

1924-028 Chancery Cause. Petition of the Trustees of Smithfield Lodge Number 65, Improved
Isle of Wight County Benevolent Protection Order Elks of the World

other surnames: Gray, Wilson,
Jordan, Barrett, Winfield,
Porter, Tazewell

Virginia: Circuit Court Isle
of Wight County.

In re: Application of Smith-
field Lodge No. 65 Improved
Benevolent Protective Order
Elks of the World for per-
mission to encumber its
real estate.

1. Resolution of members.
2. Petition of trustees.
3. Order of court directing
encumbrance.

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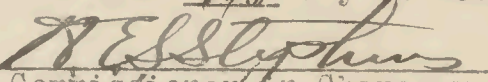
*Order Books 7
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Oct 27/1924

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

by certify that James W. Porter has this day appeared before me in my said County and made oath that he is the recording Secretary of Smith field Lodge No. 65, Improved Benevolent Protective Order Elks of the World, and that the facts set forth in the foregoing certificate are true; and, further, at the meeting mentioned in said certificate a quorum of said Lodge was present and voted.

Given under my hand this 24th day of October, 1924.


Commissioner in Chancery.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

In re, application of Smithfield Lodge No. 65,
Improved Benevolent Protective Order Elks of
the World, for permission to encumber its real estate.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT, VIRGINIA.

This is to certify that Meritt Gray, Herbert Wilson
and W. S. Jordan are now the duly elected trustees of Smith-
field Lodge No. 65, Improved Benevolent Protective Order Elks
of the World, and that at a meeting of said Order, held in its
Lodge Room, in the Town of Smithfield, County of Isle of Wight,
State of Virginia, on the 23rd. day of October, 1924, a resolu-
tion was adopted requiring the Secretary of said Lodge to certify
that fact to the Circuit Court of the said County of Isle of Wight
or to the Judge thereof, in vacation, to have the said trustees
confirmed by the said Court, or the Judge thereof in vacation,
as provided by law.

Given under my hand this 23rd. day of October, 1924.

James W. Porter
Secretary Smithfield Lodge No. 65,
Improved Benevolent Protective Or-
der Elks of the World.

State of Virginia,

County of Isle of Wight, to-wit:

I, A. E. S. Stephens, a Commissioner in Chancery of the Circuit
Court of the County of Isle of Wight, State of Virginia, do here-

Richard Tazewell
Exalted Ruler

James W. Porter
Recording Secretary.

State of Virginia,

County of Isle of Wight, to-wit:

I, A. E. S. Stephens, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, State of Virginia, do hereby certify that Richard Tazewell and James W. Porter have this day personally appeared before me in my said County, and have, respectively, made oath that they are Exalted Ruler and Recording Secretary, respectively, of Smithfield Lodge No. 65, Improved Benevolent Protective Order Elks of the World, and that the certificate at the foot of the copy of resolution hereto attached contains a full statement of the facts connected with the passage of said resolution.

The said James W. Porter further made oath that the seal impressed hereon is the official seal of said Lodge.

Given under my hand this 24th day of October, 1924.

A. E. Stephens.
Commissioner in Chancery.

and State of Virginia, said sum to be evidenced by five bonds, for five hundred dollars each, payable in one, two, three, four and five years, respectively, bearing interest from date at the rate of six per centum per annum, interest payable annually on each of said bonds, and to be secured by a deed of trust upon the property before mentioned, and which deed of trust shall provide that in the event of default in the payment of any one of said bonds, when due and payable, or any interest on any of said bonds, the whole number of said bonds then remaining unpaid shall be deemed and taken to have matured, become due and payable:

NOW, THEREFORE, BE IT RESOLVED: That Meritt Gray,, Herbert Wilson and W. S. Jordan, trustees of said Lodge, duly elected and confirmed as provided by law, be, and they are, hereby, authorized and empowered to file a petition in the Circuit Court of the County of Isle of Wight, State of Virginia, or before the Judge thereof in vacation, praying leave to encumber the property aforesaid, to secure a loan of twenty five hundred dollars, and to be secured and evidenced as aforesaid: And that the said trustees, upon receiving such authority from the said Circuit Court, or from the Judge thereof in vacation, shall proceed to obtain from the said B. P. Chapman the sum of twenty five hundred dollars, for which the bonds of the said Lodge, by its said trustees, payable as aforesaid, shall be executed, and a deed of trust, as aforesaid, to secure the payment thereof, covering the property aforesaid.

