

ORDINANCE, NO. 33

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE TOWN OF FLEMING, IN THE STATE OF COLORADO, OF ITS NEGOTIABLE COUPON BONDS IN THE AGGREGATE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS, (\$35,000.), TO BE DENOMINATED REFUNDING BONDS, FOR THE PURPOSE OF REFUNDING A LIKE AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS OF SAID TOWN WHICH IS OPTIONAL FOR REDEMPTION: PRESCRIBING THE FORM OF SAID REFUNDING BONDS AND PROVIDING FOR THE LEVY AND COLLECTIONS OF AN ANNUAL TAX TO PAY THE SAME, PRINCIPAL AND INTEREST.

WHEREAS, the town of Fleming, in the County of Logan and State of Colorado, has heretofore issued and there are now outstanding and unpaid its negotiable coupon bonds consisting of town of Fleming water bonds in the amount of \$35,000., dated Nov. 15, 1930, due and payable Nov. 15, 1935, optional of six per centum per annum, and being now optional for redemption; and

WHEREAS, there are and will be no funds in the treasury of said town available for the redemption of said bonds, or any part thereof; and

WHEREAS, by a resolution duly adopted on the 8th day of Sept A. D. 1930, the board of trustees of the town of Fleming determined to issue, in accordance with the laws of the state of Colorado, new bonds to be denominated "Refunding Bonds", the same to be exchanged dollar for dollar for the bonds to be refunded, or to be sold at the option of the town; the amount of bonds so determined upon to be issued as aforesaid, being the sum of thirty-five thousand dollars, (\$35,000.); the certificate of such determination having been heretofore duly made and entered in and upon the records of

said town as required by law; and

WHEREAS, the board of trustees has heretofore determined that said refunding bonds so to be issued in the aggregate amount of thirty-five thousand dollars, (\$35,000.), shall be sold, or exchanged dollar for dollar, for the bonds to be refunded, and said board of trustees believes it to be their duty to issue said refunding bonds and cause the same to be sold or exchanged for the bonds to be refunded as aforesaid, as and in the manner provided by law;

NOW, THEREFORE, BE IT ORDAINED, by the board of trustees of the town of Fleming, in the State of Colorado:

Section 1. That by virtue and in pursuance of an act of the General Assembly of the State of Colorado, entitled: "An Act to enable cities and towns to refund their bonded indebtedness," approved March 16, 1921, and appearing as Chapter 237 of the Session Laws of Colorado, 1921, there shall be issued bonds of said town of Fleming, to be denominated Refunding Bonds, to the amount of thirty-five thousand dollars, (\$35,000.), for the purpose of refunding the outstanding bonded indebtedness of said town now optional for redemption as aforesaid.

Section 2. That the mayor and town clerk and recorder of said town of Fleming be and they are hereby authorized and directed to have prepared the negotiable coupon refunding bonds of the town in the said aggregate amount of thirty-five thousand dollars, (\$35,000.)

Section 3. That said bonds hereby authorized shall be negotiable in form, payable to bearer, shall bear date the 15th day of November, A. D. 1930, shall bear interest at the rate of four and one-half per centum per annum, payable semi-annually on the 15th days of May and November in each year;

shall consist of thirty-five bonds, numbered consecutively from one (1) to thirty-five (35), both inclusive, in the denomination of one thousand dollars each, (\$1,000.), said bonds shall mature one thousand dollars, (\$1,000.), thereof on the fifteenth day of November, in each of the years A. D. 1931 to A. D. 1945, inclusive, and two thousand dollars, (\$2,000.), thereof on the fifteenth day of November, A. D. 1946 to 1955, inclusive.

The principal of said bonds and the interest accruing thereon, shall be payable in gold coin of the United States of America of or equal to the present standard of weight and fineness, at the banking house of Kountze Brothers, in the City and State of New York, U. S. A. Said bonds shall be signed by the mayor, countersigned by the treasurer, with the seal of said town affixed thereto, and attested by the town clerk and recorder of said town. The interest accruing on said bonds will be evidenced by a proper number of semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the treasurer of said town, and when so executed, such coupons shall be the binding obligations of the town according to their import.

