

**IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

MEMPHIS GREENSPACE, INC.,)	
SIDNEY LAW, JAMES KEVIN)	
BRADLEY, BROOKS BRADLEY,)	
THOMAS JESSE BRADLEY, and)	
BEDFORD FORREST MYERS,)	Case No.: _____
)	Part _____
Petitioners,)	
)	
v.)	
)	
ANY AND ALL UNKNOWN)	
INTERESTED PERSONS,)	
)	
Respondents.)	

**PETITION TO TERMINATE USE OF LAND AS BURIAL GROUND
AND FOR REMOVAL AND TRANSFER OF HUMAN REMAINS**

Petitioners, MEMPHIS GREENSPACE, INC. (“Memphis Greenspace”), SIDNEY LAW, JAMES KEVIN BRADLEY, BROOKS BRADLEY, THOMAS JESSE BRADLEY, and BEDFORD FORREST MYERS (collectively the foregoing individuals shall be referred to as the “Descendants”), by and through their respective undersigned counsel, hereby petition the Court for an order terminating the use of Health Sciences Park as a burial ground for Nathan Bedford Forrest and Mary Ann Montgomery Forrest and allowing their remains to be transferred to a more suitable final resting place. As grounds therefore, the Petitioners allege as follows:

Introduction

1. This is an action under Tenn. Code Ann. §§ 46-4-101 to -104 (Termination of Use of Land as Cemetery) as well as the Family Burial Grounds Protection Act (the “FBGPA”), Tenn. Code Ann. §§ 46-8-101 to -103.

2. Petitioners seek to remove the remains of Nathan Bedford Forrest and Mary Ann Montgomery Forrest from Health Sciences Park in Memphis, Tennessee, where they are currently buried and to reinter them at a more suitable final resting place.

The Parties

3. Petitioner, Memphis Greenspace, is a not-for-profit public benefit corporation incorporated under the laws of the State of Tennessee. Memphis Greenspace is the fee simple owner of the real property located at 0 S. Manassas St., Memphis, Tennessee 38103, more commonly known as Health Sciences Park (the “Property”).

4. Petitioner, Sidney Law, is an adult resident of Knox County, Tennessee, a direct lineal descendant and nearest relative by consanguinity of Nathan Bedford Forrest and Mary Ann Montgomery Forrest.

5. Petitioner, James Kevin Bradley, is an adult resident of Desoto County, Mississippi, and a direct lineal descendant and nearest relative by consanguinity of Nathan Bedford Forrest and Mary Ann Montgomery Forrest.

6. Petitioner, Brooks Bradley, is an adult resident of Desoto County, Mississippi, and a direct lineal descendant and nearest relative by consanguinity of Nathan Bedford Forrest and Mary Ann Montgomery Forrest.

7. Petitioner, Thomas Jesse Bradley, is an adult resident of Madison County, Tennessee, and a direct lineal descendant and nearest relative by consanguinity of Nathan Bedford Forrest and Mary Ann Montgomery Forrest.

8. Petitioner, Bedford Forrest Myers, is an adult resident of Cobb County, Georgia, and a direct lineal descendant and nearest relative by consanguinity of Nathan Bedford Forrest and Mary Ann Montgomery Forrest.

9. Respondents, Any and All Unknown Interested Persons (the “Unknown Interested Persons”), are any and all persons who have any right or easement or other right in, or incident or appurtenant to, the burial ground of Nathan Bedford Forrest and Mary Ann Montgomery Forrest at Health Sciences Park, including the nearest relative or relatives by consanguinity of Mr. and Mrs. Forrest. *See* Tenn. Code Ann. § 46-4-102. The Unknown Parties may be served by publication. *See* Tenn. Code Ann. § 46-4-103(b).

