

**JOHNSON, CLAPP, IVES & KING**

**50 STATE STREET**

**BOSTON**

TELEPHONE LAFAYETTE 3-1930  
CABLE ADDRESS, "JOCLIN"

FREDK MANLEY IVES

HERVEY W. KING

WILLIAM R. COOK

FRANK B. FREDERICK

NORMAN WILKS

FINLEY H. PERRY

ARTHUR L. BARTLETT

VICTOR H. KAZANJIAN

GEORGE W. FALLON, JR.

ARTHUR L. HARPER, JR.

January 6, 1958

The First Congregational Parish (Unitarian)  
in Arlington

Care of the Reverend William W. Lewis  
630 Massachusetts Avenue  
Arlington, Massachusetts

Gentlemen:

We now formally report to you the completion of the transaction whereby the Church acquired record title to the property consisting of land and buildings situated on the easterly corner of the junction of Pleasant Street and Wellington Street in Arlington from Miss Virginia Wellington. This real estate, which is presently known as 86 Pleasant Street, is the greater portion of the lot numbered 1 on a plan entitled, "New Street and Lots on Land of F. L. Hodgdon, Arlington, Mass." by F. W. Hodgdon, Engineer, dated May, 1887, and recorded with Middlesex South District Deeds as Plan 1 in Plan Book 52. It appears that the property contains about 13,089 square feet of land.

The Church acquired its title by virtue of two quitclaim deeds from Miss Wellington to it, each of which conveyed one undivided half share in the property. The first deed was dated December 27, 1957, and recorded with Middlesex South District Deeds on December 30, 1957, in Book 9082, page 163. The second deed was dated January 2, 1958, and recorded with said Deeds on January 3, 1958, as Instrument No. 188.

We are of the opinion that upon the recording of these two deeds, the Church became possessed of a good record title in fee simple to said premises subject to no encumbrances of record other than the following:

1. Certain receipts for legacies in the estate of Ellen W. Hodgdon. The probate records in this case, Middlesex No. 165379, show that Miss Hodgdon died testate December 9, 1927. Her will provides for certain

pecuniary legacies. There are no receipts in the file showing payment of these legacies, nor do they appear in any account. The gifts in question consist of \$1,000 bequeathed to the Town of Arlington for the benefit of the Robbins Library; \$1,000 to your Church, and \$100 each to Nancy Hodgdon Tuttle, Richard William Hodgdon, Frank Wellington Hodgdon, Waldo Colburn Hodgdon, Andrew Yates Hodgdon, Howard Wellington Hodgdon and Ruth Ellis Hodgdon.

The matter of these missing legacy receipts was called to Mr. Lewis's attention by Mr. Bartlett and it was agreed that the Church would assume the risk that attempts would some day be made to collect the sums in question or that an attorney for a purchaser or mortgagee would reject the title because of them. Mr. Lewis subsequently informed Mr. Bartlett that the Town Report lists an Ellen W. Hodgdon Library Fund and that the Church has an Ellen W. Hodgdon Memorial Fund, represented by a bank book showing a \$1,000 deposit in 1929. Thus, it is apparent that the gift to the Town was made and a receipt could, presumably, be later obtained and filed. The Church could, of course, also file its own receipt.

Therefore, at the present time the only problem remaining with respect to the records in this probate is that of the \$100 legacies to Miss Hodgdon's seven nieces and nephews. It is believed that the problem thereby created could eventually be cleared up by obtaining receipts from the proper parties in interest, although there might be considerable difficulty in locating those parties.

When the title was originally examined, it was found that no Massachusetts Inheritance Tax receipt had been filed. It was subsequently ascertained from the Department of Corporations and Taxation that the tax had, in fact, been paid and a duplicate receipted tax bill was filed on December 30, 1957.

2. The provisions of the Arlington Zoning By-law. The premises are situated in what is shown on the Arlington Zoning Map as a Residence D District and, insofar as we can tell from the information available to us, comply with the requirements of the Zoning By-law for such a district.

3. Lien for local taxes upon the undivided half interest in the property conveyed to the Church by the deed

January 6, 1958

recorded on January 3, 1958. We have in our file a certificate of municipal liens from the Arlington Collector according to which all taxes through the year 1957 have been paid. The certificate shows no municipal liens for betterments and no unpaid water rates. The 1957 assessed valuation of the property was \$8,950 and the 1957 tax was \$630.08.

As you are no doubt aware, taxes in Massachusetts are assessed to the owner of record as of January 1st in the taxable year. Therefore, the 1958 tax should be assessed one-half to Miss Wellington and one-half to the Church. If the tax bill is sent to Miss Wellington or her attorney, we presume that it should then be forwarded to you.

Massachusetts General Laws (Ter. Ed.) Chapter 59, Section 5, clause 11, provides that personages shall be exempt from local taxation to an amount not exceeding \$10,000. It does not appear that the statutes make any express provisions for a case such as ours when the property was not owned of record in its entirety by the Church as of the date of assessment. It, therefore, seems reasonable to suppose that it is not possible to take advantage of this exemption during 1958. We suggest, however, that either Mr. Lewis or some other appropriate official of the Church discuss the matter with the Board of Assessors and, at the same time, inquire as to the local procedure for claiming the exemption for 1959. We believe that such a claim may be filed in advance of the issuance of the tax bill, but in any case, a claim for reduction of the tax after the bill is issued may be made by way of abatement.

