

Mr. Charles Bell

Deed

Lila Rathbun

1903

To

The Universalist Society  
of Newport, Nukes, N.Y.  
did the New York State  
Convention of Universalists

dated August 1-1899.

HERKIMER COUNTY, ss.

Recorded on the 14 day  
of July 1903 at 10:55  
o'clock A.M. in Liber 187  
of U.S. Deeds at page 358 and  
examined by J. D. Smith Clerk.

6-14-10 10:55 am



THIS INDENTURE, Made the First day of August, in the year 1899. Between Leila Rathbun of Newport, Herkimer County, N.Y., party of the first part and the Universalist Society of Newport, Herkimer County, N.Y., and the New York State Convention of Universalists, a domestic corporation created under and by virtue of the laws of the State of New York, parties of the second part.

WITNESSETH. That the said party of the first part, in consideration of One Dollar and other good and valuable considerations, paid by the parties of the second part, does hereby convey, grant and release unto the said parties of the second part, -

ALL that certain parcel of land or village lot, situate lying and being in the village of Newport, Herkimer County, N.Y., described as follows, to-wit: commencing in the centre of the highway known as Main Street at a point in the line with the northerly line of the road way which leads from said Main Street to the Cemetery running thence westerly along said northerly line 250 feet to said cemetery; thence northerly along the east line of said cemetery 60 feet; thence easterly on a line parallel with said first mentioned line and 60 feet there from to the centre of said Main Street; thence southerly along the centre of said Main Street to the place of beginning. Being same premises conveyed to the party of the first part by two certain deeds, the first made by Lurilla Bowen and dated July 24, 1885 and recorded in the Clerk's office of Herkimer County in Book No. 128 of Deeds page 430; the other of said deeds was made by Thomas Bowen and Clinton A. Moon, as Administrators with the Will annexed of Lurilla Bowen, dated March 24, 1886 and recorded in the clerk's office of Herkimer County in Book No. 130 of Deeds at page 338, to which deeds or the records thereof, reference is hereby made for a more

particular description of said premises and said premises being now occupied by the party of the first part.

This conveyance is made to the said parties of the second part as follows: to said Universalist Society of Newport, the use of said premises for a parsonage, or if said Universalist Society does not desire to use said premises for a parsonage, said society may rent the same and use the net income therefrom for preaching, as long as said Universalist Society at Newport maintains preaching at said Newport but if said Society shall at any time cease to have preaching for one year at said Newport then the said use of and rents from said premises, for said Universalist Society, shall cease and determine and said New York State Convention of Universalists shall have the absolute title of, in and to said premises and entitled to the possession thereof and to which New York State Convention of Universalists, the fee of said premises is hereby conveyed.

The said Universalist Society at Newport, shall, during all the time it has the use of the premises as a parsonage or the rents therefrom, keep the dwelling on said premises in good repair and said lot neatly mowed and the trees and shrubbery properly trimmed.

This conveyance is made subject however, to the use and absolute control of said premises by the party of the first part, for and during the life of said party of the first part.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.

To Have and To Hold the above granted premises unto the said parties of the second part, as hereinbefore stated.

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

*Leila Rathbun*-----Seal.

State of New York,  
                                  SS:  
County of Herkimer,

On this *19* day of *Oct*, in the  
year 1899, before me, the subscriber, personally appeared Leila  
Rathbun, to me personally known to be the same person described  
in and who executed the foregoing instrument and she duly  
acknowledged that she executed the same.

*Frank J. C. Steber*  
-----  
*Notary Public*  
Notary Public.

FEB 10 1942

WHEREAS, The First Universalist Church of the Village of Newport, N. Y. better known as the Church of Reconciliation has ceased to exist and the property belonging to said Church now belongs to the New York State Convention of Universalists, pursuant to the Statute of the State of New York, and

WHEREAS, the said Church is in possession of the following property and securities, viz:

A lot located on the Eastside of Main Street in the Village of Newport, N. Y.

A \$1000.00 mortgage ~~made by Joseph B. Moser, Sr.~~ made by Gordon D. Little.

Account in the Building & Loan Association of Utica, No. 2442 for 11 shares.

Interest Account in the Savings Bank of Utica, N. Y. ~~for~~ for \$990.77

Checking account in the Middleville National Bank showing a balance of \$ 423.68

Bond No. 328 County of Hidalgo General Refunding \$500. Series 1932-A with coupon No. 17 and sub. attached.

