



FIDELISLAW, PLLC
serving at the intersection of law and life

Parker T. Brown
Attorney At Law
parker@fidelislawfirm.com

January 21, 2021

VIA ELECTRONIC MAIL ONLY to Graham.Perry@tn.gov

Tennessee Historical Commission
c/o Mr. G. Graham Perry III
2941 Lebanon Pike
Nashville, TN 37214
Graham.perry@tn.gov

Re: **Notice Pursuant to Tenn. Code Ann. § 46-4-103(c)(1)**

Dear Mr. Perry:

Please allow this letter to serve as notice pursuant to Tenn. Code Ann. § 46-4-103(c)(1) that Fidelis Law PLLC filed a Petition in Shelby County Tennessee for the disinterment and relocation of remains on behalf of the property owner, Tennessee Baptist Children's Homes, Inc. A copy of the Petition is included herewith. The case number is CT-0161-21.

There are two (2) individuals buried on the property in question, as further set forth in the Petition. Due to upcoming commercial and residential development on the property, the decedents should be relocated out of due and proper reverence and respect for their memory. The only known interested person, pursuant to Tenn. Code Ann. § 46-4-103, has been notified and consented to the disinterment and relocation proposed in the Petition.

Please let me know if I can provide any further information. Thank you.

Respectfully,

Parker T. Brown



IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
AT MEMPHIS

IN RE:)
)
TENNESSEE BAPTIST CHILDREN’S HOMES, INC.,)
)
 Petitioner,) Docket No. _____
)
 v.)
)
CEYLON BLACKWELL,)
 Respondent)

PETITION FOR DISINTERMENT AND RELOCATION OF GRAVESITE REMAINS
PURSUANT TO TENN. CODE ANN. § 46-4-101 et seq.

COMES NOW, the **TENNESSEE BAPTIST CHILDREN’S HOMES, INC.** (hereinafter “TBCH”), a Tennessee 501(c)(3) nonprofit corporation, the owner of and currently under contract to sell certain real property located in the City of Bartlett, State of Tennessee, County of Shelby, bearing Tax Parcel ID No. B0157 00802 and comprised of approximately 73.90 acres (the “Property”), that contains two (2) gravesites thereon, by and through the undersigned Counsel, and respectfully petitions this Honorable Court, pursuant to Tenn. Code Annotated § 46-4-101 et seq., to authorize and approve the disinterment and relocation of the gravesites and remains thereon pursuant to the specifications set forth herein. In support of this Petition, TBCH states as follows:

1. On September 28, 2020, TBCH entered into a Contract for Sale and Purchase of Real Property for the Property, wherein TBCH, as owner of the Property, agreed to sell the Property to RDKK, LLC, a Tennessee limited liability company (“RDKK”).

2. There are two (2) gravesites on the Property (collectively referred to herein as the "Graves") containing the remains of James Baldwin Blackwell and Emma Williams Blackwell, husband and wife (the "Decedents").

3. Based upon information and belief, James Baldwin Blackwell was born in 1845 and died on September 20, 1904. Based upon information and belief, Emma Williams Blackwell was born in 1850 and died on April 30, 1886.

4. Tenn. Code Ann. § 46-4-101 applies to:

[A]ny burial ground in the state of Tennessee. . . which the court to which jurisdiction is given by this chapter finds, for any of the reasons hereinafter stated, is unsuitable for its use as such and as a resting place for the dead whose remains are buried therein, or the further use of which for such purposes the court finds, for any of such reasons, is inconsistent with due and proper reverence or respect for the memory of the dead or otherwise unsuitable for such purposes, the reason being:

- (1) The burial ground having been abandoned; or
- (2) The burial ground being in a neglected or abandoned position; or
- (3) **The existence of any conditions or activities about or near the burial ground which the court finds render the further use of same for the purposes aforementioned inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for such purposes. [Emphasis Added].**

5. Due to the upcoming commercial and residential development occurring on the Property, the current location for the Graves is unsuitable, and the Decedents should be relocated out of due and proper reverence and respect for the memory of the Decedents.

6. Pursuant to Tenn. Code Ann. § 48-6-103, TBCH, as owner of the Premises, notified RDKK, the buyer of the Property, about the Graves prior to conveying the Property.

7. Pursuant to the Purchase Contract, TBCH disclosed and acknowledged the Graves on the Property and that TBCH would remove and relocate the Graves in accordance with all the applicable laws and regulations prior to Closing.

8. Tenn. Code Ann. § 46-4-103(a)(1) provides that only “interested persons” may bring an action for disinterment and relocation in the court “of the county in which any such burial ground is situated. . . to have the remains of all deceased persons buried in such ground removed therefrom and reburied in a suitable repository to be obtained for that purpose before their removal from such burial ground.”