The foregoing is a true copy of a resolution adopted by the Smithfield Lodge No. 65, Improved Benevolent Protective Order Elks of the World, at its meeting held in its Lodge Room, in the town of Smithfield, County of Isle of Wight and State of Virginia, on the 24th day of October, 1924, at which meeting a quorum was present and voting, and at which, according to the rules and regulations of said Lodge, it was lawful for such a resolution to be adopted.

At a meeting of the Smithfield Lodge No. 65, Improved Benevolent Protective Order Elks of the World, held in the Lodge Room of said Lodge, in the town of Smithfield, County of Isle of Wight and State of Virginia, on the 24th. day of October, 1924, in accordance with the rules and regulations of said order, at which time a quorum was present and voted, the following resolution was presented and unanimously adopted.

WHEREAS, it is the desire of Smithfield Lodge No. 65, Improved Benevolent Protective Order Elks of the World, to encumber the property recently purchased by it from L. L. Chapman, Substituted Trustee, said purchase having been made on the 18th. day of October, 1924, and being described in the deed of trust under which it was sold as follows, to-wit:

"Beginning at the Northwest corner of the lot formerly owned by S. A. Eley, now owned by Nannie P. Jordan and others, thence extending along the South side of Main Street, South 56 1/2 West a distance of fifty three (53) feet and four (4) inches; thence along the line of the store building on the said lot South 29 East a distance of fifty nine (59) feet to a stob at the foot of the hill; thence along the foot of the Hill South 56 1/2 East, a distance of ninety five (95) feet and eight (8) inches to a cedar post on the line of the Lucy Thomas lot; thence North 22 1/2 East along the line of the said Lucy Thomas lot, a distance of thirty six and one half (36 1/2) feet to the line of the lot formerly owned by S. A. Eley, now owned by Nannie P. Jordan and others, at the corner of the Blacksmith Shop; thence along the line of the lot of Nannie P. Jordan and others North 45 West a distance of seventy seven (77) feet to a stob on the said line of Nannie P. Jordan and others; thence North 32 West a distance of fifty (50) feet to the point of beginning, it being known as the store lot of which the late R. F. Barrett died siezed and possessed":

for the sum of twenty five hundred dollars, it having paid the sum of seven hundred and fifty dollars in cash, the balance being intended to cover the purchase thereof, in full, and whic sum has been offered the trustees of said Lodge by Mr. B. P. Chapman, of the town of Smithfield, County of Isle of Wight

AT A MEETING OF SMITHFIELD LODGE NO. 65, IMPROVED BENEVOLENT
PROTECTIVE ORDER ELKS OF THE WORLD, HELD AT THE LODGE ROOM
OF SAID ORDER, IN THE TOWN OF SMITHFIELD, COUNTY OF ISLE OF
WIGHT, STATE OF VIRGINIA, OCTOBER 24TH. 1924.

Upon motion of P. E. Nixford, duly made and seconded,
it is resolved that the Circuit Court of the County of Isle of
Wight, State of Virginia, or the Judge thereof in vacation,
be petitioned to confirm Meritt Gray, Herbert Wilson and W. S.
Jordan, the trustees of this Lodge, who have, heretofore, been
duly elected, as appears by the record of this Lodge.

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I, James W. Porter, do hereby certify that I am the recording
Secretary of Smithfield Lodge No. 65, Improved Benevolent Pro-
tective Order Elks of the World, and that the foregoing is a
copy of a resolution passed by said Lodge, in meeting held as
noted in the caption, and at which there was a quorum present
and voted, and that said meeting was held in accordance with
the rules and regulations of said Lodge, and that at such meeting
it was proper to pass such a resolution.