Bond No. 78 Village of Arco Refunding Series 1935 with coupon 14 and sub. coupons attached. (\$500.

Bond No. 197 Local Improvement District No. 3755 City of Seattle \$200. -6%.

Bond No. 116 Series 12L Real Estate First Mortgage Trustee Bond of the Middlesex Banking Company.

which constitutes all of the property and assets of said Church, therefore be it

RESOLVED: That the Treasurer of the First Universalist Church of Newport, New York, better known as the Church of Reconciliation be authorized, empowered and directed to deliver to the New York State Convention of Universalists, or, its attorney, the above named securities and take receipt for same.

Dated: Newport, N. Y.

November 17, 1941.

*M. C. Harris* ----- (L.S.)

*Anna B. Hyatt* ----- (L.S.)

*W. D. Hyatt* ----- (L.S.)  
Trustees.

Resolution  
Newport Board  
to terminate  
properly

*dated apr. 30.*  
*returned to him*  
*5/2*

CHARLES L. FELLOWS  
ATTORNEY AT LAW  
FELLOWS BUILDING  
NEWPORT, N. Y.

PHONE 2-2192

April 27, 1942.

MAY 2 - 1942

Rev. Fred C. Leining,  
526 Cumberland Avenue,  
Syracuse, New York.

My dear Brother Leining:

I contacted the lady who made the offer of One Hundred Dollars for the Church Lot and obtained her check for \$25.00, which I enclose.

She says that as soon as the Deed is executed and returned to her she will pay the additional \$25.00.

I am physically unable today to go and get an exact measurement of the lot, so I have left that blank and will insert it when the deed is returned to me, and Before delivery.

She wanted to be sure that all taxes were paid. I advised her that I never thought it had been placed upon the assessment roll and that there was no tax that I knew of.

If she can now find some way to go upon this lot without crossing the lands of the adjoining owners, she will have a cheap site, but if not she may have purchased trouble as the adjoining owners are not inclined to convey any rights of way.

I made a last minute effort to interest Mr. Shaw, the adjoining owner who should own this plot of land but he refused to make any offer.

I am sending the papers to you for the reason that you and I have had the correspondence and you can transmit them to Mr. Parsons.

Now that you are about to be relieved of your cares in Newport, I don't believe you will think much of Newport, but remember if you pass through that my latch-string is always out, and I will be glad to take a look at you.

Faternally yours,

*Charles L. Fellows*



\$100. for Chuck  
left -  
and no access  
to it.

MAY 2-1942

Parsonage at Newport.

NOV 24 1941

The fire at Newport, N.Y., which burned the Universalist church (no insurance) last spring, means that we must liquidate in our holdings. I have been to Newport on several occasions during the past three months, trying to get a buyer for the parsonage. The first offer was \$1,500.00. I discovered another interested party and raised the first offer to \$2,300.00. This is the best we can do.

Resolved, that the N.Y. State Convention of Universalists sell the parsonage in Newport, N.Y., held by the Convention, to Morgan C. Harris of Newport, N.Y., for the sum of \$2,300.00, cash, and that the president and treasurer of this Convention are hereby authorized to sign the necessary papers.

Cards are enclosed for your vote.

Sincerely yours,

Ernest Leung

County Court - County of Herkimer.

-----X  
In the Matter of the Application of  
the First Universalist Church of New-  
port, County of Herkimer, N. Y. for  
an order confirming a sale

of

A Portion of its Real Property.  
-----X

To the County Court of the County of Herkimer:

The petition of the First Universalist Church of Newport,  
New York, respectfully shows:

First. That the name of such Corporation is The First  
Universalist Church (sometimes known as the Church of Reconciliation)  
and the names of its Trustees and their places of residence are as  
follows:

Morgan C. Harris, Newport, New York.

Charles D. Huxtable, Newport, New York.

Anna Belle Masten, Newport, New York.

Second. That such Corporation was devised a house and lot  
located on the West side of West Street in the Village of Newport,  
N. Y. by H. Jannette Rogers, under and by her Will bearing date  
the 11th day of September, 1928, which was admitted to probate in  
the Surrogate's Court of Herkimer County April 23, 1934 and Letters  
Testamentary were issued to Evan T. Rogers and Linus G. Ford as  
Executors who qualified and entered upon the discharge of their  
duties.

Third. That a copy of said Last Will and Testament is  
hereto annexed and marked "Exhibit A." and the same forms a part of  
this petition.