In conclusion, we should like to call to your attention a matter mentioned by Mr. Farr, Miss Wellington's attorney. In the last paragraph of his letter to us of December 30, 1957, with which was sent the first of the two deeds, Mr. Farr states that at their conference at the time the deeds were executed, Miss Wellington and he discussed memorial aspects of the transaction. Miss Wellington desires that it be understood that the gifts were made primarily in memory of her mother, Agnes Damon Wellington.

Miss Wellington requested Mr. Farr to see that a suitable letter

(The First Congregational  
Parish (Unitarian) )

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be written to the Church officials expressing this desire. Apparently, that letter will be written by Mr. Clark, who appears to handle Miss Wellington's personal affairs. We believe it proper to make mention of Miss Wellington's desires in this respect at the present time in the belief that you would wish to refer to it in any letter which may be written to her upon the completion of the transaction.

Very truly yours,

*Johnson, Clays, Lee & King*

ALE:c

HAUSSERMANN, DAVISON & SHATTUCK

OSCAR W. HAUSSERMANN  
ROBERT H. DAVISON  
STUART RACHILLAN  
PHILIP J. WOODWARD  
LEWIS L. WADSWORTH, JR.  
JAMES F. FARR  
WARREN G. AERO  
EUGENE F. ENDICOTT  
RALPH F. TULLER  
PHILIP H. BUTER  
WILLIAM A. KING

15 STATE STREET

BOSTON 9

LAFAYETTE 3-3450

MAYO A. SHATTUCK  
1926-1952

January 9, 1958

Arthur L. Bartlett, Esq.  
Johnson, Clapp, Ives & King  
50 State Street  
Boston, Massachusetts

Dear Mr. Bartlett:

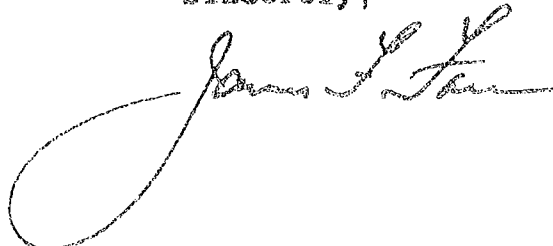
After considerable thought, Virginia Wellington has given her 86 Pleasant Street, Arlington property to The First Congregational Parish (Unitarian) in Arlington.

She has instructed that this property be considered a memorial to her late mother, Agnes Damon Wellington, who was active in the church. She hopes this family home will be of long and happy use to the church. While she does not prohibit the sale of this property, she has not given it with the thought that it would be sold in the near future. If after consideration by the governing board, it ever is sold, the proceeds must not be used for current operating expenses of the church; rather the proceeds must be preserved as a lasting memorial to the Wellington family and, in particular, to Agnes Damon Wellington.

Will you please see that this letter is brought to the attention of the governing authorities and filed with the appropriate records?

Incidentally, Miss Wellington expressed a desire to see the property after the modernization has been effected.

Sincerely,



JFF:eq

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ARTHUR L. HARPER, JR.

January 29, 1958

The Reverend William W. Lewis  
The First Parish Unitarian Church  
630 Massachusetts Avenue  
Arlington, Massachusetts

Dear Mr. Lewis:

I have received your letter of January 28, 1958, with the enclosed copy of a Resolution dealing with the gift of the property at 86 Pleasant Street, from Miss Wellington. It seems to me that this Resolution makes a very satisfactory permanent record of the transaction and of Miss Wellington's wishes with respect to it.

I understand that you plan to get receipts for the legacies referred to on pages 1 and 2 in our letter of January 6, 1958, in which we reported to you upon the state of the record title at the time the deeds of conveyance were recorded. No specific form of receipt is needed, but I set forth the following as a model which may prove helpful to you:

January , 1958

(Name) hereby acknowledges receipt of - - - dollars  
in payment of the legacy made to said (name of legatee)  
in the will of Ellen W. Hodgdon (Middlesex Probate  
No. 165379).

\_\_\_\_\_  
Signature

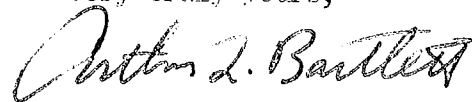
This form can be adapted to a case where the named legatee is no longer living and the receipt is signed by his or her heirs or devisees.

It would seem to me that any such receipts that are obtained should be filed in the Registry of Probate at East

(Reverend William W. Lewis) - Page two - January 29, 1958

Cambridge, rather than retained in your files. This, of course, is entirely up to you, but if that procedure is followed, the risk of loss by fire or otherwise is, for all practical purposes, eliminated.

Very truly yours,

A handwritten signature in cursive script, reading "Arthur L. Bartlett". The signature is written in dark ink and is positioned below the typed name "Arthur L. Bartlett".

ALE:c

## RESOLUTION

Whereas Miss Virginia Wellington has generously deeded all rights in her property located at 86 Pleasant Street, Arlington, Massachusetts, to the First Congregational Parish (Unitarian) in Arlington, and

Whereas it is the intent of this church to restore this historic landmark for the parsonage of its minister, and

Whereas it is the express purpose of the donor to memorialize her mother, Agnes Whitman Damon Wellington,

BE IT RESOLVED that this generous gift be accepted by the members of the First Congregational Parish (Unitarian) in Arlington and known as the Agnes Whitman Damon Wellington parsonage, and

BE IT FURTHER RESOLVED that should this church ever dispose of this property in the future, the net proceeds from such a sale be placed with the Trustees of Trust Funds of said church, to be known as the Agnes Whitman Damon Wellington Fund, the net income only to be used for the general expenses of the church.