Section 4. Said bonds and coupons to be attached thereto shall be in substantially the following form:

UNITED STATES OF AMERICA.

STATE OF COLORADO.

COUNTY OF LOGAN.

TOWN OF FLEMING

Refunding Bond

No. _____

\$1,000.

The town of Fleming, in the county of Logan, and state of Colorado, for value received, hereby acknowledges itself indebted and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS,

in gold coin of the United States of America, of or equal to the present standard of weight and fineness, on the fifteenth day of November, A. D. 19____, with interest thereon from the date hereof, at the rate of four and one-half per centum per annum, payable semi-annually, on the fifteenth days of May and November in each year, as evidenced by interest coupons hereto attached, both principal and interest payable at the banking house of Kountze Brothers, in the City and State of New York, U. S. A., upon presentation of this bond or said coupons respectively.

This bond is issued by the town of Fleming for the purpose of paying, redeeming and refunding a like amount of outstanding unpaid, payable, lawful and valid bonds of said town, and the lawful and valid indebtedness evidenced thereby, and in exchange therefor, under, by virtue of and in full conformity with the provisions of an act of the General Assembly of the State of Colorado, entitled: "An Act to enable cities and towns to refund their bonded indebtedness," approved March 16th, 1921, and pursuant to an ordinance duly adopted by the board

of trustees of said town at a lawful meeting thereof, held prior to the issuance of this bond; and it is hereby certified and recited that all acts and things required to be done and conditions and things required to exist precedent to and in the issuance of this bond to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner as required by law, and that the total debt of said town of Fleming, including that of this bond, exceeds neither the statutory nor the constitutional limitations of the State of Colorado, and that said total debt is not increased by the issuance hereof.

The full faith and credit of the town of Fleming are hereby pledged for the punctual payment of the principal of and the interest upon this bond.

IN WITNESS WHEREOF, the town of Fleming has caused this bond to be signed by its mayor, countersigned by its treasurer, and sealed with its corporate seal, and attested by its town clerk and recorder, and has caused the annexed interest coupons to be executed with the engraved facsimile signature of its treasurer, this fifteenth day of November, A. D. 1930.

RB McCormick
Mayor.

COUNTERSIGNED:

E R Riphitt
Town Treasurer

ATTEST:

Idunh Boyd
Town Clerk and Recorder.

(Form of Coupon)

No. _____

\$22.50

On the fifteenth day of May and November, A. D. 19____
the town of Fleming, in the state of Colorado, promises to pay to
bearer twenty-two dollars and fifty cents, (\$22.50) in gold
coin of the United States of America, of or equal to the present
standard of weight and fineness at the banking house of Kauntze
Brothers, in the city and state of New York, U. S. A., being
six months' interest on its Refunding Bond dated November 15th,
A. D. 1930.

No. _____

C R Riphart
(Facsimile Signature)
Town Treasurer.

Section 5. That when issued, the refunding bonds hereby authorized shall be sold, or exchanged dollar for dollar for the bonds to be refunded, and they shall not be issued until the outstanding bonds to be refunded have been called in and cancelled in an amount equal to or in excess of the bonds so issued and all accrued interest on any of said bonds to be refunded shall be paid before such refunding bonds are issued in exchange therefor.

Section 6. That the interest due on said bonds on May 15th, A. D. 1931, shall be paid out of the general revenue fund of said town, and for the purpose of reimbursing said general revenues for the payment of interest so taken from the said general fund, and for the purpose of providing the necessary funds to pay the interest on said bonds after May 15th, 1931, as the same becomes due, and to pay the principal of said bonds as they become due serially in the years 1931 to 1955, both inclusive, there shall be levied on all the taxable property in said town, in addition to all other taxes, the following direct annual tax, to-wit:

| <u>Year</u> | <u>Interest</u> | <u>Principal</u> | <u>Total</u> |
|-------------|-----------------|------------------|---------------|
| 1931 | \$1,575.00 | \$1,000.00 ✓ | \$ 2,575.00 ✓ |
| 1932 | 1,530.00 | 1,000.00 ✓ | 2,530.00 ✓ |
| 1933 | 1,485.00 | 1,000.00 ✓ | 2,485.00 ✓ |
| 1934 | 1,440.00 | 1,000.00 ✓ | 2,440.00 ✓ |
| 1935 | 1,395.00 | 1,000.00 ✓ | 2,395.00 ✓ |
| 1936 | 1,350.00 | 1,000.00 ✓ | 2,350.00 ✓ |
| 1937 | 1,305.00 | 1,000.00 ✓ | 2,305.00 ✓ |
| 1938 | 1,260.00 | 1,000.00 ✓ | 2,260.00 ✓ |
| 1939 | 1,215.00 | 1,000.00 | 2,215.00 |
| 1940 | 1,170.00 | 1,000.00 | 2,170.00 |
| 1941 | 1,125.00 | 1,000.00 | 2,125.00 |
| 1942 | 1,080.00 | 1,000.00 | 2,080.00 |
| 1943 | 1,035.00 | 1,000.00 | 2,035.00 |
| 1944 | 990.00 | 1,000.00 | 1,990.00 |
| 1945 | 945.00 | 1,000.00 | 1,945.00 |
| 1946 | 900.00 | 2,000.00 | 2,900.00 |
| 1947 | 810.00 | 2,000.00 | 2,810.00 |
| 1948 | 720.00 | 2,000.00 | 2,720.00 |
| 1949 | 630.00 | 2,000.00 | 2,630.00 |

| <u>Year</u> | <u>Interest</u> | <u>Principal</u> | <u>Total</u> |
|-------------|-----------------|------------------|--------------|
| 1950 | \$ 540.00 | \$ 2,000.00 | \$ 2,540.00 |
| 1951 | 450.00 | 2,000.00 | 2,450.00 |
| 1952 | 360.00 | 2,000.00 | 2,360.00 |
| 1953 | 270.00 | 2,000.00 | 2,270.00 |
| 1954 | 180.00 | 2,000.00 | 2,180.00 |
| 1955 | 90.00 | 2,000.00 | 2,090.00 |

And said taxes, when collected, shall be placed in a fund to be called the "Redemption Fund to Pay Refunding Bonds, dated November 15, 1930," and said taxes shall be applied solely for the purpose of the payment of said interest and principal of said bonds respectively, and for no other purpose whatever until the bonds authorized under this ordinance, principal and interest, shall have been fully paid, satisfied and discharged, but nothing herein contained shall be so construed as to prevent said town from applying any other funds that may be in the treasury of the town and available for that purpose to the payment of the said interest or principal as the same respectively mature and the levy or levies herein provided for may thereupon to that extent be diminished.

Section 7. That the provisions of this ordinance and each of the bonds and the interest coupons issued pursuant thereto shall constitute, and the same are hereby declared to be a binding and irrevocable contract between said town and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

Section 8. That after said bonds are issued this ordinance shall not be altered or repealed until the bonds hereby authorized shall have been fully paid, both principal and interest.

Section 9. All ordinances or resolutions, or parts thereof heretofore adopted, in conflict with the provisions hereof, be, and the same hereby are repealed.

Section 10. That this ordinance immediately upon its passage, shall be recorded in the book of ordinances of said town kept for that purpose, and authenticated by the signatures of the mayor and town clerk and recorder, and shall be published in Hessing News a newspaper published within the limits of the town.

Section 11. By reason of the fact that under present financial conditions, four and one-half per cent bonds can be exchanged at par for six per cent bonds, it is hereby declared that an emergency exists; that this ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect, five days after publication.

Passed and adopted, signed and approved this 3 day of November, A. D. 1930.

