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December 9, 2021

VIA E-MAIL & U.S. MAIL

Tennessee Historical Commission
c/o Mr. E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
2941 Lebanon Pike
Nashville, TN 37214
Patrick.mcintyre@tn.gov

**Re: Tenn. Code Ann. § 46-4-103 – Filing of Notice re: Burial Grounds on
Property Identified as Map 120, Parcel 2013, 8th Civil District of Rutherford
County, Tennessee**

Dear Mr. McIntyre:

On behalf of Complainant Wesley Mitchell Street, I am writing to provide notice to the Tennessee Historical Commission pursuant to Tenn. Code Ann. § 46-4-103. Mr. Street has filed a Complaint in the Chancery Court of Rutherford County, Tennessee for the removal and reinterment of burial grounds located at Map 120, Parcel 2013, 8th Civil District of Rutherford County, Tennessee. Based on partial grave markers, Mr. Street believes that Lou Carney, Alice Jordan, and one other unnamed individual are interred at the grounds. Based on the same partial grave markers, Mr. Street believes the burial grounds date back to August 2, 1960.

Enclosed is an exact copy of the Complaint filed in the Rutherford County, Tennessee Chancery Court.

Please let me know if the Commission requires any additional information, filing, or documentation at this time.

Sincerely,



Brigham A. Dixon

Enclosure

E-FILED

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
SIXTEENTH JUDICIAL DISTRICT, RUTHERFORD COUNTY
AT MURFREESBORO

WESLEY MITCHELL STREET,
Complainant,

v.

JOHN DOE,
Unknown Defendant,

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Case No. 21CV-2195

COMPLAINT FOR REMOVAL AND REINTERMENT OF BURIAL GROUND
PURSUANT TO TENN. CODE ANN. § 46-4-101, ET SEQ.

Complainant Wesley Mitchell Street, pursuant to Tenn. Code Ann. § 46-4-101, et seq., files this action seeking an Order for the removal and reinterment of three partially-marked graves on his private property, deeded as Map 120, Parcel 2013, 8th Civil District of Rutherford County, Tennessee (“the subject property”). Complainant owns the subject property in fee simple, and seeks to relocate these partially-marked graves due to their having been abandoned and Complainant’s desire to build on the current location of the graves. Complainant seeks for the Court’s Order to reflect that the partially-marked graves will be moved to another suitable burial site at a different location on the subject property for reinterment consistent with Tennessee law.

1. Complainant Wesley Mitchell Street is a resident of Williamson County, Tennessee, and owner of the property deeded as Map 120, Parcel 2013, 8th Civil District of Rutherford County, Tennessee (“the subject property”).

2. Despite diligent efforts by Complainant, no interested persons, as defined by Tenn. Code Ann. § 46-4-102, have been identified to be named as Defendants in this action. Accordingly, Complainant proceeds against all interested persons who should be named as defendants by Order of publication, and publication, in the manner provided by law as set out in Tenn. Code Ann. § 46-

4-103(b).

3. No individual has any right of reversion or other right or interest in the land other than Wesley Mitchell Street.

4. Jurisdiction and venue are proper in this Court pursuant to Tenn. Code Ann. § 46-4-103(a), as Complainant is an interested person in the instant action, and the burial ground at issue is situated in Rutherford County, Tennessee.

5. The subject property contains three apparent grave markings, which state:

1) "Lou Carney, June 16, 1964, Scales Sons"

2) "Alice Jordan, 8/2/60"

3) "12/6/67"

6. On information and belief, the grave markings at issue were placed and/or produced by Scales and Sons Funeral Home in Murfreesboro, Tennessee.

7. To the extent the aforementioned grave markings are in fact burial grounds, such burial grounds have been abandoned.

8. Complainant desires to use the current location of the grave markings to build a structure on his privately-owned property.

9. Haley Cemetery is located on the subject property on a separate location away from the burial ground that is the subject of the instant action.

10. Complainant desires to move the abandoned burial ground that is the subject of the instant action closer to Haley Cemetery. Complainant will bear all expenses of such removal and reinterment.

WHEREFORE, Complainant Wesley Mitchell Street, requests the following relief:

(1) The Court hold a hearing on this matter thirty days following Complainant's notification to the Tennessee Historical Commission of the filing of the Complaint;

(2) The Court find the burial grounds at issue abandoned, in neglected or abandoned condition, and/or that the Complainant's desired use of the land surrounding and including the burial grounds at issue, renders the further use of the burial grounds inconsistent with due and proper reverence or respect for the memory of the dead; and

(3) The Court find that Complainant is permitted to remove and reintern the burial grounds at issue consistent with the averments in the instant Complaint.

Respectfully submitted,



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Brigham A. Dixson, #35600

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