

No. 5958. Equity.

14. These defendants neither admit nor deny the allegations as contained in the 14th paragraph of Plaintiff's Bill of Complaint but leave plaintiff to his proof of the same.

15. That while these defendants admit that said directors believe that and acted as if the legal title to said land was in said body Corporate, and that it was the full intention of all the parties to said Deed from A. R. Stamer and wife that the legal title thereto should be in said body Corporate and not in said directors as trustees, yet this belief and intention was induced by the understanding among all of said directors at the time the said eight acres of land was purchased from said Stamer that they should be reimbursed for the amount for which they obligated themselves to Lewis M. Mottin by the issuing of stock to them, which could be redeemed by said body Corporate as provided in Article X1 of the Articles of Incorporation. In answer to the 16th paragraph of Plaintiff's Bill of Complaint these defendants aver that no effort was made to have the title to said real Estate conveyed by said directors as trustees to the said body Corporate until a recent date, and that these defendants have never refused to execute in a deed for that purpose unless paid the amounts they claim said body Corporate is indebted unto them.

17. That while these defendants admit that said real Estate remaining unsold, the balance of said acres, would not realize in its present condition an amount of money sufficient to pay all the present indebtedness of said body Corporate, yet, if the objects and purposes of the formation of said body Corporate were carried out and if the affairs and business of the body Corporate were transacted in a properly organized and business like manner these defendants charge that the affairs of the said body Corporate would be in a flourishing and prosperous condition and the Corporation not be the subject of the present costly and unnecessary litigation, and submit that the propriety of the sale of said real Estate is a matter of law resting for its decision in the final decree of your Honorable Court.

18. These defendants admit the fact of residence as alleged in the 18th paragraph of Plaintiff's Bill of Complaint.

19. That the facts and circumstances of this case as alleged in Plaintiff's Bill of Complaint do not constitute such a case of necessity requiring the appointment of a receiver of said body Corporate by order or decree of your Honorable Court.

20. These defendants further answering Plaintiff's Bill of Complaint show unto your Honors that they are interred in said Cemetery, having Certificates issued to them therefor, and that these are relatives and members of their families buried upon said lots, and that it would be inequitable and unjust to them that the said real Estate, excepting the lots heretofore sold by said body Corporate, should be sold for other than burial purposes, thereby rendering it difficult, if not impossible, for them hereafter to have access to the place of burial of their families and

General Rep

Decree for Plaintiff's Deeds