

A HISTORY
OF THE ORIGIN OF THE SURNAME

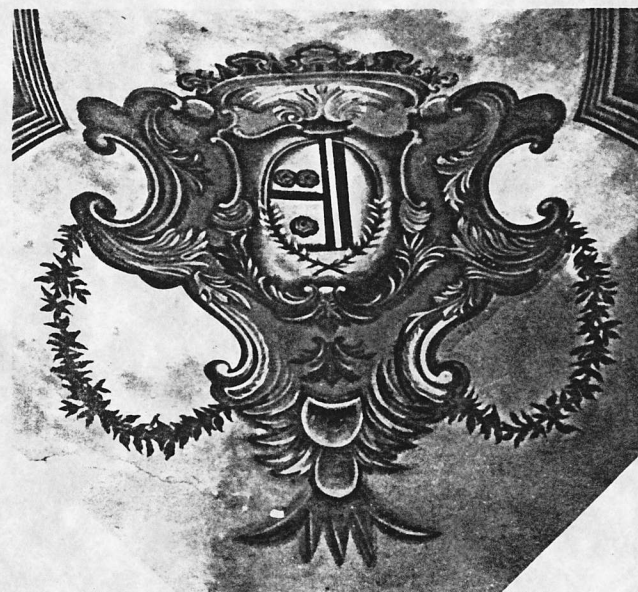
R O S A P E P E

DOCUMENTED IN A COURT RECORD

DATED 27 MARCH 1775

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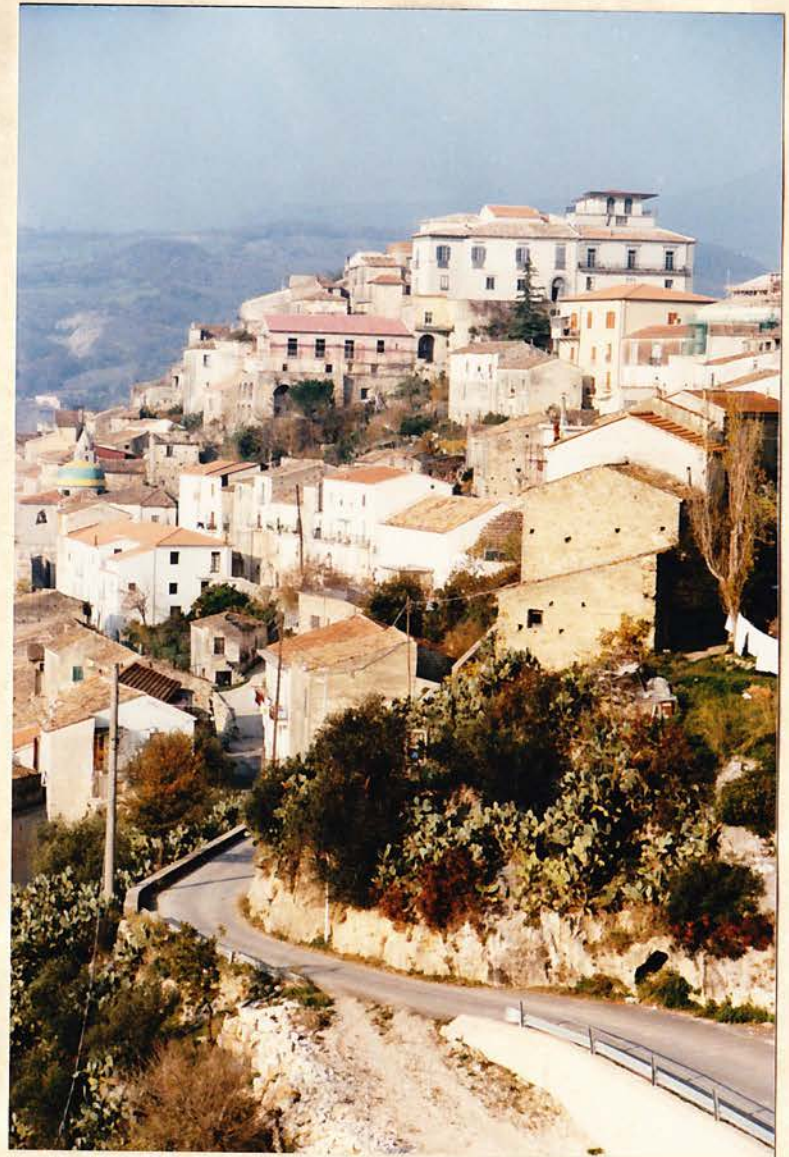
A "Loosely" Translated Summary
Prepared By
Dottore Don Carlo Rosapepe fu Attilio