Jurisdiction and Venue

10. This Court has subject matter jurisdiction under Tenn. Code Ann. §§ 46-4-103(a) and 46-8-103(d)

11. Venue is proper in this Court under Tenn. Code Ann. § 20-4-103.

Facts

12. Memphis Greenspace has been the record fee simple owner of the Property since December 20, 2017.

13. The Property contains the gravesites of Nathan Bedford Forrest and Mary Ann Montgomery Forrest, who were both reinterred there in 1904 after being disinterred from their original burial place of Elmwood Cemetery in Memphis, Tennessee.

14. The Property is a shady, city block-sized urban park located in the heart of the Memphis Medical District.

15. Memphis Greenspace exists as an independent organization to provide park-based recreation within the City of Memphis to start, strengthen, and support neighborhood and community involvement. It promotes parkland in general and seeks to help communities share greenspace where people of diverse backgrounds and different ages can come together for recreation, enrichment, and community activities.

16. Upon taking ownership of the Property, Memphis Greenspace arranged for the removal of the equestrian statue of Nathan Bedford Forrest that had been located on the Property since 1905.

17. The Descendants believe that relocating the graves described herein will serve to protect the due and proper reverence or respect for the memory of the dead. Indeed, allowing said graves to remain at the Property would be inconsistent with the due and proper reverence or respect for said graves in accordance with the conditions set forth in Tenn. Code Ann. § 46-4-101, thereby necessitating the filing of this petition. Therefore, the Descendants join in this petition to bring closure to themselves, Memphis Greenspace, and ultimately to the City of Memphis.

18. This is particularly so in light of the fact that the burial ground has been vandalized numerous times in recent years.

19. At bottom, all Petitioners assert, in accordance with Tenn. Code Ann. § 46-4-101, that further use of the Property as a resting place for the remains of Nathan Bedford Forrest and Mary Ann Montgomery Forrest is inconsistent with due and proper reverence or respect for the memory of the dead.

20. Petitioners have made definite arrangements for the reinternment of the remains in a place suitable for reinternment with easement of access to the place of reinternment for visitation. Furthermore, the removal and reinternment of the remains will be done with due care and decency, and a suitable memorial will be erected at the place of reinternment, all in accordance with Tenn. Code Ann. § 46-4-104.

21. All known “interested persons” as defined by Tenn. Code Ann. § 46-4-102 bring this suit as Petitioners.

22. Petitioners affirm that there are no other known persons who have a right or easement incident or appurtenant to the burial ground of Nathan Bedford Forrest and Mary Ann Montgomery Forrest at Health Sciences Park, nor are there any other near relatives by consanguinity.

23. Notwithstanding the foregoing paragraph, and in accordance with the FBGPA, Petitioners have published the requisite pre-suit notice in *The Daily News*, a newspaper of general circulation in Shelby County. *See* Tenn. Code Ann. § 46-8-103(c). A true and correct copy of the pre-suit notice is attached as **Exhibit A**.

24. Additionally, Petitioners are providing the requisite notice to the Tennessee Historical Commission so that it may post the same on its website pursuant to Tenn. Code Ann. § 46-4-103(c).

Prayer for Relief

WHEREFORE, Petitioners pray that this Court:

1. Enter an order authorizing service by publication on the Unknown Interested Parties pursuant to Tenn. Code Ann. § 46-4-103(b).

2. Find that further use of the Property as a resting place for the remains of Nathan Bedford Forrest and Mary Ann Montgomery Forrest is inconsistent with due and proper reverence or respect for the memory of the dead in accordance with the conditions set forth in Tenn. Code Ann. § 46-4-101.

3. Enter a final order authorizing the disinterment of the remains of Nathan Bedford Forrest and Mary Ann Montgomery Forrest, terminating the use of Health Sciences Park as a burial ground for Nathan Bedford Forrest and Mary Ann Montgomery Forrest, and allowing their remains to be transferred and reinterred at a more suitable final resting place.

4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

**LEWIS, THOMASON, KING,
KRIEG & WALDROP, P.C.**

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Exhibit A