Fourth. That the said deceased devised another house and  
lot located on the East side of West Street in the Village of  
Newport, N. Y. to the First Baptist Church of Newport, New York,  
but both properties were charged with the paying of the debts,  
funeral expenses and expenses of administration of said estate.

Fifth. That the said Evan T. Rogers was a Brother of H.  
Jannette Rogers, who was bequeathed the life use of said property,

subject to the debts, funeral expenses, and expenses of administration of the Estate of the ~~deceased~~ said H. Janette Rogers and also subject to the debts and funeral expenses of the said Evan T. Rogers, which were made a lien against said property.

Sixth. That the said Evan T. Rogers departed this life on the 16th day of February, 1937, leaving Linus C. Ford as the sole surviving Executor.

Seventh. That there were not sufficient surplus funds belonging to said estate to satisfy the obligations of the deceased, H. Janette Rogers and her Brother, Evan T. Rogers without resorting to a sale of said real property, and as neither the First Universalist Church of Newport, New York or the First Baptist Church of Newport, New York, had any use for the real estate which had been devised to them except to obtain the moneys which might be realized upon a sale and both Religious Societies contributed and paid to the Executor sufficient funds to enable him to make a report to the Court and obtain a Decree of Judicial Settlement.

Eighth. And on March 30, 1937, your petitioners accepted of the offer of \$ 750.00, made by Harry Hartman and Olive Hartman, his Wife, and executed and delivered to them a deed of the property bequeathed to the First Universalist Church which said deed was recorded April 19, 1939 in Book No. 325 of Deeds at page 496 at 9:15 A. M.

Ninth. That the purchase price paid by the grantees for said property was a fair price for same and all that it was worth at that time.

Tenth. That annexed hereto are the affidavits of William E. Attenrith one of the Trustees of the Village of Newport, who is also Assessor and that of Lee H. Hawver, Supervisor of the Town of Newport and the same are referred to and made a part of this petition.

Eleventh. That at the time of the execution of the deed to Harry Hartman and Olive Hartman, his Wife, your petitioners were not aware of the fact that an application to sell such real property should have been made to the Court and no application was made and

filed.

Twelfth. That the moneys received from such sale, less the amount of \$136.50 the proportionate share of the moneys required to pay the debts, funeral expenses of H. Jannette Rogers and Evan T. Rogers were received by your petitioners as part of the funds belonging to the First Universalist Church of Newport, New York.

Wherefore, your petitioners pray that an Order may be made and entered ratifying and confirming such sale, and for such other and further Order as the Court may direct.

Dated: Newport, N. Y. February 14, 1942.

*Morgan C. Harris*

*Charles D. Huxtable*

*Anna Belle Masten*

Trustees of the First Universalist Church of  
Newport, New York.

State of New York,  
SS:  
County of Herkimer.

Morgan C. Harris, Charles D. Huxtable and  
Anna Belle Masten, being duly and severally sworn, each deposes  
and says that he has read the foregoing petition ~~by~~ subscribed  
by him and knows the contents thereof, and that the same is true  
and correct of his own knowledge.

*Morgan C. Harris*

*Charles D. Huxtable*

*Anna Belle Masten*

Severally sworn to  
before me this 14th  
day of February, 1942.

*Rich E. Mahoney*  
Notary Public.

County Court - County of Herkimer.

-----X  
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the First Universalist Church of New-  
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of  
a Portion of its Real Property.

-----X  
State of New York,  
                                  SS:  
County of Herkimer.

Linus C. Ford, being duly sworn, deposes and says that he was one of the Executors of the Last Will and Testament of H. Jannette Rogers, deceased, a copy of which Will is hereto annexed and marked "Exhibit A", and that after due proceedings had in the Surrogate's Court of Herkimer County Letters Testamentary upon said Estate were issued out of said Court to deponent and Evan Rogers, as Executors who qualified as such.

That the life use of the real property of said deceased was bequeathed to her brother, Evan T. Rogers, who departed this life on the 16th day of February, 1937, leaving said estate unadministered.

Deponent discovered that there were not sufficient funds belonging to said estate without resorting to a sale of the real property which consisted of a house and lot located on the East side of West Street in the Village of Newport, N. Y. and a house and lot located on the West side of West Street in the Village of Newport, both subject to the payment of the debts and funeral expenses of H. Jannette Rogers and Evan T. Rogers, and both properties had been bequeathed to the First Baptist Church of Newport, N. Y. and the First Universalist Church of Newport, N. Y., both of which Church Societies were willing to pay their proportionate share of the moneys required to obtain a final judicial settlement and deponent accepted from the First Universalist Church the sum of \$136.50 and from the First Baptist Church the sum of \$91.00 and the Trustees of each Church desiring to dispose of the property and realize something

from the bequest rather than add additional funds with which to make repairs, improvements and taxes and they sold the property located on the East side of the West Street to William L. Halladay and Lydia H. Halladay, his Wife, for the sum of \$ 500.00 which was a fair price for same at that time and they disposed of the property located on the West side of West Street to Harry Hartman and Olive Hartman, his Wife, for the sum of \$ 750.00 which was a fair price for that particular property and the moneys so received by the respective Church Organizations was placed in the General Fund of the Church Societies. That at that time deponent was not aware of the fact that as the respective properties now formed a part of the real estate belonging to said Orders that it was necessary to make application for a sale of same and deponent prepared the deeds and had them acknowledged by the Trustees of the respective Churches.

Deponent further says that on September 7, 1937, a Decree of Judicial Settlement was made in the Surrogate's Court of Herkimer County and deponent discharged as such Executor.

Subscribed and sworn to  
before me this 14th day  
of February, 1942.

*James C. Ford*  
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*Ruth E. Mahoney*  
-----  
Notary Public.

## LAST WILL AND TESTAMENT.

I, H. Jannette Rogers of the Village of Newport, County of Herkimer, State of New York, being of sound mind and memory, do make, publish and declare this my last Will and Testament, in manner following, that is to say:

First: I direct that all my just debts and funeral expenses be paid.

Second: All of my personal property of every name and description, I give, devise and bequeath to my brother, Evan T. Rogers, to be his absolute.

Third: The use and income of all my real property, I give, devise and bequeath to my brother, Evan T. Rogers, during his natural life, but after his death, the house and lot now owned and occupied by me located on the East side of West Street in the Village of Newport, N. Y. shall belong to the First Baptist Church of Newport, N. Y. and the house and lot owned by me and located on the West side of West Street, in the Village of Newport, N. Y. shall belong to the First Universalist Church of Newport, N. Y. to whom I bequeath same, but these residuary bequests are made with the distinct understanding that if my brother Evan T. Rogers, should require more than the income from such real property to take care of him, that he, as Executor, of this my last Will and Testament, shall have the right to mortgage such property, or sell same in order to relieve his necessities, but any surplus remaining from such mortgage or sale, shall be paid, upon the death of Evan T. Rogers, to the First Universalist Church of Newport, N. Y. and the First Baptist Church of Newport, N. Y. I also make the funeral expenses of my brother, Evan T. Rogers, a charge against my said real property, if such property remains undisposed of, at the time of his death.

Fourth: It is my desire that I be laid to rest in the Cemetery in the rear of the Baptist Church at Newport, N. Y.

Lastly, I hereby appoint my Brother, Evan Rogers of Newport, N. Y. and my friend, Linus C. Ford, of Newport, N. Y. (without bonds) executors of this, my last Will and Testament: hereby revoking all former wills by me made.



IN WITNESS WHEREOF, I have hereunto subscribed my name the 11th day of September, in the year One thousand nine hundred and twenty eight.

H. Jannette Rogers.

We, whose names are hereto subscribed do Certify, that on the 11th day of September, 1928, H. Jannette Rogers, the testator, subscribed her name of this instrument in our presence and in the presence of each of us, and at the same time, in our presence and hearing, declared the same to be her last Will and Testament, and requested us, and each of us, to sign our names thereto as witnesses to the execution thereof, which we hereby do in the presence of the testator and of each other, on the said date, and write opposite our names our respective places of residence.

Charles L. Fellows

residing at Newport, N. Y.

William N. Parks

residing at Newport, N. Y.

MAR 6 - 1942

County Court - County of Herkimer.

In the Matter of the Application of  
The First Universalist Church of  
Newport, County of Herkimer, N. Y.  
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of

A Portion of its Real Property.

(COPY)

P E T I T I O N .

Charles L. Fellows,  
Attorney for Petitioner,  
Office & Post Office Address,  
Newport, New York.

HERKIMER COUNTY CLERK'S OFFICE  
FILED  
FEB 19 1942  
12:30 P.M.  
*B. J. [Signature]*  
SPECIAL DEPUTY CLERK