R. B. McCormick
Mayor

ATTEST:

L. B. Boyd
Town Clerk and Recorder.

(S E A L)

It was then moved by Trustee J. B. Holmes and seconded by Trustee J. H. Reade, that all rules of this board which might prevent, unless suspended, the final passage and adoption of this ordinance at this meeting, be and the same are hereby suspended for the purpose of permitting the final passing and adopting of said ordinance at this meeting.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called, with the following result:

Those voting aye: Trustee V. L. Mader, J. B. Holmes, J. D. Thomas, N. G. Cox, E. Graham, J. H. Reade

Those voting nay: None

All members of the board of trustees having voted in favor of said motion, the presiding officer declared said motion carried and the rules suspended.

Trustee E. Graham then moved that said ordinance entitled, "An Ordinance providing for the issuance by the town of Fleming, in the State of Colorado of its negotiable coupon bonds in the aggregate amount of thirty-five thousand dollars (\$35,000.) to be denominated Refunding Bonds, for the purpose of refunding a like amount of outstanding bonded indebtedness of said town which is optional for redemption; prescribing the form of said refunding bonds and providing for the levy and collection of an annual tax to pay the same, principal and interest, " heretofore introduced and read in full at this meeting, be now placed upon its passage.

Trustee N. G. Cox seconded the motion, and the question being upon the placing of said ordinance upon its passage, the roll was called with the following

result:

Those voting aye : Trustees J. D. Thomas, B. G. Cox
E. Graham, J. H. Reade, J. B. Holmes, V. L. Mader

Those voting nay: None

The presiding officer declared the motion carried and the ordinance placed upon its passage.

Trustee V. L. Mader then moved that said ordinance be passed and adopted as read. Trustee B. G. Cox seconded the motion.

The question being upon the passage and adoption of said ordinance, the roll was called, with the following result:

Those voting aye : Trustees J. D. Thomas, B. G. Cox
E. Graham, J. H. Reade, J. B. Holmes, V. L. Mader

Those voting nay None

The presiding officer thereupon declared that a majority of all the trustees elected having voted in favor thereof, the said motion was carried and the said ordinance duly passed and adopted.

On motion duly adopted, it was ordered that said ordinance be numbered 33 and after approval by the mayor, shall be published as in said ordinance designated, and shall be recorded according to law.

R. B. McCormick
Mayor.

(S E A L)

ATTEST:

Hugh Boyd
Town Clerk and Recorder

STATE OF COLORADO)
)
County of Logan,)
)
TOWN OF FLEMING.) SS.

I, Thos. L. Boyd, town clerk of the town of Fleming, do hereby certify that the foregoing pages are a full and correct copy of the record of proceedings of the board of trustees of said town, taken at a Special meeting thereof, held on the eighth day of September, A. D. 1930, so far as said minutes relate to ordinance No. 33, a copy of which is therein set forth; that said copy of said ordinance contained in said minutes is a full, true and correct copy of the original of said ordinance as passed by the board of trustees at said meeting; that said original ordinance has been duly authenticated by the signatures of the presiding officer of the board of Trustees and myself as clerk and recorder of said town, and sealed with the corporate seal of said town, and signed and approved by the mayor thereof, and recorded in the book of ordinances of said town kept for that purpose in my office, which record has been duly signed by the said officers and sealed with the seal of said town; that said ordinance was on Nov. 7, 1930 published in full in the Fleming News, a newspaper published and of general circulation in the town of Fleming.

I further certify that the foregoing resolution and certificate of determination are true, correct and complete copies of such resolution and certificate adopted at the said meeting.

I further certify that the mayor and all the members of the board of trustees were present at said meeting and that

all the members of said board voted on the passage of said ordinance as in said minutes set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said town, this 8th day of September A. D., 1930.



(TOWN SEAL)

Wm L Boyd
Town Clerk and Recorder.

(PUBLISHER'S AFFIDAVIT OF PUBLICATION

OF ORDINANCE NO. 33)

said town, to be denominated Refunding Bonds, to the amount of thirty-five thousand dollars, (\$35,000), for the purpose of refunding the outstanding bonded indebtedness of said town now optional for redemption as aforesaid.

Section 2. That the mayor and town clerk and recorder of said town of Fleming be and they are hereby authorized and directed to have prepared the negotiable coupon refunding bonds of the town in the said aggregate amount of thirty-five thousand dollars, (\$35,000).