THE FAMILY COAT OF ARMS

As it appears on the ceiling of the
archway entrance to the Castello Rosapepe

CONTURSI (SA), ITALY



CONTURSI circa 1986

Showing Castello Rosapepe at The Top



Contursi circa 1930
 Pictured in Piazza Garibaldi are:

1. Giacomo Rosapepe (Jack) (1916-19)
 (2nd son of Attilio)
2. Mario Rosapepe (1926-)
 (4th son of Raffaele)
- 3.

CAST OF CHARACTERS

Paolo Pepe (Seniore) - Made last Will in 1615
Marcantonio Pepe - Brother of Paolo

Ortenzio (Seniore) and Giuseppe - Sons of Paolo

Porzia and Vittoria - Daughters of Paolo

Vittoria D'Urso - Wife of Ortenzio (Seniore)

Paolo (Juniore))
Francesco) Sons of Ortenzio (Seniore)
Domenico)

Nicola)
Marcantonio) Sons of Francesco
Pascale)

Nicola)
Franciscantonio) Sons of Domenico
Ortenzio (Juniore))

Crescenzo)
Isadore)
Saverio) Sons of Ortenzio (Juniore)
Domenico)
Paolo)

Ortenzio Francesco Pepe - Son of Paolo
Plaintiff/Claimant

Valeriano Rosapepe - Formerly Valeriano Rosa
Descendent of Porzia Pepe

Gennaro Rosapepe)
Carlo Rosapepe) Great-grandsons of
Valeriano Rosapepe
Defendants



Francesco Rosapepe (
On table are photos of his son
Attilio (1883-1957)
and Carlo (1919-1996)
third son of Attilio

BRIEF ON BEHALF OF
Dottori Don GENNARO and Don CARLO
ROSAPEPE
Against Don Ortensio Francesco Pepe
Addressed to the Royal Counsellor
Don Antonio Carpentieri

THE Italian document reproduced herewith is a legal brief dated March 27, 1775, filed in opposition to a lawsuit claiming an interest in real estate in the "Territory of Contursi" in the possession of the Dottori Rosa-pepe. The claim was based on being a descendent of Ortensio Pepe, the son of Dottore Paolo Pepe of Contursi.

PAOLO Pepe (Sr.) owned the property in the year 1615 when he executed his Last Will and Testament which was probated after his death in 1626. By virtue of its provisions, conditions, and restrictions, that Will eventually resulted in the "creation" of the surname ROSAPEPE in the year 1735.

ALL of Paolo Pepe's property was placed in a perpetual trust, first, for the benefit of

IV

his two sons, Ortenzio (Sr.) and Giuseppe, then for their children and male descendents "in infinitum", with a prohibition against selling all or any part of the property for any reason whatsoever except in the specifically named circumstances. The heirs and the qualified named successors did, however, have the right to sell and exchange the property among themselves.

THE WILL also provided that if both of his sons, Ortenzio and Giuseppe, had no male descendents, the property would succeed to his female heirs on the condition that said heirs and descendents assume the surname Pepe in his perpetual memory, otherwise they would be deprived of any beneficial interest in his property.

IT WAS further provided that if either or both of his sons should move to Napoli, the real estate in Contursi must be held as rental property.

