

The undersigned two of the members of
the religious Society - Hereafter mentioned
do hereby certify that on the 9th day of May
1876 the persons of full age belonging to the
religious society - worshipping in the Building
known as the First Universalist Society of the town of
Duanesburgh and vicinity met at the place of
public worship aforesaid in the town of
Duanesburgh, Schenectady County, New
York, for the purpose of incorporating themselves
and did then and there elect, by plurality
of voices Benjamin H. Eaton, J. S. Peck, William Broeffle
Geo W. Lester, George Hewitt, M. R. Victory and J. J. Pugh
as trustees of the said church corporation, and
the said persons did then and there also determine
by the like plurality of voices, that the said
trustees and their successors shall hereafter
be called and known by the name
or title of the "First Universalist Society of
Duanesburgh and vicinity".

Witness our hands and seals this 9th day
of May 1876

In presence of

Wm Broeffle
John Ladd

Schenectady Co. N. Y.
On the 9th day of May
1876 before me personally chosen William

THIS INDENTURE, made this 23rd day of October, Nineteen hundred and thirty-six between FRED C. LEINING of the City of Syracuse, Onondaga County, New York, party of the first part, and NEW YORK STATE CONVENTION OF UNIVERSALISTS, a religious corporation, organized under the laws of the State of New York, having its office in the City of Syracuse, New York, party of the second part.

WHEREAS, upon a duly verified petition of George H. Bowers, as President of the New York State Convention of Universalists, and in pursuance to an authorization and power granted to the party of the first part by an order of the Supreme Court dated the 13th day of October, 1936, and entered in the Schenectady County Clerk's office, Schenectady County, New York on the 20th day of October, 1936, authorizing, empowering and directing the said Fred C. Leining, party of the first part on behalf ^{of} and for the New York State Convention of Universalists to transfer and convey the property hereinafter described.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the party of the first part in pursuance to the provisions and authority given to him by the order above described does hereby remise, release, and quit claim unto the party of the second part, its successors and assigns forever,

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, *Schenectady* lying and being in the Town, County and State aforesaid, Situated at Bramans Corners on which the first Universalist Church in Duanesburg and Vicinity now stands, -with its Shed &c. belonging to said church. Bounded and described as follows: beginning in the Highway at the distance of forty-seven and one half links from the Southwest corner of the Store of George A. Snell in range with the West side of said store, and runs thence along the West side of said Store North $0^{\circ}45'$ East one chain thirty-eight links, to the South end of the church shed, and along the same South $89^{\circ}15'$ East thirty-one and one-fourth links, to the South East corner of said shed; and then along the East side of said Shed North $0^{\circ}45'$ East one chain and forty-four links to the North East corner of said shed, thence North $87^{\circ}15'$ West one chain and seventy-eight links to the North West corner of said church lot at the distance of seventeen

STATE OF NEW YORK, COUNTY OF ONONDAGA, ss.:

I, GRANT H. GOODELLE, Clerk of the County of Onondaga, and of the Supreme and County Courts therein, the same being Courts of Record, do hereby certify, that Carmin Tuzus whose name is subscribed to the Certificate of the proof or acknowledgment, of the annexed instrument and thereon written, was at the time of taking such proof or acknowledgment, a NOTARY PUBLIC, in and for the County of Onondaga, dwelling in the said County, commissioned and sworn, and duly authorized to take the same. And further that I am well acquainted with the handwriting of such Notary, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Courts and County, the 24 day of October, 1936.

Form 20-11-20-34-6M

Grant H. Goodelle, Clerk.

feet and seven inches on a course North 58°45' West from the North West corner of said church and thence along the West bounds of said Church Lot South 6° 45' West one chain and thirty-seven and one half links-thence North 89° 15' West fifty-one links-thence South 1° 45' West one chain and fifty-eight links to the center of the Highway and thence along same South 89° 15' minutes East two chains and one link to the place of beginning;-Containing about one half acre of land be the same more or less; Subject however to an annual rent of fifteen cents per acre; payable to the heirs and assigns of James Duane in each and every year, being the same premises conveyed to the trustees of the First Universalist Church of Duaneburg and Vicinity by Warranty Deed dated the 4th day of May, 1876 by Joseph Braman and Catherine, his wife, to the trustees of the First Universalist Society of Duaneburg and Vicinity and recorded in the Schenectady County Clerk's office on May 18, 1876 at nine o'clock A.M. in Liber 65 of Deeds at Page 381, etc."