Section 3. That said bonds hereby authorized shall be negotiable in form, payable to bearer, shall bear date the 15th day of November, A. D. 1930, shall bear interest at the rate of four and one-half per centum per annum, payable semi-annually on the 15th days of May and November in each year; shall consist of thirty-five bonds, numbered consecutively from one (1) to thirty-five (35), both inclusive, in the denomination of one thousand dollars each, (\$1,000.), said bonds shall mature one thousand dollars, (\$1,000.), thereof on the fifteenth day of November, in each of the years A. D. 1931 to A. D. 1945, inclusive, and two thousand dollars, (\$2,000.), thereof on the fifteenth day of November, A. D. 1946 to 1955, inclusive.

The principal of said bonds and the interest accruing thereon, shall be payable in gold coin of the United States of America of or equal to the present standard of weight and fineness, at the banking house of Kountze Brothers, in the City and State of New York, U. S. A. Said bonds shall be signed by the mayor, countersigned by the treasurer, with the seal of said town affixed thereto, and attested by the town clerk and recorder of said town. The interest accruing on said bonds will be evidenced by a proper number of semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the treasurer of said town, and when so executed, such coupons shall be the binding obligations of the town according to their import.

Section 4. Said bonds and coupons to be attached thereto shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF COLORADO
COUNTY OF LOGAN
TOWN OF FLEMING
Refunding Bond

No. \$1,000.
The town of Fleming, in the county of Logan, and state of Colorado, for value received, hereby acknowledges itself indebted and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS, in gold coin of the United States of America, of or equal to the present standard of weight and fineness, on the fifteenth day of November, A. D. 19—, with interest thereon from the date hereof, at the rate of four and one-half per centum per annum, payable semi-annually, on the fifteenth days of May and November

Section 5.

refunding bonds hereby authorized shall be sold, or exchanged dollar for dollar for the bonds to be refunded, and they shall not be issued until the outstanding bonds to be refunded have been called in and cancelled in an amount equal to or in excess of the bonds so issued and all accrued interest on any of said bonds to be refunded shall be paid before such refunding bonds are issued in exchange therefor.

Section 6. That the interest due on said bonds on May 15th, A. D. 1931, shall be paid out of the general revenue fund of said town, and for the purpose of reimbursing said general revenues for the payment of interest so taken from the said general fund, and for the purpose of providing the necessary funds to pay the interest on said bonds after May 15th, 1931, as the same becomes due, and to pay the principal of said bonds as they become due serially in the years 1931 to 1955, both inclusive, there shall be levied on all the taxable property in said town, in addition to all other taxes, the following direct annual tax, to-wit:

| Year | Interest | Principal | Total |
|------|------------|------------|------------|
| 1931 | \$1,575.00 | \$1,000.00 | \$2,575.00 |
| 1932 | 1,530.00 | 1,000.00 | 2,530.00 |
| 1933 | 1,485.00 | 1,000.00 | 2,485.00 |
| 1934 | 1,440.00 | 1,000.00 | 2,440.00 |
| 1935 | 1,395.00 | 1,000.00 | 2,395.00 |
| 1936 | 1,350.00 | 1,000.00 | 2,350.00 |
| 1937 | 1,305.00 | 1,000.00 | 2,305.00 |
| 1938 | 1,260.00 | 1,000.00 | 2,260.00 |
| 1939 | 1,215.00 | 1,000.00 | 2,215.00 |
| 1940 | 1,170.00 | 1,000.00 | 2,170.00 |
| 1941 | 1,125.00 | 1,000.00 | 2,125.00 |
| 1942 | 1,080.00 | 1,000.00 | 2,080.00 |
| 1943 | 1,035.00 | 1,000.00 | 2,035.00 |
| 1944 | 990.00 | 1,000.00 | 1,990.00 |
| 1945 | 945.00 | 1,000.00 | 1,945.00 |
| 1946 | 900.00 | 2,000.00 | 2,900.00 |
| 1947 | 810.00 | 2,000.00 | 2,810.00 |
| 1948 | 720.00 | 2,000.00 | 2,720.00 |
| 1949 | 630.00 | 2,000.00 | 2,630.00 |
| 1950 | 540.00 | 2,000.00 | 2,540.00 |
| 1951 | 450.00 | 2,000.00 | 2,450.00 |
| 1952 | 360.00 | 2,000.00 | 2,360.00 |
| 1953 | 270.00 | 2,000.00 | 2,270.00 |
| 1954 | 180.00 | 2,000.00 | 2,180.00 |
| 1955 | 90.00 | 2,000.00 | 2,090.00 |