BUT if they or their heirs moved to Napoli to pursue their professional careers or for other "honorable" reasons, and it became necessary to sell the real estate in order not to lose it, then they could sell it, but only to the male descendents of his brother, Signor Marcantonio Pepe, and if his line of descent should be extinct, then the property could be sold to descendents of his (Paolo's) two daughters, Porzia and Vittoria. (Here it must be noted that this is the only place in the Will where Paolo Pepe Sr. did not require a descendent to be of the male lineage in order to inherit his property, but that it would be sufficient to be merely a descendent of one of his ^{daughters} ~~sisters~~ to qualify as a legal successor.)

IN due course, both Ortenzio and Giuseppe did, in fact, move to Napoli to pursue their legal careers, which they did with such "diligence" that Ortenzio rose to the position of Royal Counsellor and then to the position of President of the Royal Chamber of the "Summaria"

VI

UPON the death of Paolo Pepe Sr., the two sons took possession of their paternal inheritance in 1626. Thereafter, in the year 1642, they divided their inheritance pursuant to the reciprocal exchange authority contained in the Will - Ortenzio took all the property in "questa Capitale" (Napoli), and Giuseppe got all the property in Contursi.

SUBSEQUENTLY, Ortenzio Sr. made his Last Will and Testament in the year 1668 and died that same year on April 24, leaving his wife, Donna Vittoria D'Urso, the sole beneficiary of a life estate; at her death his property was to go to his two sons Domenico and Francesco. The first-born son Paolo was given a specific bequest of 10,000 ducats and the law library. (As noted before, the claim of Ortenzio Francesco Pepe in this case was based on his being a descendent of Ortenzio Pepe Sr., but here it is clear that, because of the property division made in 1642 with

VII

Giuseppe, none of the Contursi property was owned by Ortenzio Sr. at the time of his death.)

AN interesting provision in Ortenzio's Will authorized his wife to disinherit either or both of the sons if they married someone not befitting their dignity and status, and without her written consent and that of the oldest son Paolo. Furthermore, should both sons be disinherited, the property was to go to the male descendants of his daughter Donna Cecilia Pepe, wife of the Duke of Vastogirardi, Don Carlo Petra, at that time the Regent of Collaterale. In that way, the honor and dignity enjoyed for many centuries by the family would be continued through marriage with women of noble lineage, thereby eliminating absolutely any successors not descendent through legitimate marriages.

THE SON Domenico was, in fact, disinherited by his mother for marrying without the necessary consent one Maddalena di Giovanne who

VIII

was deemed unworthy because of her "low birth". A document of disinheritance was filed by Donna Vittoria in the year 1671.

THAT action, however, did not preclude Domenico's descendants from acquiring rights to property that did not descend from Ortenzio Sr. Therefore, since Ortenzio Sr. predeceased his brother Giuseppe, and since Giuseppe had no children of his own, at his death the Contursi property descended to Ortenzio's two sons, ~~the~~ Francesco, and Paolo Jr. and to the three children of the deceased Domenico, namely, Ortenzio Jr., Nicola, and Francescantonio.

IN the year 1695, the above-named inheritors of the Contursi property leased the property in perpetuity to the physicist Dottore Vito de Angelis for an annual fee of 14.40 ducats payable to the Pepe heirs in accordance with their fractional interests.

IX

FINALLY, in the year 1735, Vito de Angelis, the tenant-in-perpetuity, sold his tenancy rights to Dottore Don Valeriano Rosa, for 760 ducats, who assumed the obligation of paying an annual fee of 9.80 ducats due at that time to the Pepe heirs. The Pepe heirs, however, also sold and transferred to Valeriano Rosa their rights to the lease income, thus enabling Valeriano Rosa to have total and sole ownership of the Contursi property. All sales and transfers to Valeriano Rosa were legally made under the terms of the Will of Paolo Pepe Sr. since it was established that he was a qualified descendant of Porzia daughter Pepe, the ~~sister~~ of Paolo Sr. As such, and to comply with the conditions of the Will, Don Valeriano Rosa added the surname Pepe to his name thereby establishing the surname Rosapepe beginning in the year 1735.

(December 1987 A.D.)