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Fred C. Leining

STATE OF NEW YORK)
 COUNTY OF ONONDAGA) SS:
 CITY OF SYRACUSE)

On this 23rd day of October, Nineteen Hundred and thirty-six before me, the subscriber, personally appeared Fred C. Leining, to me personally known and known to me to be the same person described in and who executed the within instrument, and he duly acknowledged to me that he executed the same.

Carmin Tazio
 Notary Public

REC. BOOK
JAN 11/15
JAN 11/18
JAN 11/19
APR 11/15
MAY 11/23

718
2223

QUIT CLAIM DEED

FRED C. LEINING

to

NEW YORK STATE CONVENTION OF
UNIVERSALISTS

Dated: Oct., 23, 1936.

State of New York

County of _____ ss.

RECORDED
on the

5 day of Nov A.D., 1936

at 9:41 o'clock a M.

in Liber 402 of Deeds

at Page 507 and examined.

Wm. H. Bratt
Clerk

Man. Act. Co.
Hogin + Partners
1204 Hills Bldg.
Syosset, N.Y.

COUNTY CLERK'S OFFICE

1936 NOV - 5 - AM 9:41

SUPREME COURT

SCHENECTADY COUNTY

NEW YORK

IN THE MATTER OF THE APPLICATION

OF

GEORGE H. BOWERS, AS PRESIDENT OF

NEW YORK STATE CONVENTION OF UNIVERSALISTS

FOR THE FIRST UNIVERSALIST SOCIETY OF DUANESBURG

AND VICINITY

FOR LEAVE TO TRANSFER AND CONVEY ITS REAL AND PERSONAL
PROPERTY TO THE NEW YORK STATE CONVENTION OF UNIVERSALISTS

TO WHOM IT MAY CONCERN AND PARTICULARLY TO:

The Amsterdam Savings Bank, Amsterdam, New York,

Myron E. Jones, individually and as executor of the last will
and testament of E. Jones, deceased; Amsterdam, New York, and

To any other person, persons, corporation or association,

PLEASE TAKE NOTICE:

That an order was duly granted in the above entitled pro-
ceedings on the 13th day of October, 1936, and duly entered in
the office of the Clerk of the County of Schenectady on the 20th
day of October, 1936, designating and appointing the undersigned,
Fred C. Leining, whose post office address is 526 Cumberland Ave.,
Syracuse, New York, authorizing and empowering him to make demand
and receive any and all property both real and personal and par-
ticularly a trust fund, with accumulated interest thereon, now
on deposit in the Amsterdam Savings Bank, Amsterdam, New York, and
to turn over the same to the New York State Convention of Univ-
ersalists, and with a copy of such order you are herewith served.

Dated: October 23, 1936
Fred C. Leining
Office & P.O. Address
526 Cumberland Ave.
Syracuse, New York

Fazio & Pinkus
FAZIO & PINKUS
Attorneys for Petitioner
Office & P.O. Address
1204 Hills Bldg.
Syracuse, N.Y.

At a Trial Term of the
Supreme Court of the State
of New York, held at
Ballston, Spa, New York on
the 13th day of October,
1936.

Present, Hon. Ellsworth C. Lawrence

SUPREME COURT

SCHENECTADY COUNTY

NEW YORK

IN THE MATTER OF THE APPLICATION

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FOR LEAVE TO TRANSFER AND CONVEY ITS REAL AND PERSONAL
PROPERTY TO THE NEW YORK STATE CONVENTION OF UNIVERSALISTS

Upon reading and filing the petition of George H. Bowers, as President of the New York State Convention of Universalists, duly verified the 7th day of October, 1936, from which it appears to the satisfaction of the court that the interest of the said corporation, The New York State Convention of Universalists and the First Universalist Society of Duanesburg and Vicinity will be promoted by the transfer and conveyance of a certain parcel of land and buildings thereon consisting of a church edifice located at Bramans Corners, Schenectady County, New York, and a certain trust fund with accumulated interest thereon now on deposit in the Amsterdam Savings Bank at Amsterdam, New York, and in the name of and owned by the First Universalist Society of Duanesburg and Vicinity to the New York State Convention of Universalists, its ecclesiastical governing body, and under whose authority and jurisdiction it functions and exists, and

IT APPEARING that the consent of the only surviving members cannot be procured, and

IT ALSO APPEARING, that said church or society has been declared by its governing body, the New York State Convention of

of Universalists, to be extinct, and

IT ALSO FURTHER APPEARING, that all of the provisions of the Religious Corporation Law have been complied with.

Now, on motion of Carmine Fazio, one of the attorneys for the said petitioner.

IT IS ORDERED, that Fred C. Leining be and he hereby is appointed and designated, with full power and authority, to do any and all things necessary to effecuate the transfer and conveyance of any and all property, both real and personal, and whbrever situate, and now owned and in the name of the First Universalist Society of Duanesburg and Vicinity, and particularly to sign, execute and deliver a deed or any other instruments necessary to properly effecuate the transfer and conveyance of the said real property now located at Bramans Corners, Schenectady County, New York, to the New York State Convention of Universalists.

The following is a description of the property hereby authorized to be transferred:

ALL THAT CERTAIN PICEE OR PARCEL OF LAND, lying and being in the Town, County and State aforesaid, Situated at Bramans Corners on which the First Universalist Church in Duanesburg and Vicinity now stands, - with its Sheds &c. belonging to said church. Bounded and described as follows: beginning in the Highway at the distance of forty-seven and one half links, from the Southwest corner of the store of George A. Snell, in range with the West side of said store, and runs thence along the West side of said Store North $0^{\circ} 45'$ East one chain thirty-eight links to the South end of the church shed, and along the same South $89^{\circ} 15'$ East thirty-one and one-fourth links, to the South East corner of said shed; and then along the East side of said shed North $0^{\circ} 45'$ East one chain and forty-four links to the North East corner of said shed, thence North $87^{\circ} 15'$ West one chain and seventy-eight links to the North West corner of said church lot at the distance of seventeen feet and seven inches on a course North $58^{\circ} 45'$ West from the North West corner of said church and thence along the West bounds of said church lot South $0^{\circ} 45'$ West one chain and thirty-seven and one half links-thence North

89° 15' West fifty-one links, thence South 1° 45' West one chain and fifty-eight links to the center of the Highway and thence along same South 89° 15' minutes East two chains and one link to the place of beginning;- Containing about one half acre of land be the same more or less; Subject however to an annual rent of fifteen cents per acre; payable to the heirs and assigns of James Duane in each and every year.

AND IT IS FURTHER ORDERED that the said Fred C. Leining is empowered and directed to demand and request the transfer and delivery of any fund or sum of money and the accumulated interest thereof now held by any persons, corporation or associations belonging to the said First Universalist Society of Duanesburg and Vicinity, and particularly a trust fund of One Thousand Dollars (\$1000) together with the accumulated interest thereon now on deposit in the Amsterdam Savings Bank at Amsterdam, New York, in the name of the First Universalist Society of Duanesburg and Vicinity or its treasurer or trustees or in the name of any person, persons, corporation or associations who may have the custody of control of the same and to transfer and deliver the same to the New York State Convention of Universalists, its officers or agents.

AND IT IS FURTHER ORDERED, that the consent of the only surviving members of said church be dispensed with.

AND IT IS FURTHER ORDERED, that the said Amsterdam Savings Bank, its officers or agents or any person, persons, corporation or associations, having custody or control of any funds or moneys and the accumulated interest thereon and temporalities belonging to the First Universalist Society of Duanesburg and Vicinity deliver and turn over the same to Fred C. Leining within 20 days from the date of the service upon him of a copy of this order.

Dated: October 13, 1936

Ellsworth C. Lawrence
Justice of Supreme Court

Sir : Take notice of an.....

 of which the within is a copy, duly granted
 in the within entitled action, on the
 day of
19....., and duly
 entered in the office of the Clerk of the
 County of.....on the
day of.....19.....
 Dated....., N. Y.,
19.....

FAZIO AND PINKUS
 Petitioner
 Attorneys for
 Office and Post Office Address
 1206 Hills Building
 SYRACUSE, NEW YORK

To
 Attorney for

STATE OF NEW YORK

.....SUPREME.....COURT,
 COUNTY OFONONDAGA.....

IN THE MATTER OF THE
 APPLICATION OF GEORGE H.
 BOWERS, AS PRESIDENT OF NEW
 YORK STATE CONVENTION OF
 UNIVERSALISTS FOR THE FIRST
 UNIVERSALISTS SOCIETY OF
 MANHATTAN AND VICINITY FOR
 LEAVE TO TRANSFER AND CARRY
 ITS REAL AND PERSONAL PROP-
 erty TO THE NEW YORK STATE
 CONVENTION OF UNIVERSALISTS

COPY
 ORDER AND NOTICE
 OF ENTRY

FAZIO AND PINKUS
 Petitioner
 Attorneys for
 Office and Post Office Address
 1206 Hills Building
 SYRACUSE, NEW YORK

Due and personal service of the within

.....
 is admitted this.....day of.....19.....

