

PAUSE ORDER VACATED IN R. Y. C. SUIT

Supreme Court Justice
Rich Upholds Rochester
Boat Works in Property
Dispute — Permanent
Injunction Sought.

The Rochester Yacht Club's struggle to prevent the Rochester Boat Works from erecting a new plant adjoining the yacht club on the east side of the mouth of the Genesee river receives a setback in the decision of Supreme Court Justice Adelbert P. Rich, vacating the temporary injunction previously obtained from Supreme Court Justice Rodenbeck.

The order to vacate is effective pending a suit brought by the yacht club in which a permanent injunction is sought.

Summerville Terraces, Inc., the Rochester Boat Works, and William J. Gucker are defendants in the suit. In 1922 Summerville Terraces acquired property which was divided into 170 lots restricted for residential purposes. Later certain of the lots with river frontage were exempted and set aside for business purposes only.

In the fall of 1924, the yacht club, through some of its members, obtained a \$15,000 option on the river front section, the option expiring in February, 1925. Gucker then entered into a contract for the purchase of the property.

Releases were obtained from several owners who had purchased river front lots under residential restrictions. In the negotiations with Carl A. Popp, owner of Popp's Inn, who owned a lot restricted to residential purposes, the real estate firm encountered difficulties. The yacht club learned of this and purchased Popp's interest for \$2,300.

The boat works for several years had occupied land leased from the yacht club. It was ordered to vacate and when it sought to erect its plant upon the property being purchased by Gucker, the yacht club brought suit for a restraining injunction.

George B. Fleckenstein is attorney for the yacht club. Macomber & Skivington represented the boat works and Gucker, with Remington & Remington appearing for Summerville Terraces.