James W. Porter
Recording Secretary.

State of Virginia,
County of Isle of Wight, to-wit:

This day personally appeared before me, A. E. S. Stephens, a
Commissioner in Chancery for the Circuit Court of the County
of Isle of Wight, State of Virginia, James W. Porter, who
made oath to the statements made in the foregoing certificate.

Given under my hand this 24th day of October, 1924.

A. E. Stephens
Commissioner in Chancery.

a distance of thirty six and one half (36 1/2) feet to the line of the lot formerly owned by S. A. Eley now owned by Nannie P. Jordan and others, at the corner of the Blacksmith shop; thence along the line of the lot of Nannie P. Jordan and others North 45 West, a distance of Seventy Seven (77) feet to a stob on the said line of Nannie P. Jordan and others; thence North 32 West a distance of fifty (50) feet to the point of beginning, it being known as the store lot of which the late Robert F. Barrett died siezed and posses ed"

Your petitioners, therefore, pray that they be given and granted the authority, by this honorable court, or by the Judge thereof, in vacation, to encumber the property aforesaid, to secure to B. P. Chapman the payment of the sum of twenty five hundred dollars, and to make the bonds of the said Smithfield Lodge No. 65, Improved Benevolent Protective Order Elks of the World, for five hundred dollars each, payable to said B. P. Chapman in one, two, three, four and five years from date, and to bear interest from date till paid at the rate of six per centum per annum, and to so provide in said encumbrance that in the event of default in the payment of any one of said bonds, or the interest on any one of them, which interest is to be paid annually, that all of said bonds may be taken to have become due and payable, said encumbrance to be by deed of trust.

And your petitoers will ever pray, etc.

Witness: *A. S. Stephens* *W. S. X Jordan*
Merritt Gray
Robert F. Barrett
Trustees of Smithfield Lodge No.
65, Improved Benevolent Protective
Ord r Elks of the World.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

In re: application of Smithfield Lodge, No. 65,
Improved Benevolent Protective Order Elks of the
World, for permission to encumber its property.

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT, STATE OF VIRGINIA.

Your petitioners, Meritt Gray, Herbert Wilson and
W. S. Jordan represent to the Court that they have, heretofore,
been elected trustees of Smithfield Lodge No. 65, Improved
Benevolent Protective Order Elks of the World; that such e-
lection is evidenced by certificate attached to this petition;
that it is desired that the court, or the Judge thereof, in
vacation, shall and will confirm the said election; that it
is the further desire that the said Lodge be permitted to encum-
ber a lot or parcel of land, recently purchased by it, for the
sum of thirty two hundred and fifty dollars, it, the said Lodge
being able to pay seven hundred and fifty dollars in cash, and
it has been promised a loan of the balance, twenty five hundred
dollars, if it is permitted to secure the same by a deed of
trust covering the said lot or parcel of land: that the said
lot or parcel of land is what is generally known as the Robert
F. Barrett store lot or a later name being the Warren & Guy
store lot, and is described in the conveyance under which it
was sold, as follows: to-wit:

"Beginning at the Northwest corner of the lot formerly
owned by S. A. Eley, now owned by Nannie P. Jordan
and others, thence extending along the South side
of Main Street, South 56 1/2 West a distance of fifty
three (53) feet and four (4) inches; thence along
the line of the store building on the said lot
South 29 East a distance of fifty nine (59) feet to
a stob at the foot of the hill; thence along the
foot of the hill South 56 1/2 East, a distance of
ninety five (95) feet and eight (8) inches to a cedar
post on the line of the Lucy Thomas lot; thence North
22 1/2 East along the line of the said Lucy Thomas lot.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.
In vacation, on the 27th day of October, 1924.

In re: Application of Smithfield Lodge No. 65
Improved Benevolent Protective Order of Elks
of the World, for permission to encumber its real
estate.