And said taxes, when collected, shall be placed in a fund to be called the "Redemption Fund to Pay Refunding Bonds, dated November 15, 1930," and said taxes shall be applied solely for the purpose of the payment of said interest and principal of said bonds respectively, and for no other purpose whatever until the bonds authorized under this ordinance, principal and interest, shall have been fully paid, satisfied and discharged, but nothing herein contained shall be so construed as to prevent said town from applying any other funds that may be in the treasury of the town and available for that purpose to the payment of the said interest or principal as the same respectively mature and the levy or levies herein provided for may thereupon to that extent be diminished.

Section 7. That the provisions of this ordinance and each of the bonds and the interest coupons issued pursuant thereto shall consti-

STATE OF COLORADO,)
County of Logan)
TOWN OF FLEMING)
SS.

We, the undersigned, the duly elected, qualified and acting mayor, clerk and treasurer, respectively, of the town of Fleming, in the county of Logan and state of Colorado, do hereby certify:

1. That the said town is duly incorporated municipality in the state of Colorado, having been incorporated under the general laws of said state in the year, A. D. since which time it has exercised the prerogatives of a duly incorporated municipality.

2. That from the 7th day of April A. D. 1930, up to and including the date of this certificate, the following have been and now are the duly elected, qualified and acting officers of said town:

Mayor: R. C. McCormick

Town Clerk: Hugh Boyd

Town Treasurer: C. L. Lippitt

Trustees: J. H. Reade, J. S. Thomas, E. Graham, R. G. Cox, J. L. Mader

3. That on the day of , A. D. 1930, the owners and holders thereof presented to the said town for redemption and exchange the following valid, negotiable coupon bonds of said town, to-wit:

Town of Fleming Water Bonds, dated , in the aggregate amount of thirty-five thousand dollars, consisting of bonds in the denomination of each, numbered said bonds bearing interest at the rate of six per centum per annum.

That for the purpose of paying, redeeming and refunding the aforesaid and above described legal and valid bonds, and the legal and valid indebtedness evidenced thereby, and in exchange therefor, there were issued to the owners and holders of the said above described bonds, the valid, negotiable, coupon refunding bonds of the said town, dated the fifteenth day of November, A. D. 1930, in the aggregate amount of thirty-five thousand dollars, consisting of thirty-five bonds in the denomination of one thousand dollars each, numbered from one to thirty-five, inclusive.

4. It is further certified that in accomplishing the aforesaid exchange by which the said outstanding bonds were redeemed by issuing said refunding bonds bearing date November 15th, 1930, the said exchange was made bond for bond and dollar for dollar, in such manner that the aggregate amount of the indebtedness of said town was not increased by the issue of said refunding bonds bearing date of November 15th, A. D. 1930.

5. It is further certified that the said outstanding bonds so redeemed were upon such redemption duly cancelled and destroyed.

It is further certified that the said refunding bonds dated November 15th, A. D. 1930 did not bear a greater rate of interest than that of the bonds so redeemed, and that all accrued interest on the bonds redeemed and refunded as aforesaid was paid before the new bonds were issued.

6. That there is no litigation pending, and so far as known to the board of trustees of the said town no threatened litigation with regard to its issue of refunding bonds bearing date November 15th, A. D. 1930, in the aggregate amount of thirty-five thousand dollars, (\$35,000.), and that so far as known to

said board of trustees and the undersigned, nothing exists to hinder or prevent said town from issuing its valid, re-funding bonds in the aggregate amount of thirty-five thousand dollars, (\$35,000.) as aforesaid.