9. Tenn. Code Ann. § 46-4-102 defines “interested persons” as “any and all persons who have any right or easement or other right in, or incident or appurtenant to, a burial ground as such, including the surviving spouse and children, or if no surviving spouse or children, the nearest relative or relatives by consanguinity of any one (1) or more deceased persons whose remains are buried in any burial ground.

10. TBCH, as the owner of the Property, qualifies as an interested person under Tenn. Code Ann. § 46-4-102, and files this Petition in that capacity.

11. This Court has jurisdiction to rule on this matter under Tenn. Code Ann. § 46-4-102, due to the Graves being located in Shelby County, Tennessee.

12. Tenn. Code Ann. § 46-4-103(b) provides “[I]n any such suit, all interested persons who are not complainants shall be made defendants. . .”

13. Based upon the Decedents passing away over two hundred (200) years ago, Ceylon Blackwell is the only known and located heir of the Decedents. Therefore, Ceylon Blackwell has been made a party to this proceeding pursuant to Tenn. Code Ann. § 46-4-103(b).

14. TBCH has notified Ceylon Blackwell of its proposed plans to relocate the Graves, and has discussed the Decedents' heirs with Mr. Blackwell. Based upon information and belief, Ceylon Blackwell is the oldest surviving heir to the Decedents.

15. Ceylon Blackwell has reviewed this Petition and consents to all actions, requests and relief Petitioner seeks and sets forth herein.

16. TBCH, upon obtaining the necessary authorization from this Court intends to relocate the Decedents to the Bartlett-Ellendale Cemetery. This process will include disinterment, relocation, and purchasing new caskets for both Decedents and a vault at the Bartlett-Ellendale Cemetery. Based upon the dates of death, it is likely that any prior caskets were wooden and have disintegrated over time.

17. TBCH has contacted Bartlett-Ellendale Cemetery and procured estimated costs and will make all appropriate arrangements under Tenn. Code Ann. § 46-4-104 prior to any disinterment or relocation taking place.

18. After speaking with Respondent Ceylon Blackwell, based upon information and belief, there are other heirs of the Decedents buried at Bartlett-Ellendale Cemetery.

19. TBCH shall follow all public health rules and regulations set forth under Tenn. Code Ann. § 68-4-110 regarding the disinterment of the Decedents.

20. TBCH shall cover any and all costs related to disinterment and relocation.

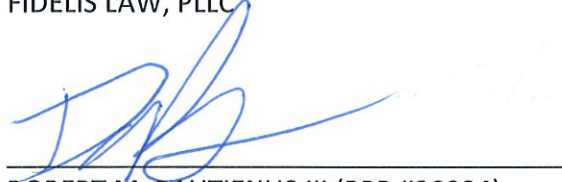
BASED ON THE FOREGOING, the Petitioner respectfully request that this Honorable Court grant the following relief:

1. That this Court find disinterment and relocation of the Decedents appropriate under Tenn. Code Ann. § 46-4-101 et seq. due to the commercial and residual development

of the Property rendering the Graves unsuitable for the site and inconsistent with due and proper reverence for the Decedents.

2. This Court approve disinterment and relocation of the Decedents pursuant to Tenn. Code Ann. § 46-4-101 et seq. and authorize Petitioner to take all necessary actions to do so.
3. For such other relief as the Court deems the Petitioner to be justly entitled.


Respectfully Submitted,
FIDELIS LAW, PLLC



ROBERT M. PAUTIENUS III (BPR #20934)
PARKER T. BROWN (BPR #35058)
216 Centerview Drive, Suite 317
Brentwood, Tennessee 37027
(615) 370-3010 / Fax: (615) 371-8769

STATE OF Tennessee)
COUNTY OF Williamson)

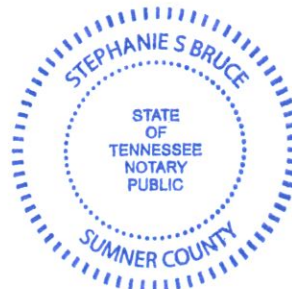
I, Greg McCoy, authorized representative of Tennessee Baptist Children's Homes, Inc., hereby depose and state that the statements in the foregoing Petition are true to the best of my knowledge except as to matters therein stated to be on information and belief, and these matters I believe are true.


Signature _____
Print: Greg McCoy
Title: President

Sworn to and subscribed before me this
4th day of January, 2021.


Notary Public

My commission expires: July 19, 2021



CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of January, 2021, I forwarded a true and correct copy of the foregoing by U.S. Mail, postage prepaid to:

Ceylon Blackwell
2246 Heatherwood Cove
Memphis, TN 38119



PARKER T. BROWN