

1927-022 Chancery Causes: Petition of the Trustees of Hill Street Baptist Church

Isle of Wight County

other SURNAMES: Godwin, Eley,
Harris, Tazewell Sykes, Ellis
[Bank 'f Smithfield], Oliver,
Winfield

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS
ATTORNEYS AND COUNSELORS AT LAW

OFFICES AT
ISLE OF WIGHT

SMITHFIELD, VA.

Application of Trustees Hill
Street Baptist Church, to en-
cumber property.

August 18th. 1927.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.

Dear Gus:

Am handing you, herewith, papers for filing and entering in the matter of application of the trustees of Hill Street Baptist Church to encumber its property. There is, under the file numbered 1, petition asking for appointment of trustees, and also for encumbering the property, which is nothing more than a recommendation by the congregation. This is to file. Be pleased to enter, first, the order appointing the trustees, and then follow it with the order directing the encumbrance.

Be pleased to make up your costs in this case, just as soon as you can, and let me have it. There is no tax on the proceeding, as I understand the law. It is no suit, and, therefore no tax because of that. In addition as no tax is placed upon proceedings by churches, it would be exempt on that account, I think.

Thank you.

A.S.J.

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

In the matter of appointment of trustees for
Hill Street Baptist Church (colored) of the town
of Smithfield, County of Isle of Wight, Virginia.

Upon the application of the proper authority of the Hill Street Baptist Church, of the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, this day presented to the Circuit Court of the County of Isle of Wight, in the State of Virginia, it is ordered that Phenius Harris, David T. Godwin, John Eley, Jasper C. Godwin and J. Frank Tazewell be, and they are, hereby, appointed as and for the trustees for said church, to hold, in the manner prescribed by law, the legal title to the property of said church.

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Virginia: Circuit Court of
Isle of Wight County.

In matter of application
of Hill Street Baptist
Church, of Smithfield, for
appointment of trustees.

Order appointing trustees.

Enter this Aug 15 1927.

Prova.

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LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

At a meeting of the congregation of the Hill Street Baptist Church (colored), of the town of Smithfield, County of Isle of Wight, in the State of Virginia, held in the said church, in accordance with the rules and regulations thereof, on the 20th day of July, 1927.

C. D. Ellis, Pastor, presiding.

This meeting was called for the purpose of considering the present status of certain loans, made to this church, by the Bank of Smithfield, a banking corporation, of the town of Smithfield, County of Isle of Wight, in the State of Virginia, and which loans were intended to be amply and properly secured by deeds of trust upon the property of this congregation and church; and, it appearing from statement presented by the Pastor:

That on the 7th. day of May, 1923, the Circuit Court of the County of Isle of Wight, in the State of Virginia, entered an order authorizing and empowering George P. Godwin, John Eley, C. H. Oliver, David T. Godwin and Phenius Harris, who were thought to be the trustees of said congregation and church, and who held the legal title to the real estate belonging to the said church and congregation, to borrow money not to exceed the sum of seven thousand five hundred dollars, and to make, execute and deliver a deed of trust or deeds of trust covering the real estate of said congregation of said church, in said order described and set forth, to secure the payment of such sum or sums as might be borrowed by the said trustees, for the purpose of defraying the expenses of erecting a church building upon said property:

That on the 7th. day of February, 1924, the said Circuit Court entered another order, authorizing and empowering the same persons, who were still thought to be the the trustees of said congregation and church, authorizing and empowering them to borrow more money, not to exceed the sum of six thousand dollars, for the purposes therein stated, and to encumber the real estate of said congregation and church, described and set forth in said order,

to secure the payment thereof, by deed of trust or deeds of trust:

That the said George P. Godwin, John Eley, C. H. Oliver, David T. Godwin and Phenius Harris, as trustees of said congregation and church, did, by their deed bearing date on the 9th. day of May, 1923, which is entered of record in the Clerk's Office of the said County of Isle of Wight, convey to John I. Cofer the following described real estate, belonging to said congregation and church, and upon which the church building of said congregation now stands, therein described as follows: beginning on Hill Street at the line of the Masonic property; thence running along Hill Street a distance of one hundred and forty six feet to the line of the Odd Fellows' lot; thence along the said lot a distance of fifty six feet, a corner; thence along said lot a distance of eighty feet to the line of the lot of G. W. Delk; thence along the line of the lot of G. W. Delk a distance of one hundred and twenty four feet to the lot of W. T. Seward; thence along the line of the lot of said W. T. Seward a distance of one hundred and eighty six feet to the old cemetery; thence along the line of the old cemetery a distance of one hundred and thirty three feet to the Masonic property; thence along the said lot a distance of seventy nine feet to Hill Street, the point of beginning: in trust to secure to Bank of Smithfield the payment of the sum of five thousand dollars, evidenced by a note made by the said trustees:

That the said George P. Godwin, John Eley, C. H. Oliver, David T. Godwin and Phenius Harris, as trustees of said congregation and church, did, by their deed bearing date the 26th. day of June, 1923, entered of record in the said Clerk's Office, convey to the said John I. Cofer the same piece or property in the clause next above mentioned, in trust to secure to said Bank of Smithfield the payment of the sum of two thousand dollars, evidenced by a note for that sum:

That the said George P. Godwin, John Eley, C. H. Oliver, David T. Godwin and Phenius Harris, trustee of said congregation and church, did, by their deed bearing date the 9th. day of February, 1924, entered of record in the said Clerk's Office, convey

to the said John I. Cofer the tract of land hereinbefore mentioned and described with another tract of land, belonging to said congregation and church, therein described as follows, to-wit: all that certain piece or parcel of land lying, being and situate near the town of Smithfield, in the County of Isle of Wight, Virginia, and bounded and described as follows: bounded by the County Road leading from Smithfield to Isle of Wight Courthouse, and the road leading from the Smithfield road to Great Spring, and known as a part of the Stevens tract, it being the same lot of land which was conveyed to the said trustees of Hill Street Baptist Church by deed from W. H. Sykes and others, it being the land upon which has been erected the minister's house or parsonage of said congregation and church:

That after a careful search of the records lodged in the office of the Clerk of the Circuit Court of the said County of Isle of Wight, which Court has jurisdiction in the appointment of the trustees for any religious congregation or church in the said County of Isle of Wight, that none of the men named ~~herein~~, in the said orders entered by the said court, and the deeds aforesaid, save and except Phenius Harris have been appointed as trustees of said congregation and church in the manner prescribed by law:

And it being the intention of this congregation that the money so borrowed from the said Bank of Smithfield should be properly and amply secured by deeds of trust covering the property of said congregation and church:

UPON MOTION, DULY MADE, SECONDED AND CARRIED, UNANIMOUSLY, IT IS RESOLVED: That the Circuit Court of the County of Isle of Wight, in the State of Virginia, be and is, hereby, requested to appoint as and for the trustees of the said congregation and church, that is to say, the Hill Street Baptist Church, of the town of Smithfield, in the County of Isle of Wight and State of Virginia, Phenius Harris, David T. Godwin, John Eley, Jasper C. Godwin and J. Frank Tazewell; and that ^{they,} as such trustees, be authorized and empowered to encumber the real estate of

said congregation and church to secure to the said Bank of Smithfield, of the town of Smithfield, County and State aforesaid, the sum of eleven thousand dollars, it being the balance now due to the said Bank of Smithfield, on account of the loans so contracted as aforesaid, and to have the said amount evidenced as the said Bank of Smithfield may require; and to make, execute and deliver to the trustee for said Bank of Smithfield, to be designated by it and agreeable to all the parties thereto, a deed of trust or deeds of trust, conveying to the said trustee the real estate of said congregation and church, in trust to secure the payment of the said sum of eleven thousand dollars.

We hereby certify that the foregoing is a true copy of the minutes of a meeting of the congregation of the Hill Street Baptist Church, of the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, held in said church, in accordance with the rules and regulations of said congregation, on the 20th day of July, 1927.

C. D. Ellis

Pastor of Hill Street Baptist Church.

P. E. Winfield

Secretary and keeper of the records
of Hill Street Baptist Church.

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that C. D. Ellis and P. E. Winfield, whose names, respectively, as pastor and secretary of the Hill Street Baptist Church, in the town of Smithfield, County of Isle of Wight and State of Virginia, have, this day, personally appeared before me, in my said County, and made oath that the statements therein contained are true.

Given under my hand this 8th day of August 1927,
1927.

Johnson
Commissioner in Chancery.

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

In the matter of application of the trustees of Hill Street Baptist Church, of the town of Smithfield, in the County of Isle of Wight, Virginia, to encumber its real estate to secure the payment of money borrowed by it.

This day came Phenius Harris, David T. Godwin, John Eley, Jasper C. Godwin and J. Frank Tazewell, the duly appointed trustees of the Hill Street Baptist Church (colored) of the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, and filed their petition praying that they be permitted, authorized and empowered to encumber the property of the said church or religious congregation, to secure the payment of the sum of eleven thousand dollars, borrowed by it from Bank of Smithfield, a banking corporation, of the said town of Smithfield; and, it appearing to the Court that the said Hill Street Baptist Church is possessed of real estate, described as follows:

1. A certain lot or parcel of land, lying, situate and being in the said town of Smithfield, beginning on Hill Street at the line of the of the lot belonging to the Masonic Lodge, or occupied by it; running thence along Hill Street, toward Church Street, a distance of one hundred and forty six feet, more or less, to the Odd Fellows' lot; thence along the line of the said Odd Fellows' lot, a distance of fifty six feet, more or less, to a corner; thence along the line of the said Odd Fellows' lot, a distance of eighty feet, more or less, to the line of the lot of A. Cary Delk; thence along the line of the lot of said A. Cary Delk, a distance of one hundred and twenty four feet, more or less, to the lot of W. T. Seward; thence along the lot of the said W. T. Seward, a distance of one hundred and eighty six feet, more or less, to the line of the Old Cemetery; thence along the line of the Old Cemetery a distance

of one hundred and thirty three feet, more or less, to the Masonic Lot aforesaid; thence along the line of the said Masonic Lot, a distance of seventy nine feet, more or less, to said Hill Street, the point of beginning; and,

2. A certain lot, piece or parcel of land situate, lying and being in the County of Isle of Wight, in the State of Virginia, bounded by the road leading from Smithfield to Franklin, known, numbered and designated as One Hundred and Eight of the highway system of the said State of Virginia; the road leading from that road to Scott's Factory; and the lands of W. H. Sykes and others, being the same conveyed to the said Hill Street Baptist Church by W. H. Sykes and others:

And it further appearing to the Court, from an authenticated copy of a resolution passed by said congregation, and from the petition of the trustees of said church, filed as aforesaid, that the said congregation has borrowed from the Bank of Smithfield, a banking corporation of the town of Smithfield, County and State aforesaid, the sum of eleven thousand dollars, which it is desired shall be ^{secured} ~~enumbered~~ by a deed ~~of trust~~ or deeds of trust, to secure the payment of said money so borrowed; that it is desired that the note or notes evidencing said debt shall be executed by the said Hill Street Baptist Church by either David T. Godwin or J. Frank Tazewell, who are trustees of said church.

It is ordered that the trustees of said Church, to-wit: Phenius Harris, David T. Godwin, John Eley, Jasper C. Godwin and J. Frank Tazewell, as trustee of said Hill Street Baptist Church, make, execute and deliver a deed ~~of trust~~ or deeds of trust, securing the payment of the said sum of eleven thousand dollars so borrowed from the said Bank of Smithfield, conveying to some suitable person, agreeable to said trustees and said Bank of Smithfield, the property hereinbefore mentioned and described, belonging to said church; and that the evidences of said debt be executed, for and on behalf of said church

all of said list, and the necessary things may be executed by
by either David T. Godwin or J. Frank Tazewell, ~~as well as any re-~~

~~newal or renewals thereof which may be required to be executed.~~

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Virginia: In the Circuit
Court of the County of Isle
of Wight.

In the matter of application
of Hill Street Baptist
Church, of Smithfield, for
authority to encumber its
property.

Order, authorizing en-
cumbrance of church prop-
erty.

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LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

TO HONORABLE BENJAMIN DEY WHITE, JUDGE OF THE CIRCUIT COURT OF
THE COUNTY OF ISLE OF WIGHT, IN THE STATE OF VIRGINIA.

