

THE STATE OF TEXAS

October 13, 1958

COUNTY OF JOHNSON

BE IT REMEMBERED at a regular meeting of the Commissioners' Court on the above mentioned date at the courthouse in Cleburne, Texas, the following members were present: H. G. Littlefair, County Judge, W. M. Coward, Commissioner of Precinct No.1; S. W. Evans, Commissioner of Precinct No.2; Jimmie L. Walters, Commissioner of Precinct No. 3, M. W. Roland, Commissioner of Precinct No. 4, Louis B. Lee, County Clerk, J. T. Epperson, Jr., County Auditor and Harry Ratliff.

A motion was made by commissioner Roland and seconded by Commissioner Coward that all proper and duly endorsed bills against Johnson County be allowed and ordered paid as submitted in open court.

All voted aye

A motion was made by Commissioner Evans and seconded by Commissioner Walters that the financial report for the Johnson Co. Mem. Hospital for the month of September, 1958 be approved as submitted.

All voted aye

A motion was made by Commissioner Coward and Seconded by Commissioner Roland as to the following matters:

ORDER AUTHORIZING ISSUANCE OF \$49,000 "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENT REFUNDING BONDS", DATED SEPTEMBER 15, 1958

THE STATE OF TEXAS       ()

COUNTY OF JOHNSON       ()

ON THIS, the 13<sup>th</sup> day of October, 1958, the Commissioners' Court of Johnson County, Texas, convened in regular session, at the regular meeting place thereof in the Courthouse at Cleburne, Texas, the following members of the Court, to-wit:

H. G. LITTLEFAIR,	COUNTY JUDGE, Presiding; and
W. M. Coward,	COMMISSIONER, Precinct No. 1;
S. W. Evans,	COMMISSIONER, Precinct No. 2;
Jimmie L. Walters,	COMMISSIONER, Precinct No. 3;
M. W. Roland,	COMMISSIONER, Precinct No. 4;

being present; and, among other proceedings had, were the following:

The County Judge submitted to the court the following order:

WHEREAS, on the 12<sup>th</sup> day of March, 1958, the Commissioners' Court of Johnson County, Texas, pursuant to orders theretofore passed and adopted, and also pursuant to notice of intention duly issued and published in the time and manner prescribed by statute, passed and adopted that certain order authorizing the issuance of a series of warrants known as "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENT WARRANTS," dated March 15, 1958, bearing interest at the rate of 4 ½% per annum, in denomination of \$1,000 each, maturing serially, \$5,000 on March 15<sup>th</sup> in each of the years 1960 to 1968, both inclusive, and \$4,000 on March 15, 1969, and which order of March 12, 1958, is recorded in Volume 14, page 381 et seq., of the minutes of said Court; and,

WHEREAS, the aforesaid order levied continuing direct annual ad valorem taxes out of the Permanent Improvements Fund Tax authorized by Section 9, Article 8, of the Constitution of Texas, for the purpose of paying the principal of and interest on the indebtedness evidenced by said warrants; and,

WHEREAS, the Commissioners' Court now considers it feasible and practicable and to the best interest of said County to cancel or refund the \$49,000 of warrants hereinabove described, which are now outstanding and unpaid, by issuing and delivering to the proper owners or holders of said warrants the refunding bonds of said County in the total principal sum of \$49,000, to bear interest and mature as hereinafter stated; and,

WHEREAS, notice of intention to pass the order authorizing the issuance of such refunding bonds was duly given by publication in the Cleburne Times-Review, which is a newspaper of general circulation within said County, published in the City of Cleburne, Texas, and which notice was published in said newspaper on the following dates, to-wit: Sept. 9, 1958, Sept. 16, 1958 and Sept. 23, 1958. The date of first publication being full thirty (30) day before the 13<sup>th</sup> day of October, 1958, which is the date fixed by the Commissioners' Court for the passage of the order authorizing the issuance of such refunding bonds; and,

WHEREAS, it appearing to this court, pursuant to die investigation, that no petition has been filed in the office of the County Clerk by ten per cent (10%) of the qualified property taxpaying voters of the County praying this Court to order an election for the purpose of submitting the proposition to issue such refunding bonds to a vote of the qualified property taxpaying voters of this County, and further, this Court finds that not petition of any kind or

character in respect of the proposed bonds or the warrants to be refunded thereby has been filed either with the County Clerk, or any member of this Court, or any other official; therefore,

BE IT ORDERED BY THE COMMISSIONERS' COURT OF JOHNSON COUNTY, TEXAS:

SECTION 1: That, for the purpose of refunding, cancelling and in lieu of the warrants hereinabove described, there is hereby ordered to be issued the bonds of said County to be called "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENTS REFUNDING BONDS", in the total principal sum of FORTY-NINE THOUSAND DOLLARS (\$49,000), under authority of the Constitution and laws of the State of Texas, particularly Chapter 163, of the General Laws passed by the Forty-second Legislature, at its Regular Session in 1931, as amended.

