

JEWISH COMMUNITY CEMETERY ASSOCIATION
Wednesday, April 30, 1952
Special Meeting

MINUTES

A special meeting of the Jewish Community Cemetery Association was held pursuant to a call of the President on Wednesday, April 30, 1952 at 7:30 P. M. at the offices of the Jewish Federation of Delaware, 100 East Seventh Street, Wilmington, Delaware. The following directors were present: Messrs. Walter Baer, Joseph W. Braiger, Louis Budin, Herbert L. Cobin, Ben V. Codor, Philip Cohen, Louis Feldman, Samuel Keil, Louis Platensky, Henry Schultz and Benjamin Stolper.

The minutes of the meeting of April 6, 1952 were read and approved with minor changes. Mr. Herbert L. Cobin reported on the past proceedings since the last meeting with Mr. Emmons of the Lombardy Cemetery Company. Mr. Emmons agreed to pay the \$370 for the cost of the survey by Price and Price. With respect to the difference in acreage, Mr. Emmons claims he was not selling acreage but the price was based on what he considers he would have lost by reason of the sale in his cemetery business. Many conversations were had with Mr. Emmons; and only as late as this afternoon, Mr. Emmons finally agreed he would give one half of an acre more in settlement of the dispute. Mr. Cobin stated that he had reviewed all the papers, and in his opinion, Mr. Emmons had definitely stated there was a minimum of 16 acres of uncultivated land to be sold; and because of the warranty and representation, the Cemetery Association had a cause of action for the difference. He further stated that Mr. Emmons could properly supply the entire 1.1 acres of land and therefore if need be he could go through with the entire contract.

Mr. Codor suggested that there were three alternatives: 1. To fight Mr. Emmons involving a law suit; 2. To accept the situation without any adjustment; and 3. To compromise possibly on the basis Mr. Emmons had recently offered. These alternatives were before the Board for consideration.

Mr. Philip Cohen stated that recently a school had purchased on the Concord Pike 27 acres of land including a house for \$24,000. He had heard of another 50 acres being sold at \$1,000 per acre. He thought the Cemetery Association was being "taken over" by Mr. Emmons. He was confused about the situation. He doubted whether the Association should go through with the contract as it seemed like the community was being burdened with a considerable quantity of land which was not needed. He stated that the community should wait several years and force Mr. Emmons to come to it for the sale of the land. Mr. Cohen was of the opinion that the Cemetery Association had the right to back out of the contract of December 1951.

Mr. Samuel Keil suggested that Mr. Emmons' offer of one half of an acre be accepted as long as it adjoins the present ground and that title be taken.

Mr. Braiger said the land was badly needed; there was considerable sentiment attached to the location because of the present site and that we should go ahead and settle.

Mr. Codor gave a resume of past negotiations and pointed out that the five organizations and agreed to purchase the ground and pay their share; that the land is needed; and the agreement should be carried out. Mr. Stolper raised the question that Moses Montefiore was willing to go ahead only on the basis that everyone pay their share in full. Mr. Codor pointed out that the question had been raised before and re-read the resolution which was agreed to by the representative of Moses Montefiore that each organization would pay the minimum with the privilege

of paying more and thereby saving themselves the additional interest charged on a mortgage; that Mr. Peck, representing Moses Montefiore, was at that meeting and that it was agreed to. Further, at the meeting of April 6, it was understood that Mr. Michlin was to go back to Moses Montefiore and endeavor to have it change its attitude in view of the fact that the other organizations were willing to go along with Beth Shalom but that Mr. Michlin had not advised as to whether he had a meeting for that purpose. Mr. Budin asked Mr. Stolper why Moses Montefiore was objecting to a mortgage and Mr. Stolper replied that it was probably because they did not wish Mr. Emmons to have anything to do with holding a mortgage. Mr. Codor pointed out that in all probability no mortgage will be given to Mr. Emmons but the approximately \$7,500 mortgage would be given to the Commercial Trust Company. Mr. Faer wanted to have explained the relationship between the Beth Shalom and the Cemetery Association, and Mr. Cobin stated that Beth Shalom would give a bond to indemnify the Cemetery Association for the payment of the principal and interest on any mortgage given by it.

Mr. Cobin pointed out that the amount of acreage and purchase price had been agreed to prior to the formation of the Cemetery Corporation; that the Corporation had been formed; negotiations had for carrying out the contract with Mr. Emmons; that various drafts of contracts had been prepared and considered by the Cemetery Association; that the Cemetery Association had fully considered and approved in detail the final contract of December 1951; that the contract was executed; that \$5,000 had been paid on the contract; that if the Cemetery Association had a legal right to apply to the court for performance of the contract, the same right existed on the part of Mr. Emmons of the Lombardy Cemetery Company; that there was a legal and moral obligation on the part of the Jewish Community Cemetery Association to go through with the contract and it was time that the members got together in order to accomplish that purpose. It was finally agreed that Messrs. Stolper and Baer were to report to Moses Montefiore and Moses Montefiore was to decide whether it wished to go along with the Cemetery Association or to withdraw and have its money refunded.

Mr. Samuel Keil moved that a compromise of the dispute with the Lombardy Cemetery Company be made whereby we were to get an additional one half of an acre of land adjoining the land to be sold and that on that basis the contract be carried out. Also Mr. Emmons was to pay for any additional survey needed. Mr. Joseph W. Braiger seconded the motion. Messrs. Stolper and Baer refrained from voting. Mr. Philip Cohen voted against the motion. All other representatives of the organization voting in favor of the motion. Later Mr. Philip Cohen changed his vote which made it the unanimous vote of those voting. Messrs. Stolper and Baer stated they were agreeable in principle to the compromise and would agree to the same if the Moses Montefiore decides to go along with the arrangements.

The matter was left that the President was to obtain the necessary funds from the various organizations so that the settlement could be had possibly by May 15.

Upon motion duly made and seconded, the meeting was adjourned.

Herbert L. Cobin
HERBERT L. COBIN, Secretary