This day came the above named lodge,

This day came the trustees of Smithfield Lodge ^{Number} No. 65, Improved
Benevolent Independent ^{Order} Order Elks of the World, of the Town of
Smithfield, County of Isle of Wight, State of Virginia, the
said trustees being Merritt Gray, Herbert Wilson and W. S. Jordan,
and by the direction of the members of the said lodge,
evidenced by a copy of the resolution passed by the said members
on the 23rd., day of October, 1924, attached and made a part of
the said petition with which the said resolution is filed,
setting forth that it is the desire of the said members to
borrow the sum of twenty five hundred dollars to be ^{used} as a
part payment of the purchase price of a certain lot or parcel
of land, purchased by them, and situated in the Town of
Smithfield, County and State aforesaid, and known as the Robert
F. Barrett store lot, or later known as the Warren and Guy store
lot, and praying the court to confirm the election of the trustees
as aforesaid and grant unto them the power and authority to
encumber the said lodge property for the payment of the sum of
money to be borrowed: And it appearing to the court that the
said Merritt Gray, Herbert Wilson and W. S. Jordan, trustees
of the Smithfield Lodge ^{Number} No. 65, Improved Benevolent Protective
Order Elks of the World, have been duly elected as such trustees
by the members of the said lodge; that the said petition is made
and filed as required by the statute in such cases made and
provided; that the members of the said Smithfield Lodge ^{Number} No. 65
Improved Benevolent Protective Order Elks of the World, accord-
ing to the rules and regulations of the said lodge, have author-
ized and empowered its trustees, as aforesaid, to file this *petition*

It is ordered and decreed that the election of the said Merritt Gray, Herbert Wilson and S. W. Jordan, as trustees of the Smithfield Lodge ^{number} ~~No.~~ 65 Improved Benevolent Protective Order of the Elks of the World, be, and the same is, hereby confirmed: And it is further ordered and decreed that Merritt Gray, Herbert Wilson and S. W. Jordan, trustees as aforesaid, do, when they have borrowed the said sum of twenty five hundred dollars, execute, in their names as such trustees of the said lodge, a deed of trust encumbering the lodge property mentioned in the said petition, and the resolution upon which it was founded, to secure the payment of the sum borrowed, which said sum shall not exceed the sum of twenty five hundred dollars, and to give therefor the bonds of the said lodge, duly executed by the trustees of the lodge aforesaid, sealed with the seal of the said lodge and attested by the secretary, which said bonds shall be in number five, payable in one, two, three, four and five years from date, respectively for the sum of five hundred dollars each, with interest thereon at the rate of six per centum per annum until paid, payable annually, and the property to be encumbered is described as follows, to-wit: All of that certain lot or parcel of land situated in the Town of Smithfield, County and State aforesaid, bounded and described as follows, to-wit: Beginning at the Northwest corner of the lot formerly owned by S. A. Eley, now owned by Nannie P. Jordan and others, thence extending along the south side of Main street South 56 $\frac{1}{2}$ West a distance of fifty three feet and four inches; thence along the line of the store building on the said lot South 29 East a distance of fifty nine feet to a stob at the foot of the hill; thence along the foot of the hill South 56 $\frac{1}{2}$ East, a distance of ninety five feet and eight inches to a cedar post on the line of the Luch Thomas lot; thence North 22 $\frac{1}{2}$ East along the line of the said Luch Thomas lot a distance of thirty six and one half feet to the line of the lot formerly owned by

S. A. Eley and now owned by Nannie P. Jordan and others, at the corner of the blacksmith shop; thence along the line of the lot of Nannie P. Jordan and others North 45 West a distance of seventy seven feet to a stob on the said line of the lot of Nannie P. Jordan et als; thence North 32 West a distance of fifty feet to the point of beginning. It being known as the store lot of which Robert F. Barrett died siezed and possessed. "

All of which is certified to the Clerk of the Court by letter in vacation in the Common Law order book.

P. D. White
Judge

VIRGINIA: Clerks office of the Circuit Court of the County of Isle of Wight Oct 27, 1924, at _____ O'clock _____ M. this deed was received and with the certificate annexed, admitted to record.

Teste R. A. Edwards Clerk.

By E. R. Wiles
W S