IN WITNESS WHEREOF, we have hereunto set our hands and the official seal of the said town, this 8th day of September, A. D. 1930.

RL McCormick
Mayor

Henry Boyd
Town Clerk

C. L. Riphitt
Town Treasurer.



(SEAL)

IN THE MATTER OF FLEMING, COLORADO, REFUNDING
BONDS, THIRTY-FIVE THOUSAND DOLLARS,
DATED NOVEMBER FIFTEENTH, A.D. 1930.

The undersigned, ^{President} ~~cashier~~ of The First National
Bank of Fleming, Colorado, hereby certifies that he
is personally acquainted with R B McCormick, the
mayor, and with Hugh Boyd, the town clerk, and with
E R Rippitt, the town treasurer of the town of
Fleming, Colorado; that he knows that the above mentioned of-
ficers were the mayor, clerk and treasurer of said town on the
date of the execution and delivery of that certain series of
bonds issued by the town in the aggregate amount of thirty-five
thousand dollars, (\$35,000.), designated "Refunding Bonds,"
bearing date the fifteenth day of November, A. D. 1930; that he is
acquainted with the signatures of said officers, and knows
that the signatures appearing upon each of the bonds of said
series are the signatures of said officers, and knows
that the signatures appearing upon each of the bonds of said
series are the signatures of such officers, respectively; and
that said officers have to this certificate attached their
respective signatures, as follows:

R B McCormick
Mayor

Hugh Boyd
Town Clerk

E R Rippitt
Town Treasurer

Signed and certified this 13th day of November

A. D. 1930

Rochman
Cashier
^{President}

#33

STATE OF COLORADO,)
County of Logan,) SS.
TOWN OF FLEMING.)

The Board of trustees of the town of Fleming, Colorado,
met at Special session at First National Bank
within said town, being the regular meeting place of said board,
at the hour of 8 o'clock P. M. on Monday the 8th day
of September, A. D. 1930.

Upon roll call the following were found to be pre-
sent:

Mayor: Dr. R. C. McCormick

Trustees-

J. D. Thomas, B. G. Cox
J. L. Reade, J. B. Holmes, V. L. Maser

Town Clerk

Frank Boyd

Absent:

None

Thereupon, the following proceedings, among others,
were had and done, to wit:

Trustee J. D. Thomas introduced a
resolution providing for the initiatory proceedings to be taken
by the board of trustees in refunding the outstanding bonded in-
debtedness of the town in the aggregate amount of thirty-five
thousand dollars, (\$35,000.), which resolution was thereupon
read in full and is as follows, towit:

R E S O L U T I O N

WHEREAS, the town of Fleming has outstanding and unpaid
bonded indebtedness to the amount of thirty-five thousand dollars,
(\$35,000.), consisting of town of Fleming water bonds in the amount

of \$35,000, dated November 15, 1920, due and payable November 15, 1935, optional November 15, 1930, said bonds bearing interest at the rate of six per centum per annum; and

WHEREAS, there are and will be no funds in the treasury of said town available for the redemption of all or any part of said bonds, but the same may be refunded under the laws of the State of Colorado, and thus the time for the payment of said indebtedness be extended; and

WHEREAS, the board of trustees is of the opinion and so finds, orders, certifies and determines that said indebtedness may and should be refunded and the time for the payment thereof be extended by the issuance of the refunding bonds of said town in pursuance of the provisions of an act of the General Assembly of the State of Colorado entitled: "An Act to enable cities and towns to refund their bonded indebtedness," approved March 16th, 1921, and appearing as Chapter 237 of the Session Laws of Colorado, 1921, and all amendments thereto:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD
OF TRUSTEES OF THE TOWN OF FLEMING, COLORADO:

That said town of Fleming shall issue and cause to be sold or exchanged, dollar for dollar, for the bonds to be refunded, under the provisions of the act hereinbefore referred to, new bonds of the town to be denominated "Refunding Bonds," in the aggregate principal amount of thirty-five thousand dollars, (\$35,000.), bearing date of November 15th, 1930, bearing interest from and after date at the rate of four and one-half per centum per annum, payable semi-annually on the 15th days of May and November in each year; said bonds maturing as follows:

One thousand dollars (\$1,000.) thereof on the fifteenth day of November in each of the years A. D. 1931 to A. D. 1945, in-

clusive, and two thousand dollars (\$2,000.) thereof on the fifteenth day of November, A. D. 1945 to A. D. 1955, inclusive, said refunding bonds to be sold, or exchanged dollar for dollar, for the bonds to be refunded, as provided by the act authorizing the issuance of the same.

AND BE IT FURTHER RESOLVED, that said board of trustees of said Town of Fleming, determine, and it does hereby determine that the amount of said refunding bonds to be issued as aforesaid shall be thirty-five thousand dollars, (\$35,000.), and that a certificate of such determination be made and entered upon the records of the town prior to the issuance of said refunding bonds as provided by law, in the following form, to-wit:

CERTIFICATE OF DETERMINATION

STATE OF COLORADO,)
County of Logan,) SS.
TOWN OF FLEMING.)

WHEREAS, the town of Fleming, in pursuance of proceedings lawfully had and taken, proposes to issue its refunding bonds in the aggregate amount of thirty-five thousand dollars, (\$35,000.), to refund certain outstanding bonded indebtedness of said town, which is optional, and to pay, which there are and will be no funds in the treasury of said town available, consisting of town of Fleming water bonds in the amount of \$35,000., dated Nov. 15, 1930, due and payable Nov. 15, 1935 optional November 15, 1930; and

WHEREAS, the law under which said refunding bonds must be issued requires the board of trustees to determine the amount of refunding bonds to be issued, and to make and enter upon the records of the town a certificate of such determination prior to the issuance of said bonds;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, IT IS HEREBY CERTIFIED AND RECITED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING, IN THE STATE OF COLORADO, AS FOLLOWS, to-wit:

1. That such refunding bonds have not as yet been issued.
2. That the amount of said refunding bonds to be issued for the purpose of refunding a like amount of outstanding lawful indebtedness of said town above described, which is now subject to such refunding as aforesaid, is hereby determined to be the sum of thirty-five thousand dollars, (\$35,000.00).

IN WITNESS WHEREOF, the board of trustees of the town of Fleming has caused this certificate of determination to be signed by the mayor and attested by the town clerk and recorder, under the seal of said town, this 8 day of September, A. D. 1930.

R B McCormick
Mayor.

ATTEST:

Hugh Boyd
Town Clerk and Recorder.

(S E A L)

RESOLUTION ADOPTED AND APPROVED THIS 8 day of September, A. D. 1930.

R B McCormick
Mayor.

ATTEST:

Hugh Boyd
Town Clerk and Recorder.

It was thereupon moved by Trustee N. G. Cox
and seconded by Trustee E. Graham that said reso-
lution be adopted and approved as read;

The question being upon the adoption of said reso-
lution, the roll was called with the following result:

Those voting aye: Trustees J. D. Thomas
V. L. Mader N. G. Cox J. H. Reade J. B. Helmer

Those voting nay; None

All members of the board of trustees having
voted in favor of said motion, the mayor declared said motion
carried, and said resolution adopted, and ordered that the
foregoing certificate be entered upon the records of the said
town.

Thereupon Trustee V. L. Mader
introduced an ordinance entitled: "An Ordinance providing
for the issuance by the town of Fleming, in the State of Colorado,
of its negotiable coupon bonds in the aggregate amount of
thirty-five thousand dollars, \$(35,000.) to be denominated
"Refunding Bonds," for the purpose of refunding a like amount of
outstanding bonded indebtedness of said town which is optional
for redemption; prescribing the form of said refunding bonds
and providing for the levy and collection of an annual tax to
pay the same, principal and interest, "which ordinance was
thereupon read in full, and is as follows, to-wit: