directing your petitioners, to petition this honorable court for leave to convey the said property for the sum of Twenty Five hundred dollars and make the said R.H.B.Cobb a good and sufficient deed of Special Warranty for said property upon the payment of the said sum of Twenty Five hundred dollars.

At the regular meeting so held on the 12th day of April 1907, ~~THE~~ resolutions were introduced and adopted, stating that it was the wish of the said Lodge to encumber their property situated at the corner of Franklin street and Second avenue, fronting Second Avenue 40 feet and running back between two parallel lines Sixty Five feet, for the purpose of erecting a building thereon to be used for Lodge purposes and an officer and store building, and authorizing and directing your petitioners to petition this honorable court for leave to borrow the sum of not exceeding Six Thousand dollars, at the rate of 6% per annum and to give bonds or promissory notes, signed and endorsed by them for the sum of not exceeding Six Thousand Dollars with interest as aforesaid, payable on demand, and to encumber the said property to secure the payment of the said notes or bonds executing a good and sufficient deed of trust upon said property, a copy of which said resolutions, duly certified by the proper officer of said Lodge is hereto attached marked Exhibit "A" and made a part of this petition.

Now, therefore, in accordance with the express wish of the said Lodge, your petitioners ask leave, first, to convey the first property in this petition mentioned to R.H.B. Cobb for the sum of Twenty Five Hundred dollars and to make him a good and sufficient deed therefor with covenants of Special Warranty upon the receipt of the sum of

Twenty Five Hundred Dollars.

Second, your petitioners, in accordance with the express wish of their Lodge ask leave to borrow a sum not exceeding Six Thousand Dollars, at the aforesaid rate of interest, for the purpose aforesaid, to give their promissory notes as aforesaid, or bonds and to encumber the second property mentioned to secure the payment of the said notes or bonds by executing a good and sufficient deed of trust upon the said property and further that this honorable court will cause to be entered such order as may be necessary and proper to effect the purposes hereinabove mentioned.

J. H. Holland, Jr.
Elmo M. Eley
R. S. Fagan

Trustees.

State of Virginia,

Southampton County, to wit: I, R. B. Turner a Notary Public in and for the County aforesaid State of Virginia, do hereby certify that R. S. Fagan, Elmo M. Eley and J. H. Holland, Jr whose names are signed to the writing above, personally appeared before me in my County aforesaid and made oath that the facts as stated in the above petition were true.

My commission expires on the 29 day of April 1907.

Given under my hand this 17th day of October 1907.

R. B. Turner N.P.

Entered C. O. B.
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1907 Acto. 18th.

Enter.

James L. McGraw

In the

Circuit Court for Southampton County, IN VACATION, on the 18th day of October 1907.

IN VACATION.

In the matter of the petition of the Trustees of Blackwater Lodge Number FORTY ONE of the Independent Order of Odd FELLOWS of the jurisdiction of the State of Virginia, to sell certain real property which they held for the use and benefit of said Lodge and to mortgage or encumber certain land which they held for the use and benefit of said Lodge.

EX PARTE.

This cause came on this day ^{to} be heard on the petition of R.S.Fagan, Elmo M.Eley and J.H.Holland, Jr., Trustees of Blackwater Lodge Number Forty one of the the Independent Order of Odd Fellows of the jurisdiction of the State of Virginia, and on the exhibits ^{evidence} and ^{and} 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 Lodge, the members thereof and the Trustees thereof, to sell that certain lot of land lying, situate and being in the Town of Franklin, Virginia, described as follows: situate ~~and~~ the corner of Main street and Fourth Avenue, fronting 105 feet on Main street, which is the western boundary, and running back between two parallel lines to the property of H.T.Duck, 105 feet, to R.H.B.Cobb for the sum of Twenty Five Hundred Dollars, the court doth adjudge order and decree that the trustees be and they are hereby authorized to sell and make a proper deed ^{for said property} with covenants of Special Warranty to R.H.B.Cobb upon the receipt of the sum of Twenty Five Hundred Dollars, *which sum they shall hold until the future order of this Court.*

It further appearing from the said petition and the evidence that it is the wish of the said Lodge and the trustees thereof to borrow a sum of money, not exceeding the sum of SIX THOUSAND DOLLARS, for the purpose in said petition stated, the court doth adjudge, order and decree, that the said trustees be and they are hereby authorized to borrow the sum of money, not to exceed Six Thousand Dollars to enable them to complete their building situate at the corner of Franklin Street and Second Avenue and to execute a valid mortgage or deed of trust to secure such sum of money ~~to~~ so borrowed, not exceeding the sum of Six thousand dollars, and to execute their bond or notes for such sum of money as may be borrowed, not to exceed the sum of Six thousand dollars, payable on demand, and the said trustees are authorized to convey for the purpose above stated, that certain lot of land fronting Forty feet on Second Avenue and running back between two parallel lines sixty five feet to the lands of Carr Beale and C.C.Vaughan. And they the said Trustees shall report to

TO THE CLERK OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

James L. McLeure.

Arthur A

Whereas Blackwater Lodge Number Forty One has been offered by R.H.B.Cobb the sum of Twenty five Hundred dollars for the their property situated at the corner of Main street and Fourth Avenue, fronting Main street 105 feet, and whereas it is the desire of this Lodge to erect a more modern building on their property at the corner of Franklin and SECOND AVENUE,

Resolved, First, That the trustees, be and they are hereby authorized, to ask leave of the honorable Judge of the Circuit Court of Southampton County to sell and convey unto R.H.B.Cobb, for the sum of Twenty Five Hundred Dollars, that certain property situated at the corner of Main Street and Fourth Avenue, fronting Main street 105 feet and running back between two parallel lines 105 feet to the property of J.T.Duck,

Resolved, Second, That the Trustees of this Lodge ask leave of the honorable Judge of the Circuit Court for Southampton County, to borrow the sum of not exceeding Six Thousand dollars on the property of this Lodge situated at the corner of Franklin Street and Second Avenue, described as follows: Fronting forty feet on Second Avenue and running back between two parallel lines Sixty five feet to the property of C.C.Vaughan and Carr Beale, for the purpose of erecting and completing a building on said lot, and to execute a deed of trust on said property to secure said loan and to execute their notes or bonds for the amounts so borrowed, not exceeding the sum of Six Thousand Dollars.

A true copy of resolutions,

Adopted at a regular meeting of Blackwater Lodge Number Forty One of the Independent Order of Odd Fellows of the jurisdiction of the State of Virginia held on the twelfth day of April 1907.

F. X. Schuller SECRETARY.