SECTION 2: That said refunding bonds shall be numbered consecutively from One (1) to Forty-Nine (49), both inclusive; shall be in the denomination of One Thousand Dollars (\$1,000) each; aggregating the principal sum of FORTY-NINE THOUSAND DOLLARS (\$49,000); and shall be dated September 15, 1958.

SECTION 3: It being hereby affirmatively found and adjudged that the financial condition of the County will not permit the issuance of the refunding bonds herein authorized in such installments as will make the burden of taxation to support same approximately uniform throughout the term of said bond issue, same shall become due and payable, serially, without right of prior redemption, in accordance with the following schedule;

BOND NUMBERS	MATURITY DATES	AMOUNTS
(all inclusive)		
1 to 5	September 15, 1959	\$4,000
5 to 9	September 15, 1960	5,000
10 to 14	September 15, 1961	5,000
15 to 19	September 15, 1962	5,000
20 to 24	September 15, 1963	5,000
25 to 29	September 15, 1964	5,000
30 to 34	September 15, 1965	5,000
35 to 39	September 15, 1966	5,000
40 to 44	September 15, 1967	5,000
45 to 49	September 15, 1968	5,000

SECTION 4: That said refunding bonds shall bear interest from date until paid at the rate of FOUR PER CENTUM (4%) per annum, such interest to be

evidenced by proper coupons attached to each of said bonds, and said interest shall be payable on March 15, 1959, and semi-annually thereafter on September 15 and March 15 in each year.

SECTION 5: That the principal of and interest on said refunding bonds shall be payable in lawful money of the United States of America, without exchange or collection charges to the owner or holder, at the Mercantile National Bank at Dallas, Dallas, Texas, upon presentation and surrender of bonds or proper coupons.

SECTION 6: That said bonds may be executed by the imprinted facsimile signature of the County Judge, countersigned by the imprinted facsimile signature of the County Clerk and registered by the County Treasurer, whose facsimile signature may be imprinted thereon, and that the interest coupons attached to said bonds may be executed by the imprinted facsimile signatures of the County Judge and County Clerk; and, the seal of the "COMMISSIONERS' COURT" shall be impressed upon each of said bonds. Execution in such manner shall have the same effect as if such bonds and coupons had been signed by the County Judge, County Clerk and County Treasurer in person by their manual signatures. In as much as such bonds are required to be registered by the Comptroller of Public Accounts of the State of Texas, only his signature (or that of a deputy designated in writing to act for the comptroller) shall be required to be manually subscribed to such bonds in connection with his registration certificate to appear thereon; all in accordance with the provisions of Article 717j, Vernon's Civil Statute of Texas, as amended.

SECTION 7: That each of said refunding bonds shall contain on its face these words:

"IN ADDITION to all other rights, the holder or holders of this bond and of the series of which it is a part, is and are subrogated to all the rights and has and have all of the remedies of the holders of the original indebtedness refunded by this issue of bonds, except only to the extent otherwise specifically provided herein and in the proceedings relating to the issuance of the series of bonds of which this is one."

SECTION 8: That said refunding bonds shall express upon their face the purpose for which they are issued; and that they are issued under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapter 163, of the General Laws passed by the Forty-second Legislature, at its

regular Session in 1931, as amended, and in pursuance of an order of this Court; and the form of each of said refunding bonds shall be substantially as follows:

NO. \_\_\_\_\_ UNITED STATES OF AMERICA \$1,000

STATE OF TEXAS

COUNTY OF JOHNSON

JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENT REFUNDING BOND

COUNTY OF JOHNSON, a body corporate and politic of the State of Texas, FOR VALUE RECEIVED, HEREBY promises to pay to bearer, without right of prior redemption, on the FIFTEENTH DAY OF SEPTEMBER, 19\_\_, the sum of One Thousand Dollars (\$1,000), in lawful money of the United States of America, without exchange or collection charges to the owner or holder, with interest thereon from date hereof until paid, at the rate of FOUR PER CENTUM (4%) per annum, payable on March 15. 1959, and semi-annually thereafter on September 15 and March 15, in each year, and interest falling due on or prior to maturity hereof is payable only upon presentation and surrender of the interest coupons hereto attached as they severally become due.

BOTH PRINCIPAL and interest of this bond are hereby made payable at the MERCANTILE NATIONAL BANK AT DALLAS, DALLAS, TEXAS, and for the prompt payment of this bond and the interest thereon at maturity, the full faith, credit and resources of Johnson County, Texas, are hereby irrevocably pledged.

THIS BOND is one of a series, the authorized principal sum of which is FORTY-NINE THOUSAND DOLLAR (\$49,000), numbered consecutively from One (1) to Forty-Nine (49), both inclusive, in denomination of One Thousand Dollars (\$1,000) each, issued for the purpose of refunding, cancelling and in lieu of an equal amount of valid and subsisting indebtedness against the Permanent Improvement Fund of said County, known as "Johnson County, Texas, Courthouse Improvement Warrants", dated March 15, 1958, in the principal sum of \$49,000; and this bond is issued under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapter 163, of the General Laws passed by the Forty-second Legislature, at its Regular Session in 1931, as amended, and in pursuance of an order duly passed and adopted by the Commissioner's Court of Johnson County, Texas, and of record in the minutes of said Court.

IN ADDITION to all other rights, the holder or holders of this bond and of the series of which it is a part, is and are subrogated, to all the rights and has and have all of the remedies of the holders of the original indebtedness refunded by this issue of bonds, except only to the extent otherwise specifically provided herein and in the proceedings relating to the issuance of the series of bonds of which this is one.

IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all acts, conditions and things necessary to be bond precedent to an in the issuance of these bonds, in order to make them legal, valid and binding obligations of said County have, been done, have happened and been performed in regular and due time, form and manner as required by law; that due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these bonds as it falls due, and to provide a sinking fund for the final redemption of said bonds at maturity; and that the issue of bonds of which this is one, together with all other indebtedness of said County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, the Commissioners' Court of Johnson County, Texas, has caused the seal of said court to be affixed hereto, and this bond to be executed by imprinting the facsimile signature of the County Judge, countersigned by imprinting the facsimile signature of the County Clerk, and registered by the County Treasurer, whose facsimile signature is imprinted hereon, and the interest coupons hereto attached to be executed by the imprinted facsimile signatures of the County Judge and County Clerk, in accordance with the provisions of Article 717j, Vernon's' Civil Statutes of Texas, as amended; the date of this bond, in conformity with the order above referred to, being the FIFTEENTH DAY OF SEPTEMBER, 1958.

COUNTERSIGNED:	H. G. Littlefair, County Judge
Louis B. Lee, County Clerk	Johnson County, Texas
Johnson County, Texas	

REGISTERED:

\_\_\_\_\_

COUNTY TREASURER,

Johnson County, Texas

SECTION 9: That the coupons evidencing the interest to accrue on said refunding bonds shall be substantially in the following form:

No. \_\_\_\_ On THE \_\_\_\_ DAY OF \_\_\_\_, 19\_\_ \$\_\_\_\_\_

the COUNTY OF JOHNSON, a body corporate and politic of the State of Texas,  
hereby promises to pay bearer, at MERCANTILE NATIONAL BANK AT DALLAS, Dallas,  
Texas, the sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), in lawful money of the United  
States of America, without exchange or collection charges to the owner or  
holder, said sum being \_\_\_\_ month's interest due that day on "JOHNSON COUNTY,  
TEXAS, COURTHOUSE IMPROVEMENT REFUNDING BOND", dated September 15, 1958. Bond  
No. \_\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK

\_\_\_\_\_  
COUNTY JUDGE

SECTION 10: That the following certificate shall be printed on the back on  
each refunding bond;

OFFICE OF CONTROLLER ()

REGISTER NO. \_\_\_\_\_

STATE OF TEXAS ()

I HEREBY CERTIFY that there is on file and of record in my office a  
certificate of the Attorney General of the State of Texas, to the effect that  
this bond has been examined by him as required by law, and that he finds that  
it has been issued in conformith with the Constitution and laws of the State of  
Texas, and that it is a valid and binding obligation upon the County of  
Johnson, Texas, and said bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE, at Austin, Texas, \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
Of the State of Texas

SECTION 11: IT IS FURTHER ORDERED that a Special Fund, to be designated  
"SPECIAL COURTHOUSE IMPROVEMENT REFUNDING BOND FUND", shall be set aside out of  
the funds of Johnson County, Texas, which fund, when collected, shall be used  
to pay the interest on said bonds and the principal thereof at maturity, and  
for no other purpose; that said fund is created by and from the tax heretofore  
levied by the Court for the payment of principal of and interest on this issue  
of bonds by order passed on the 8<sup>th</sup> day of September, 1958, at a regular term of  
said Court with all members present, and said tax levy shall be and the same is  
hereby RATIFIED, CONFIRMED and APPROVED and made a part hereof, said tax levy  
being in words and figures as follows, to-wit:

"That to pay the current interest on and to provide a sufficient sinking fund to pay the principal thereof at maturity, or a sinking fund of 2% whichever is greater, on said "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENTS REFUNDING BONDS", not to exceed the principal amount of \$49,000, to be authorized by the Commissioner's Court of Johnson County, Texas, on the 13<sup>th</sup> day of October, 1958, and to mature serially, the maximum maturity date to be not later than the 15<sup>th</sup> day of December, 1973, for the purpose of refunding, cancelling and in lieu of \$49,000 interest-bearing time warrants of Johnson County, Texas, described as "Johnson County, Texas, Courthouse Improvements Warrants", dated March 15, 1958, there shall be, and there is hereby levied for the current year, out of the Constitutional Permanent Improvement Fund Tax of said County, a sufficient tax on each one hundred dollars' assessed valuation of taxable property in said County, and said tax ( on each one hundred dollars' valuation of taxable property in said County) sufficient in amount as shall be necessary to pay the interest thereon and the principal at maturity as it becomes due, or a sinking fund of 2% whichever is greater, full allowance being made for delinquencies and costs of collection, is hereby levied out of the Constitutional Permanent Improvement Fund Tax of said County for each succeeding year while said bonds or any of the, or any interest thereon, are outstanding; and said tax, hereby levied, shall be assessed and collected for each of said years and applied to the payment of the interest on and principal of said bonds, and for no other purpose.

"Any surplus in the sinking fund account of the series of warrants proposed to be refunded shall be passed to the credit of the sinking fund account of said refunding bonds, and any and all taxes uncollected from levies heretofore made on account of the warrants which are being refunded by this issue, shall, when and as the same are collected, be credited to the sinking fund account of said refunding bonds; PROVIDED, HOWEVER, that such transfer of the sinking fund account or uncollected taxes is made only so far as may lawfully be done consistent with the rights of the holders of the outstanding warrants."

SECTION 12: AND IT IS FURTHER ORDERED that the County Judge of Johnson County, Texas, be authorized to take and have charge of all necessary records pending investigation by the Attorney General of the State of Texas, and shall take and have charge and control of the bonds herein authorized pending their





- - - - -

SINKING FUND CERTIFICATE

THE STATE OF TEXAS       ()

COUNTY OF JOHNSON       ()

WE, - - - -H. G. Littlefair, County Judge and Louis B. Lee, County Clerk of Johnson County, Texas, DO HEREBY CERTIFY that none of the warrants being refunded by \$49,000 "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENT REFUNDING BONDS", dated September 15, 1958, were ever purchased by or held in the sinking fund created for the purpose of paying off or redeeming said warrants; that none of said warrants will be taken up and paid for with money from said sinking fund; and that there is no money in the sinking fund of the warrant issue being refunded with which to pay off any of the principal of the warrants being refunded.

WE FURTHER CERTIFY that there has never been and there is not now pending any litigation in anywise affecting the validity of the warrants being refunded, nor has there ever been nor is there now any litigation pending affecting the power of the Commissioners' Court to levy and collect taxes to pay the principal of and interest on said warrants, or the said "JOHNSON COUNTY, TEXAS, COURTHOUSE IMPROVEMENT REFUNDING BONDS".

WITNESS OUR HAND AND THE SEAL OF THE COMMISSIONERS' COURT OF JOHNSON COUNTY, TEXAS, this the 13<sup>th</sup> day of October, 1958.

H. G. Littlefair, County Judge

Johnson County, Texas

Louis B. Lee, County Clerk

(Com. Court Seal)

Johnson County, Texas

- - - - -

STATEMENT OF TAXABLE VALUES

THE STATE OF TEXAS       ()

COUNTY OF JOHNSON       ()

I, the undersigned, Assessor and Collector of Taxes of JOHNSON COUNTY, TEXAS, DO HEREBY CERTIFY that the assessed valuation of property for the purposes of taxation in said Johnson County, as shown by the tax rolls of said County for the year 1958, which have been duly approved, and which is the latest official assessment of said county, is as follows:

REAL PROPERTY - - - - - \$15,976,320.00  
PERSONAL PROPERTY - - - - - \$ 9,176,880.00  
TOTAL - - - - - \$24,973,200.00

WITNESS MY OFFICIAL SIGNATURE AND SEAL OF OFFICE, this the 13<sup>th</sup> day of  
October, 1958.

Dennis McWilliams, Assessor and Collector  
Of Taxes  
(SEAL) Johnson County, Texas

A motion was made by Commissioner Evans and seconded by Commissioner  
Coward that pursuant to Article 1702-I, Sect. 4, the Commissioner Court hereby  
fixes a sum in the amount of #3.00 in each case filed for the cost of  
Maintaining the County Law Library of Johnson County, Texas, effective November  
1<sup>st</sup>, 1958. Said fee is to be placed in the County Law Library Fund, and is not  
to be used for any other purpose.

All voted aye

A motion was made by Commissioner Evans and Seconded by Commissioner  
Coward that Mr. George E. Bransom, Lowell Smith and Clarence Mahanay be re-  
appointed members of the Board of Managers of the Johnson County Memorial  
Hospital for a term of two years.

All voted aye

There being no further business court is hereby adjourned.

\_\_\_\_\_  
COUNTY CLERK COUNTY JUDGE