Attorney for.....

Served Oct. 23 1936 *CF*

LAP OVER HERE

STATE OF NEW YORK,

COUNTY OF SS:

.....OF.....)

.....being duly sworn,
deposes and says that he is.....
.....in this action; that he has
.....read the foregoing.....and knows
the contents thereof; that the same is true to the knowledge of deponent, except as to the matters
therein stated to be alleged on information and belief, and as to those matters he believes it to
be true.

Sworn to before me, this.....)
day.....19)

.....
.....

CARMINE FAZIO
MARTIN PINKUS

Fay - kept the 2 deeds

FAZIO AND PINKUS
ATTORNEYS AT LAW
1204 HILLS BUILDING
SYRACUSE, N. Y.

MAY 3 - 1937

May 1, 1937

Mr. Fay C. Parsons
12 Central Ave.
Cortland, N.Y.

Dear Fay:

Re: In the matter of the First
Universalist Church of Duan-
esburg and Vicinity.

This is to acknowledge receipt of your letter of April 30th, also check as per our bill, for which I thank you. Obviously, I have at least a personal satisfaction in knowing that I succeeded in getting a substantial check out of the Cemetery Organization, which ~~they~~ obviously, ~~were~~ not entitled to keep, but regardless of that, and after looking up the law on the question of being able to get possession of the funds for the Convention, I told Fred on several occasions that there was a question of ever being able to do so, and the expenses of litigation would not warrant it.

Believe it or not, as many as four other lawyers, one of them a Surrogate Judge, could not give me any help, and as a matter of fact they counseled with me, and gave me advice, which I did not follow, but followed my own attack and succeeded. And while you may not believe me, and I did not take the time to go into details the other day at the Board Meeting, because as you remember, Louie was in a hurry to get through, permit me to say now that at the base of the whole affair if it had not been for the strategy and "finagling" that I carried on with the opposing attorney, I doubt very much if we would ever have received a cent.

You can put this letter on record, and believe me there is more to it than anyone could ever know. I wonder sometimes why so many matters go astray, when if proper strategy is used more could be accomplished. That was in this case, and even more so in the Zimmerman estate, and some day when I have a chance, you and I can sit down and visit about these two matter, yes, even the Olcott matter, and I think I can satisfy you that there are always two ways of doing a thing, and in these three cases, (if you will permit a personal reference) I think I did the right thing.

May 1, 1937

However, this is all water over the dam, and I assume that you think that I am just trying to toot my own horn, and I think sometimes that if someone does not toot their own horn, no one will toot it for them.

You ask me to write a brief story of the matter for your files in the Duaneburg case. Technically, yes, but from a practical point of view no story could ever be written that would tell the whole story, and the only story that you are interested in is the legal side, and I believe that if I mail you a complete set of the legal papers, together with the ancient records, that they will speak for themselves, because anyone who reviews these records will quickly grasp the entire story, and in order that you may have a complete file in this case, I am mailing you herewith a copy of the original petition and attached papers, copy of the minutes and stipulation, and a copy of both court orders, all of which have been properly completed, and disposed of, and by that I mean properly entered and filed. They are a story in themselves.

I am also mailing to you the original Certificate of Incorporation, and a certified copy of the will, together with another ancient memorandum, which came to me through Dr. Leining, and which originally came to him from Mr. Frisbie, and also a hand written copy of the clause of Mr. Swan's will, which of course has no particular value because you have a complete certified copy of the will, in which it is incorporated.

It is this memorandum, the Certificate of Incorporation, a copy of the clause of the will and the original deed, given by Joseph Braman and his wife to the church that Mr. Frisbie requested Dr. Leining to return. Personally, I do not believe that either you or Dr. Leining need to spend a three cent stamp to return them because they are of no value to anyone except the Convention.

The original deed running from Joseph Braman to the Trustees of the Church, and the deed running from Dr. Leining to the Convention, I am not mailing to you at this time, because I may need them if and when the Convention disposes of the property, which you know we still have, and I will keep them and turn them over to you at such time that the entire matter is disposed of. I believe this completes the entire matter to date.

I am mailing a copy of this letter to Dr. Leining so he will know what disposition has been made of the papers that Mr. Frisbie asked about.

Yours truly,

Carmine Fazio
CARMINE FAZIO

CF:B
ENC.