Your petitioners, David T. Godwin, John Eley, Jasper C. Godwin, Phenius Harris and J. Frank Tazewell, trustees of Hill Street Baptist Church, of the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, do, hereby, in accordance with the request of the congregation of said Hill Street Baptist Church, as evidenced by a copy of the resolutions of said congregation and church, attached hereto and to be taken and read as a part of this petition, represent and request:

That the said congregation and church is possessed of real estate as follows, to-wit:

1. A lot, piece or parcel of land, situate, lying and being in the town of Smithfield, County of Isle of Wight and State of Virginia, beginning on Hill Street, in said town of Smithfield, at the corner of the lot belonging to the Masonic Lodge or occupied by it; running thence along Hill Street, toward Church Street, a distance of one hundred and forty six feet, more or less, to the Odd Fellows' lot; thence along the Odd Fellows' lot, a distance of fifty six feet, a corner; thence along the same lot, a distance of eighty feet to the line of the lot of A. Cary Delk; thence along the lot of the said A. Cary Delk, a distance of one hundred and twenty four feet, more or less, to the lot of W. T. Seward; thence along the lot of the said W. T. Seward a distance of one hundred and eighty six feet, more or less, to the Old Cemetery; thence along the Old Cemetery a distance of one hundred and thirty three feet, more or less, to the Masonic lot aforesaid; thence along the said Masonic lot, aforesaid, a distance of seventy nine feet, more or less, to Hill Street, at the point of beginning:

The lot here mentioned is that upon which the church house of the said congregation is located.

2. A certain lot, piece or parcel of land situate, lying and being in the County of Isle of Wight, in the State of Virginia, fronting on the road leading from Smithfield to Franklin, known, numbered and designated in the Highway System of the State of Virginia, as Route Number one hundred and eight; bounded by the said road, the road leading from that road to Scott's Factory; the lands of Sykes and Gwaltney, and others, and being the same conveyed to the said Hill Street Baptist Church by W. H. Sykes and others, as will appear of record.

The minister's house, or parsonage is located upon this last mentioned lot.

That the congregation and church aforesaid, is indebted to the Bank of Smithfield, a banking corporation, of the town of Smithfield, in the County of Isle of Wight and State of Virginia in the sum of eleven thousand dollars.

That it is the request of said Bank and the desire of the congregation aforesaid, to have the trustees thereof authorized and empowered to encumber the real estate thereof, by a proper deed or deeds of trust, to secure the payment of the said sum of money so loaned to it, as evidenced, on the part of said congregation, by the resolutions thereof, attached to this petition, and to be taken and read as a part thereof.

Therefore, the undersigned, the duly appointed trustees of said congregation and church, in whom is vested the legal title of the real estate thereof, do pray that they be permitted, authorized, empowered and directed, to make, execute and deliver to some proper person, agreeable to the said trustees and the said Bank of Smithfield, as trustee, a deed or deeds of trust, conveying to said trustee the real estate aforesaid, in trust to secure to the said Bank of Smithfield the payment of the sum of money so loaned to said congregation, as aforesaid, which sum is to be evidenced by a note or notes, as may be agreeable to the parties to said deed or deeds of trust, the said note or notes to be made

by "Hill Street Baptist Church" by either David T. Godwin or J. Frank Tazewell, for convenience and despatch, as well as any renewals thereof.

And your petitioners will ever pray, etc.

Teste, *Gibson*

David T. Godwin
John Eley
Jasper C. Godwin
Phenius Harris
J. Frank Tazewell

} Trustees of
Hill Street
Baptist Church,
of Smithfield,
Virginia.

State of Virginia,

County of Isle of Wight, to-wit:

I, *Gibson*, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that David T. Godwin, John Eley, Phenius Harris, Jasper C. Godwin and J. Frank Tazewell, whose names, as trustees of Hill Street Baptist Church, are signed to the foregoing petition, have this day personally appeared before me, in my said County, and made oath that the statements contained in said petition are true, to the best of their knowledge and belief.

Given under my hand this 8th day of August, 1927.

Gibson
Commissioner in Chancery.

Virginia: Circuit Court
of Isle of Wight County.

Petition of Hill Street
Baptist Church (colored)
of Smithfield, for appoint-
ment of trustees, and re-
tention of trustees for
authority to encumber the
church property.

Filed *Aug 15th*, 1927.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut