

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

OLDSMITH GROUP LLC,
Petitioner,

v.

LOYD E. MORGAN, JR., WILLIAM
RANDOLPH MORGAN, PATRICK J. REED,
CHRISTOPHER W. GRIGSBY, MICHAEL T.
GRIGSBY, MARK HITT, GREG SWEENEY,
JEFF D. SWEENEY, AND ALL KNOWN AND
UNKNOWN PARTIES HAVING ANY INTEREST
IN THE CEMETERY LOCATED AT 9634
CONCORD ROAD BRENTWOOD,
TENNESSEE, 37027
Respondents.

FILED
WILLIAMSON COUNTY
CLERK
2020 MAR 26 PM 3:42

FILED FOR ENTRY

Case No. 49304 J

PETITION TO TERMINATE CEMETERY

NOW COMES Petitioner, Oldsmith Group LLC ("Oldsmith") and pursuant to Tenn. Code Ann. §46-4-101, *et seq.*, file this Petition seeking a court order declaring a burial ground to be abandoned and to terminate the use of, and all rights and easements to use, the ground as a burial ground, and all rights and easements and easements incident or appurtenant to the ground as a burial ground, and further, to remove the remains of those buried therein and reinter them in a more suitable repository to be obtained for that purpose before their removal from the burial ground. As grounds for this Petition, Petitioner would state and show unto the Court as follows:

I. PARTIES AND JURISDICTION

1. Oldsmith Group LLC is a Tennessee limited liability company with its principal address located at 1126 Brookhaven Commons Dr. NE, Brookhaven, GA 30319-2968.
2. Oldsmith owns certain real property located at 9634 Concord Road, Brentwood, Tennessee 37027 (the "Property").

3. The Property contains an abandoned gravesite that has been left in neglected condition.
4. Oldsmith's current and future plans for the Property are inconsistent with the due and proper reverence for the memory of the persons buried at the site.
5. Pursuant to T.C.A. §46-4-103(b), necessary respondents in this proceeding are all interested persons who are not complainants. As defined in T.C.A. §46-4-102, "Interested Persons" is defined as follows:

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.

Petitioner obtained a geological research report. This was performed by Cultural Resource Analysts, Inc. (the CRA Report). This Report is attached as Exhibit 3 to the Complaint. This Report on page 7 identified the living descendants of individuals buried in this cemetery with most recent addresses and phone numbers. These individuals are included as Respondents in this Petition.

6. T.C.A. §46-4-103(b) states, in part, that: "Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law." T.C.A. §21-1-204(b) states: "The clerk shall forthwith cause a copy of this order to be published for four (4) consecutive weeks in the newspaper mentioned in the order or designated by the general rules of the court." Accordingly, and in addition to those persons named in Exhibit 3, Petitioners request that the Court cause notice to be made to all unknown Interested Persons by publication in a newspaper of general circulation in Williamson County, Tennessee, for four (4) consecutive weeks.

7. Jurisdiction and venue are proper in this Court pursuant to T.C.A. §46-4-103(a).

II. FACTS

1. On December 10, 2018, Oldsmith purchased the Morgan Property, which contains a small abandoned cemetery located thereon, from Loyd Morgan Jr. ("Mr. Morgan") with the intent to develop it.
2. Mr. Morgan was born on the Morgan Property and resided thereon for 68.5 years until its conveyance to Oldsmith.
3. As stated in his affidavit, attached hereto as **Exhibit 1**, Mr. Morgan was aware of the presence of a cemetery on the Morgan Property during his ownership and upon its conveyance to Oldsmith, but he is not related to anyone buried therein.
4. Mr. Morgan does not know who is buried in the cemetery located on the Morgan Property, nor does he know of anyone who has knowledge of such decedents' identities.
5. During Mr. Morgan's lifetime, no one has visited or maintained the cemetery on the Morgan Property.
6. Oldsmith asserts that since acquiring the Morgan Property, no one has performed upkeep on the cemetery, and it has been in an abandoned state since its purchase.
7. Oldsmith contacted TRC Environmental Corporation ("TRC") to carry out the delineation and mapping of the cemetery located on the Morgan Property. A copy of the initial report from TRC (the "TRC Report") is attached as **Exhibit 2**.
8. The purpose of the TRC Report was to map and document all grave stones and other surface traces of interments within the cemetery and surrounding it.
9. The TRC Report identified 15 grave markers, only 2 of which contained inscriptions thereon. While other cut stones were present, no lettering was visible. The 2 inscribed

- grave stones were attributed to George Hunter Padgett, who died in 1883 at the age of 6 years old and was the son of Addie M. Primm Padgett and George Richard Padgett.
10. The TRC Report indicates that there are approximately 12 burials associated with the cemetery located on the Morgan Property.
11. The TRC Report indicates that the cemetery is abandoned and not maintained; “vegetative growth, including large tree roots have enveloped and knocked down some of the grave marker,” vegetation at the site includes vinca, which is often found at historic cemeteries, and the fence that appears to have, at one time, marked the cemetery’s boundaries has deteriorated.
12. To perform its due diligence and attempt to identify and contact potential descendants, Oldsmith obtained a genealogical research report for the Morgan Property from Cultural Resource Analysts, Inc. (the “CRA Report”), which has been attached hereto as **Exhibit 3**.
13. The CRA Report provides that all of the known decedents in the cemetery are members of the Primm family and George Hunter Padgett, an extended family member. The CRA Report lists the following individuals as decedents buried in the cemetery: Sarah Whitfield Primm, Nannie Lou Primm, Sally Rebekah Primm, George Hunter Padgett, John Hamer Primm, Charles H. Primm, and Jane H. Primm.
14. Although the CRA Report identifies Mr. Morgan and his family as potential descendants, Mr. Morgan has confirmed that he and his family are not related to any of the decedents in the cemetery located on the Morgan Property. Moreover, Mr. Morgan asserted in his affidavit (see **Exhibit 1**) that his son, Bryan Morgan, concurs with Mr. Morgan’s

conclusion that he and his family are not related to any decedent buried in the cemetery located on the Morgan Property.

15. As such, Oldsmith conducted a responsible investigation but has not been able to ascertain with absolute certainty, any living descendants of those buried on the Morgan Property, but has listed as Respondents and will serve with service of process all person listed on page 7 of the CRA Report.
16. Oldsmith has arranged for TRC to conduct a respectful exhumation and reburial of the decedents in a new location on the Morgan Property in the same placement configuration they were recorded.
17. TRC's proposal, which is attached hereto as **Exhibit 4**, provides that its time and materials for removal and relocation for up to 20 individuals will cost an amount of \$45,631.00, plus an additional cost of \$2,500.00 per grave removal and relocation should TRC need to disinter and reinter more than 20 individuals.

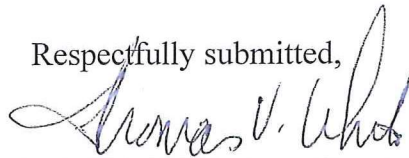
WHEREFORE, Petitioner respectfully requests that the Court:

1. Service on this Petition on all if the individuals named in Paragraph 7 of the CRA Report.
2. In accordance with T.C.A. §§ 21-1-204 and 46-4-103, enter an Order authorizing notice to all unknown Interested Persons by publication in the *Tennessean/Williamson A.M.*, for four (4) consecutive weeks. The proposed publication language is attached as **Exhibit 5**;
3. In accordance with T.C.A. §§ 46-4-101 and 46-4-104, enter an Order finding that the cemetery at issue located on the Morgan Property is unsuitable as a resting place for the decedents because: (1) the cemetery is abandoned; (2) the cemetery is in an abandoned and neglected condition; (3) the conditions and activities about or near the cemetery are

inconsistent with the due and proper reverence for the memory of the dead; and (4) possible development of the Morgan Property in the future in the area of the current cemetery is inconsistent with the proper respect and reverence due to the memory of the deceased.

4. In accordance with T.C.A. § 46-4-104, enter an Order approving the re-interment of the remains with due care and decency, consistent with TRC proposal, **Exhibit 4**.
5. For such further and general relief as may be appropriate.

Respectfully submitted,



Thomas V. White (#2727)
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Attorney for Petitioner

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

OLDSMITH GROUP, LLC,
Petitioner,

v.

ALL KNOWN AND UNKNOWN PARTIES
HAVING ANY INTEREST IN THE CEMETERY
LOCATED AT 9634 CONCORD ROAD
BRENTWOOD, TENNESSEE, 37027
Respondents.

Case No. _____

AFFIDAVIT OF THOMAS V. WHITE

COMES NOW, Thomas V. White, who first being duly sworn states as follows:

1. My name is Thomas V. White, attorney at Tune, Entrekin & White, P.C., and I represent Petitioner, Oldsmith Group, LLC ("Oldsmith"), owners of the property located at 9634 Concord Road, Brentwood, Tennessee 37027 (the "Morgan Property"). All of the statements made herein are of my own knowledge or come to me in the ordinary course of business.
1. To perform its due diligence in ascertaining potential descendants, I suggested that Oldsmith hire Cultural Resource Analysts, Inc., ("CRA") to perform archival and genealogical research for the cemetery located on the Morgan Property.
2. Oldsmith did in fact hire CRA to perform a responsible investigation in ascertaining any living descendants of those buried on the Morgan Property. Pursuant to such investigation, CRA provided Oldsmith with a report of its findings (the "CRA Report"), see *Exhibit 3* of this Petition.
3. Loyd Morgan, Jr. ("Mr. Morgan"), the owner of the Morgan Property prior to its conveyance to Oldsmith, was listed in the CRA Report as a potential living descendant of persons buried in the cemetery.



4. However, Mr. Morgan provided an affidavit, see *Exhibit 1* of this Petition, confirming that he and his family are not related to any persons buried on the Morgan Property.
5. Oldsmith hired TRC Environmental Corporation (“TRC”) to carry out the delineation and mapping of the cemetery located on the Morgan Property.
6. Pursuant to such delineation and mapping, TRC’s responsible investigation was documented in the report it provided to Oldsmith, see *Exhibit 2* of this Petition.
7. Oldsmith conducted a responsible investigation by hiring CRA and TRC to research and investigate the cemetery located on the Morgan Property, but after reviewing the CRA and TCA Reports and contacting potential descendant Loyd Morgan Jr., Oldsmith was unable to identify and locate any living descendants with certainty of those buried on the Morgan property, but out of an abundance of precaution will serve all persons listed on page 7 of the CRA Report and will seek notice by Publication of all unknown descendants.

FURTHER AFFIANT SAYETH NOT.

Thomas V. White

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, a notary, Thomas V. White, attorney at Tune, Entrekin & White, P.C., and attorney for Petitioner, who being duly sworn states that the statements made are true and correct to the best of his knowledge and belief, and come to him in the ordinary course of business this 26 day of March 2020.



Candace Groom

Notary

My Commission Expires: March 7, 2023



1865 Air Lane Dr., Suite 9
Nashville, TN 37210

T 615.884.4430
TRCcompanies.com

June 7, 2019

Chuck Olderman
Old Smith Development Group, LLC
chuck@oldsmithgroup.com

**RE: Background Review and Boundary Delineation of the Morgan Property Cemetery,
Brentwood, Williamson County, Tennessee**

Mr. Olderman,

On May 30, 2019, TRC Environmental Corporation (TRC) carried out the delineation and mapping of the Morgan property cemetery. The purpose of the investigation was to map and document all grave stones and other surface traces of interments within the main body and periphery of the cemetery. TRC utilized visual inspection to identify marked and potential unmarked graves. The following letter report provides a brief description of the cemetery and the result of the field investigations. Additionally, recommendations for the possible removal and relocation of the cemetery are included.

The cemetery is on a 17.71 acre (771299 square feet) tract of land located at 9634 Concord Road in Brentwood, Tennessee (Figure 1 and 2). The cemetery is situated on hilltop within a stand of mature hardwood trees. The cemetery measures approximately 8 meters (26.24 feet) E/ W by 12 meters (39.37 feet) N/ S and is roughly rectangular in shape. During a visual inspection, TRC located and recorded a total of 15 graves marked by headstones and footstones. In addition, two depressions were observed which may indicate the location of unmarked graves.

DELINEATION OF THE MORGAN PROPERTY CEMETERY

Methods

TRC conducted a reconnaissance of the Morgan Property Cemetery that included a visual examination of the ground surface to identify and mark all visible monuments, headstones, footstones, and depressions with pin flags. Initially, the inspection took place within the obvious boundary of the cemetery defined by the existing grave markers. Once the existing markers were identified a systematic examination consisting of a series of parallel transects spaced five feet apart was conducted to identify any markers covered with vegetation and depressions that are likely graves. Measuring tapes were used to map the depressions, a GPS unit with sub-meter accuracy recorded the cemetery's location, and photographs were taken.

Results

In total, 15 grave markers and two depressions were identified in an area that measures 8 meters (26.24 feet) E/ W by 12 meters (39.37 feet) N/ S (Figures 3 and 4). The number of makers and depressions suggests that there are approximately 12 burials associated with this cemetery. The cemetery is seemingly abandoned and not maintained. Vegetative growth, including large tree roots have enveloped and knocked down some of the grave markers (Figure 5). Vegetation at the site also includes vinca, a plant that is often intentionally planted at historic cemeteries. The grave markers that were not knocked down faced E/ W and were loosely organized into rows. A deteriorated wooden fence and barbed wire fencing wrapped around a few trees was observed. This fencing appears to have, at one time, marked the cemetery's boundaries (Figure 6).

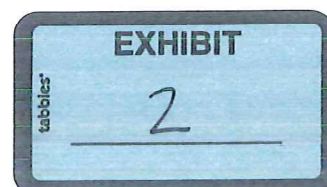




Figure 1. Overview of the Morgan Property Cemetery, facing southeast



Figure 2. Inscribed headstone and footstone overview, facing northwest.

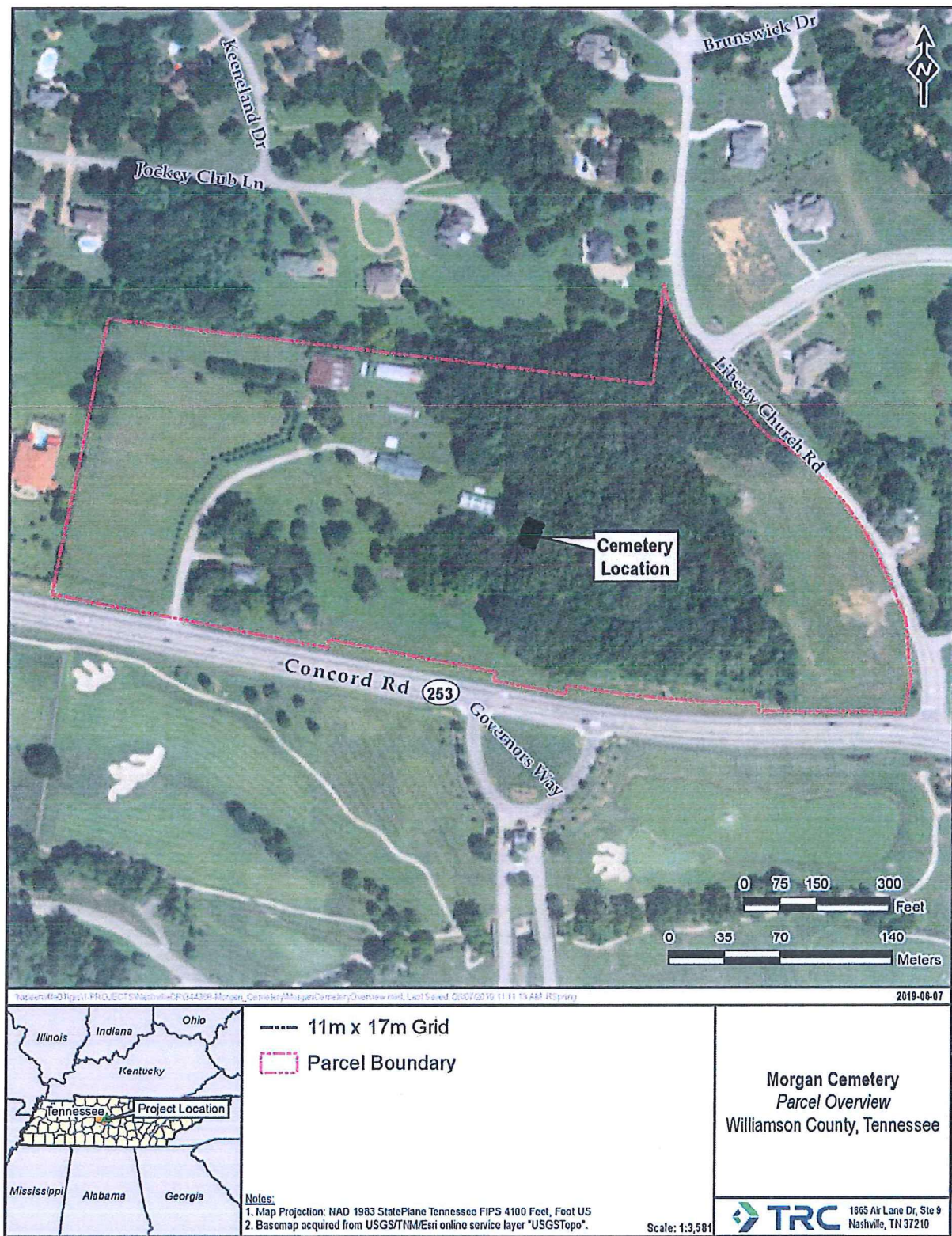


Figure 3. Morgan Cemetery Location.

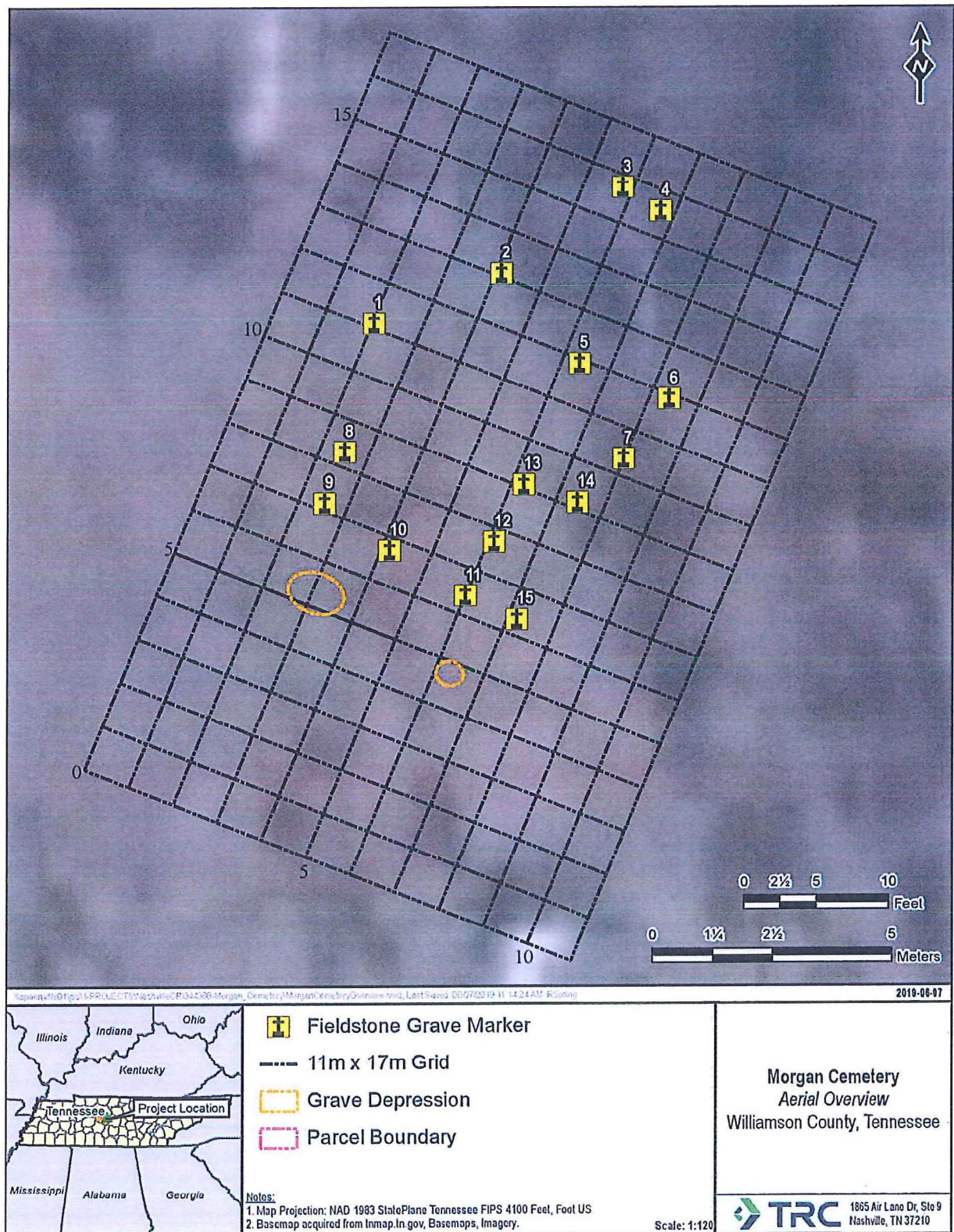


Figure 4. Results of the cemetery delineation.



Figure 5. Roots growing through the interments, facing south.



Figure 6. Barbed wire wrapped around a tree, facing south.

Two of the headstones have inscriptions. Stone marker #11, (see Figure 4 for location), shows a dove carrying a banner to which says, *GONE HOME TO REST* (Figure 7). Underneath is the inscription:

George Hunter
Son of
G.R & A.M. PADGETT
BORN
June 16, 1877
DIED
June 4, 1883



Figure 7. Stone marker #11 with inscription.

Stone marker # 15, marked with the inscription, "GHP" is the footstone associated with the grave of George Padgett Hunter (Figure 8). Preliminary background research identified the parents of George Hunter as Addie M. Primm Padgett and George Richard Padgett (Findagrave.com). They both, however are buried at Spring Hill Cemetery.



Figure 8. Stone maker #15 with inscription.

Recommendations for Removing and Relocating the Cemetery

TRC recommends one of two options for the prospective development plans. The first option is avoiding the cemetery and building a protective buffer into the development plans. Collaboration with local historical societies and historic preservation groups may open avenues for creating an aesthetically pleasing natural space at minimal cost. We understand that this option is not often viable for some development projects, which is why TRC offers respectful archaeological burial removal services.

There are a number of issues to consider if it is determined that excavation and relocation of the cemetery is necessary. The size of the cemetery and the mid- to large trees covering its extent will require some additional initial steps prior to the actual excavation of the burials. Initial removal of the trees to the stump will need to take place. After tree cutting, removal of the interments and heads stone can take place.

A trackhoe will then be utilized in removing the overburden down to a level where the graves can be exposed and excavated by hand. This level is usually attained anywhere between 3.5 to 5.5 feet in depth. A buffer zone around the hilltop beyond any uncovered graves should also be stripped of topsoil, up to 1.5 feet in depth, to ensure the full extent of the cemetery has been exposed. Once the area has been mechanically stripped a final determination of the number of burials present will be made. TRC will map the position of all graves exposed during backhoe stripping. This mapping effort

will aid in positioning the graves during the relocation process. TRC plans on relocating the cemetery in the same placement configuration they were recorded. The size needed for the new cemetery location will dependent on number of burials found. After this time, the tree stumps can be removed under the guidance of TRC archaeologists in order to avoid any remaining associated burial remains.

The work will generate large amount of backfill dirt from within the boundaries of the cemetery. If removal and relocation is the chosen option then your plans should include provisions for stockpiling and then replacing this material, with appropriate compaction to accommodate building construction.

If you have any questions regarding the findings presented in this document or our relocation recommendations please feel free to contact me at jgreene@trccompanies.com or by phone at 615 218-4512.

Sincerely,



James Greene, MA, RPA
Project Manager, Archaeology
615-218-4512



Krista Jordan-Greene, MA, RPA
Project Archaeologist
615-326-5153

October 23, 2019

Chuck Olderman
Oldsmith Development Group
1126 Brookhaven Commons Drive
Atlanta, Georgia 30319

RE: Morgan Property Cemetery in Brentwood, Williamson County, Tennessee
CRA Project No.: K19O001
Contract Publication Series No.: 19-687

Dear Mr. Olderman,

This letter report summarizes the results of archival and genealogical research for the Morgan property cemetery on Concord Road in Brentwood, Williamson County, Tennessee. According to the background research conducted for this project, known individuals laid to rest in the cemetery include but are not limited to members of the Primm and Padgett families of Williamson County in the late nineteenth century. There are no archival records referring to this cemetery except for one source in reference to it being the second Primm family cemetery, and there are no official cemetery records on file at the Williamson County Property Value Administrator's office or at the Williamson County Archives and Museum. Based on the known interments discovered during the archival and genealogical research, it will henceforth be referred to as the Primm-Padgett Cemetery.

Background and Methods

On May 30, 2019, TRC Environmental Corporation (TRC) conducted a background review and delineation of a small cemetery on the Loyd Morgan, Jr., property on Concord Road in Brentwood, Tennessee, that recently had been conveyed to the Oldsmith Development Group, LLC of Atlanta, Georgia (Greene and Jordan-Greene 2019). During the survey of the cemetery, 15 grave markers and 2 depressions were encountered within an area approximately measuring 8 m (26 ft) east-west by 12 m (39 ft) north-south. Two of the stones were inscribed, both of which are associated with the burial of George Hunter Padgett, who died in 1883 at the age of 6 (see below for further details regarding this individual). While other cut stones and field stones were present, no lettering was visible at that time nor during a brief visit to the cemetery during the course of the present archival research for the current project. No excavations were conducted by TRC, and they recommended either avoiding and protecting the cemetery from development, or removing and relocating it.

Oldsmith Development Group, LLC plans to develop the 7.17 ha (17.71 acres) property containing the cemetery into eight 0.80 ha (2.00 acre) lots. The cemetery is located within the building pad on one of the lots. Cultural Resource Analysts, Inc. (CRA), was contacted by you in August 2019 regarding providing archival and genealogical research on the cemetery.

The results of the archival and genealogical research are presented below. Research during a visit to Williamson County included examining land ownership deeds at the Williamson County Clerk's office, parcel mapping and cemetery research at the Williamson County Property Value Administrator's office, and extensive research at the Williamson County Archives and the Williamson County Library in Franklin and the John P. Holt Brentwood Library. A visit to the cemetery also was made in order to reexamine the stones for any signs of additional inscriptions as well as to have a better sense of the cemetery in terms of landform location and overall condition. The research in Williamson County was followed by an extensive online review of federal census records, tax lists, probate records, marriage records, death records, personal letters, military records, compiled family papers, cemetery records not including the Primm-Padgett cemetery, and a review of historic maps of the area.

Results of Archival Research

The earliest known owner of the property containing the cemetery was Charles H. Primm (Table 1). In 1860, he resided with his wife and children in what was then the Eastern Subdivision of Williamson County, Tennessee. That year, Charles was 51 years old and was listed as a farmer with \$1,500.00 in real estate and \$5,049.00 in personal property. His wife, Jane M. (née Wilson), was 43 years old. Residing with them were their children: Robert, age 21; Jeremiah W., age 18; Anne, age 16; and John H., age 14. Charles' nieces, Bettie and Mary Thompson, ages 16 and 12, respectively, resided with them, as did F.A. Bell, age 9, who likely also was a family relation (United States Bureau of the Census [USBC] 1860, Washington, D.C.).

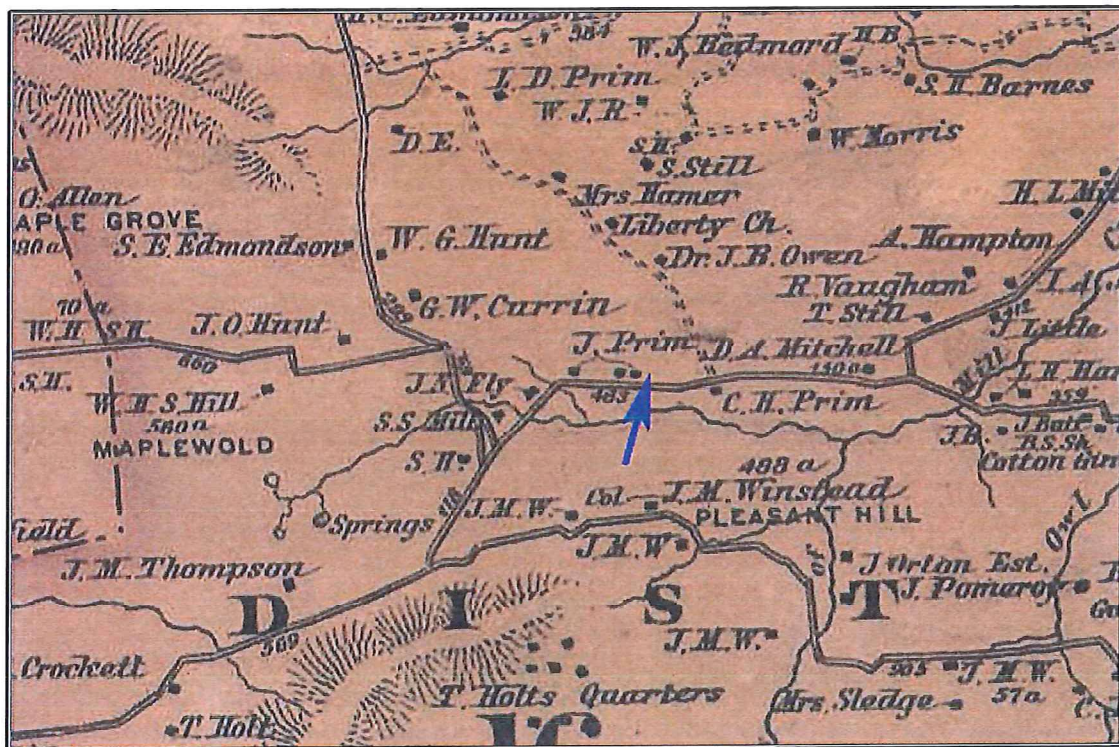
On January 30, 1866, Mary Thompson, Charles Primm's niece, married Julius S. Morel, a Swiss immigrant and veteran of the Civil War (Ancestry.com 2008). It appears that following the marriage, Charles conveyed to Julius and Mary 13 ha (33 acres) in the Sixteenth District of Williamson County. In 1870, Julius was 34 years old, and he resided with 23 year old Mary and their children: John, age 4, and Samuel, age 1 (USBC 1870). Julius worked as a blacksmith and was listed as owning \$975.00 of real estate. Simon Buck, a 30 year old African American man with no listed occupation, also resided with them. Next door to the Morels was Jane W. Hamer, age 65, who owned \$2,000.00 worth of real estate. On the same property but within a different dwelling was Jeremiah Primm, age 29, who worked as a carpenter and owned \$125.00 worth of personal property; his wife, Sarah (also called Sallie), age 23; and their children: Minnie, age 4, and William, age 2 (USBC 1870).

On July 20, 1871, a deed was drawn conveying the 33 acres from Julius Morel to Jeremiah W. Primm for \$1,000.00 (Williamson County Clerk's Office [WCCO] Deed Book [DB] 5:21–23, Franklin, Tennessee). As noted above, Jeremiah Primm was Charles Primm's son who originally owned the property, and was Julius' wife's cousin. He also had lived next door to the Morels in 1870 as noted above. The deed conveying the property from Julius Morel to Jeremiah Primm was not registered until August 24, 1874, at which time it was noted that Julius' wife, Mary, signed with her mark. Following the conveyance of the property, Julius and Mary Morel moved to the Johnson Community on Granny White Pike, where he operated a sawmill. They are both buried at Mount Hope Cemetery in Franklin, Tennessee (Chevalier et al. 2008).

Table 1. Owners and Occupants of the Property Containing the Primm-Padgett Cemetery.

Date Range	Landowner	Acreage	Sale price	Household
unknown–circa 1866	Charles H. Primm	Unknown	Unknown	Charles and J.M. Primm; children: R, Jeremiah W., A, J.H.; extended family: Bettie and Mary Thompson, F.A. Bell
circa 1866–1871/1874	Julius S. and Mary (née Thompson) Morel	33.00	~\$975.00?	Julius and Mary Morel; children: Mary, John, and Samuel; Simon Buck
1871/1874–1882	Jeremiah W. Primm	33.00	\$1,000.00	Jeremiah and Sarah Primm; children: Willie, Minnie, Charlie, Irene, Staley, and John
1882–1885			N/A	Jeremiah Primm; children: Willie, Minnie, Charlie, Irene, Staley, and John
1885–1887	Jeremiah W. and Mary (née Connors) Primm	33.00	N/A	Jeremiah and Mary Primm; children/step-children: Willie, Minnie, Charlie, Irene, Staley, and John
1887–1901	Robert and Maggie Fly	35.00	\$1,100.00	Robert L. and Maggie Fly; daughter: Mary F.; Mary L. Primm; children: John H. and Mary M.; sister: Suzie Fly
1901–pre-1910	Mary L. (née Fly) Primm	30.00	\$1,500.00	Mary L. Primm; children: John H. and Mary M.; sister: Suzie Fly
pre-1910–1923			N/A	N/A
1923–1924	Mary L. Primm heirs (John H. and Mamie Oeser)	30.00	N/A	N/A
1924–1951	Edward and Mamie Oeser	28.00	\$750.00	N/A
1951–1982	Loyd E. Sr. and Virginia Primm Morgan	28.00	\$5,500.00	N/A
1982	Loyd E. Morgan Jr. and William Randolph Morgan	28.00	\$1.00	N/A
1982	William Randolph Morgan	17.15	N/A	N/A
1983–1984	Virginia Primm Morgan	17.15	\$10,219.29	N/A
1984–2018	Loyd Morgan Jr.	9.33	\$56,650.00	N/A
2018–present	Oldsmith Development Group, LLC	17.15	\$1,771,550.00	N/A

On June 4, 1883, Jeremiah Primm's nephew, George Hunter Padgett, died at the age of 6. He was the son of Jeremiah's sister, Addie M., and her husband, George R. Padgett, and his is the only headstone in the cemetery that has a legible inscription. The stone marker has a banner that says, "Gone Home to Rest," and the stone is inscribed, "GEORGE HUNTER | Son of | G.R. & A.M. PADGETT | BORN | June 16, 1877 | DIED | June 4, 1883" (Figure 2). While the Padgetts did not live on the property containing the cemetery, they likely lived nearby since George R. Padgett served as a witness on the deed conveying the 33 acres from Julius and Mary Morel to Jeremiah Primm in 1871/1874, and Addie was Jeremiah W. Primm's sister. They had three other children during their lifetime: Charles Perkins Padgett (1865–1934), Hayden Henry Padgett (1867–1943), and Marvin Padgett (1874–1948). None of these children were buried near their brother in the Primm-Padgett Cemetery. Instead, Charles was buried at the Lutons United Methodist Church cemetery in Goodlettsville, Tennessee, and Hayden and Marvin were buried in the Spring Hill Cemetery in Nashville, Tennessee. Both Addie M. and George R. Padgett are buried in the Spring Hill Cemetery along with Hayden and Marvin, with Addie dying in 1901, and George dying in 1909 (Findagrave.com 2019).



3



Figure 2. George Hunter Padgett headstone at the Primm-Padgett Cemetery on the Morgan property, facing west.

On September 30, 1885, Jeremiah W. Primm, widowed since 1882, married Mary E. Conner. Jeremiah was 42 and listed as a farmer on the marriage license, and she was 28 (Ancestry.com 2008). Later that year on November 14, 1885, Jeremiah's brother, John Hamer Primm, who had married Mary Loumizer Fly, daughter of Joshua Newtown Fly and Miriam Ward Allen Fly, just a year before on March 3, 1884, died suddenly (see Attachment A for correspondence between John H. Primm and Mary L. Fly in 1883 before they were married [Ancestry.com 2012]). This was three months before the birth of his twin children, John H., Jr., and Mary M. Primm. His cause of death is unknown. According to Nettie Primm, John H. Primm, Jr.'s wife, John Primm, Sr., was buried in the same cemetery as George Hunter Padgett, which is the cemetery being researched for this project (Media Research Bureau circa 1930s). Mary L. Primm, his widow, never remarried.

In 1886, Charles H. Primm, Jeremiah's father, died, followed by his wife, Jane H. Primm, in 1891 (Findagrave.com 2019). Both of them were likely buried in the Primm-Padgett Cemetery, having continued to reside near the property that Charles owned until circa 1866. Jane H. Primm may have been the last interment in the cemetery, but this cannot be corroborated at this time.

On February 17, 1887, Jeremiah and Mary (née Conners) Primm sold their farm containing the cemetery to Robert L. Fly, who was Jeremiah's brother-in-law and the brother of the widowed Mary Loumizer (née Fly) Primm. The conveyance included approximately 14 ha (35 acres), and the land was

sold for \$1,100.00 (WCCO DB 12:98–99). Following the conveyance, Jeremiah and Mary Primm, along with the children, moved to Rutherford County, Tennessee. Jeremiah W. Primm died in 1913, and his wife, Mary, died in 1932 (Ancestry.com 2015). They were buried in the Primm Family Cemetery in Petway, Cheatham County, Tennessee (Findagrave.com 2019). John and Mary's son, Talmadge, also was buried there. Jeremiah's son, William, who he had had with his first wife, Sarah, is buried at the Spring Hill Cemetery in Nashville, Davidson County, Tennessee, and their daughter, Minnie, was buried at the Nolensville Cemetery in Nolensville, Williamson County, Tennessee (Findagrave.com 2019). The burial places of the other Primm children by Jeremiah and his first wife, Sarah, and his second wife, Mary, are currently unknown but are not in the Primm-Padgett Cemetery.

In 1900, Robert L. Fly was 37 years old, and his wife, Maggie (née Woolard) Fly, was 26. They had a 6 month old daughter named Mary F. (USBC 1900). Robert was listed as owning his farm. On November 18, 1901, Robert and Maggie Fly sold approximately 12 ha (30 acres) to John Hamer Primm, Sr.'s widow, Mary L. (née Fly) Primm, for \$1,500.00 (WCCO DB 23:189–190). It is likely that Mary L. Primm already had been living on the property before she purchased the land from her brother based on her placement in the federal census for 1900, and she may very well have lived there since her husband, John Hamer Primm, died in 1885. In 1900, Mary L. Primm was 45 years old, and she resided with her 14 year old twin children, John H., Jr., and Mary M., as well as her 19 year old sister, Suzie Fly (USBC 1900). Following the sale of the property from Robert and Maggie Fly, it is not known where the Flys moved to, but they were buried in the Woodlawn Memorial Park and Mausoleum in Nashville, Tennessee. Maggie died in 1930, and Robert died in 1950 (Findagrave.com 2019).

In 1910, Mary L. Primm, age 56, resided with her twin adult children, John H. and Mamie, both age 24, and two boarders, Alex Stavcus and John H. Thompson. Alex Stavcus was African American and 24 years old. John Thompson was listed as “mulatto” (i.e., biracial) and was 8 years old. Mary was listed as a widow that owned her farm and was an employer. Her son, John H., was listed as a laborer on his mother's farm, and Alex Stavcus was a laborer on a different farm. John Thompson was listed as a house boy/servant who was not able to read or write, and he had never attended school (USBC 1910). It is very possible that the dwelling within which they resided was no longer one of the structures on the Primm land shown on the 1878 historic atlas of the area (see Figure 1), as the 1910 postal map for the area shows no dwellings near the known location of the cemetery (Figure 3).

In 1920, federal census records indicate that Mary L. Primm, who still owned the land containing the cemetery, was living in the household of her 33 year old son, John H. Primm and his wife, Nettie M. Primm, age 29. Their dwelling was on Split Log Road in Brentwood, Tennessee (USBC 1920). On October 23, 1923, Mary L. Primm died of bronchial pneumonia in both lungs (Ancestry.com 2011). She died intestate, and the land containing the cemetery was inherited by her twin adult children, John H. Primm and Mamie (née Primm) Oeser. On July 21, 1924, John H. Primm sold his portion of what was then 11 ha (28 acres) to his sister, Mamie, and her husband, Edward H. Oeser, for \$750.00 (WCCO DB 51:585). Mamie and Edward Oeser had married on September 6, 1910 (Ancestry.com 2008). In 1920, they had been recorded in the census as residing on McCall Street in the Sixth District of Davidson County, Tennessee. Edward Oeser worked as a flagman on what was listed as the Steam Railroad (USBC 1920).

On December 18, 1951, Edward and Mamie Oeser sold the 28 acres containing the cemetery to Loyd E. and Virginia (née Primm) Morgan for \$5,500.00 (WCCO DB 95:453). A historic aerial photograph dating to that year does not show any buildings near the cemetery, which is obscured in the photograph by trees and other vegetation. A dwelling was built approximately 113 m (373 ft) to the west of the cemetery sometime between 1951 and 1980, and it appears to have little association with the cemetery, except that there were signs that the cemetery had been fenced in at one time, and the occupants of the house in question may have been the individuals maintaining the fence/cemetery. On August 10, 1982, a quitclaim deed was filed in compliance with a divorce decree (Ruling No. 15126, Chancery Court) between Loyd E. Morgan, Sr., and Virginia Primm Morgan that all of their landholdings were to be conveyed to their sons, Loyd E. Morgan, Jr., and William Randolph Morgan for \$1.00 (WCCO DB 420:961–964, 421:623–626). There were three tracts, and the 28 acres containing the cemetery was Tract 1, which included the same property boundary it had when it was surveyed in 1917 during Mary L. Primm's ownership of the land.

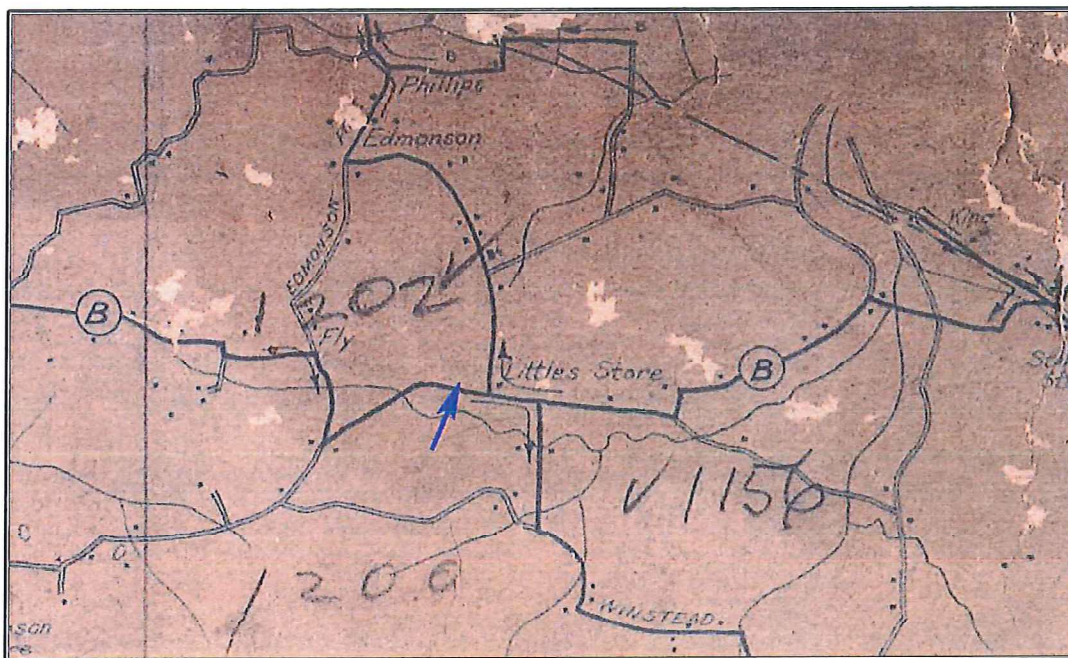


Figure 3. 1910 rural free delivery Williamson County postal map showing the approximate location of the Primm-Padgett Cemetery (United States Postal Service 1910).

On August 30, 1982, a partition deed was filed with the Williamson County record's office indicating that 6.94 ha (17.15 acres) of the original 28 acres was being partitioned as Parcel 2 (WCCO DB 424:990–994). This 17.15 acres contained the cemetery. The following year, on March 11, 1983, William Randolph Morgan conveyed the 17.15 acres back to his mother, Virginia Primm Morgan for \$10,219.29 (WCCO DB 436:494–496). On January 27, 1984, Virginia Primm Morgan conveyed a 3.78 ha (9.33 acre) portion of the 17.15 acres to Loyd Morgan, Jr., for \$56,650.00 (WCCO DB 469:359–361). On December 10, 2018, this 9.33 acre tract was sold together with other tracts for a total of 17.71 acres by Loyd Morgan, Jr., to the Oldsmith Development Group, LLC for \$1,771,550.00 (WCCO DB 7527:106–108).

Conclusions and Living Descendants

Based on the research conducted for this project, it appears that the Primm-Padgett Cemetery dates to the late nineteenth century. All of the known interments are members of the Primm family and their extended family (i.e., George Hunter Padgett). Specifically, the cemetery appears to date within the period of 1882–1891, although it is possible that the cemetery was being used before that time. The cemetery does not appear to have been utilized after 1891.

Individuals laid to rest in the Primm-Padgett cemetery include (in order of year of death):

- Sarah Whitfield Primm, circa 1847–circa 1882
- Nannie Lou and Sally Rebekah Primm, infant twin daughters of Jeremiah W. Primm and Sarah Whitfield Primm, 1882
- George Hunter Padgett, 1877–1883
- John Hamer Primm, Sr. 1845–1885
- Charles H. Primm, circa 1809–1886
- Jane H. Primm circa 1817–1891

Living descendants of individuals buried in the cemetery (if available, possible most recent addresses and phone numbers are included):

- *Loyd E. Morgan, Jr.* (he sold the property to the Oldsmith Group on December 10, 2018; formerly at 9634 Concord Road, Brentwood, Tennessee, where the cemetery is located; 615-332-2621, 615-776-5675). He is John Hamer Primm, Sr.'s great-grandson by way of John Hamer Primm, Sr.'s son, John Hamer Primm, Jr., who was the father of Virginia Primm Morgan, who was Loyd Morgan, Jr.'s mother.
- *William Randolph (Randy) Morgan*, 2617 Emery Drive, Nashville, Tennessee (615-394-4982, 615-883-6017). Like Loyd E. Morgan, Jr., he is John Hamer Primm, Sr.'s great-grandson by way of John Hamer Primm, Sr.'s son, John Hamer Primm, Jr., who was the father of Virginia Primm Morgan, who was Randy Morgan's mother.
- *Patrick J. Reed*, 715 Westfield Drive, St. Charles, Illinois (630-781-7589, 630-584-5931, 630-208-6708). He is the great-great-grandson of John Hamer Primm, Sr., by way of John Hamer Primm, Sr.'s son, John Hamer Primm, Jr., who was the father of Wilma Primm Reed, who was the mother of John Reed, who was Patrick J. Reed's father.
- *Christopher W. Grigsby*, 1025 Woods Way, O'Fallon, Illinois (618-314-2282). He is the great-great grandson of John Hamer Primm, Sr., by way of John Hamer Primm, Jr., who was the father of Mary E. Primm Grigsby, who was the mother of Larry W. Grigsby, who was the father of Christopher Grigsby.
- *Michael T. Grigsby*, 7334 Amherst Avenue, St. Louis, Missouri (618-243-5242). He is the great-great grandson of John Hamer Primm, Sr., by way of John Hamer Primm, Jr., who was the father of Mary E. Primm Grigsby, who was the mother of Larry W. Grigsby, who was the father of Michael Grigsby.
- *Mark Hitt*, 1411 Union Hill Road, Goodlettsville, Tennessee (615-419-0314, 615-859-9799, 615-942-7536). He is the great-great nephew of George Hunter Padgett, whose inscribed headstone is at the Primm-Padgett Cemetery. He is his great-great nephew by way of Charles Perkins Padgett, who was George Hunter Padgett's brother, who was the father of Addie Blanche Padgett Sweeney, who was the mother of Ardath Ann Sweeney Hitt, who was the mother of Mark Hitt.
- *Greg Sweeney*, 214 Louise Drive, White House, Tennessee (615-672-4948). He is the great-great nephew of George Hunter Padgett, whose inscribed headstone is at the Primm-Padgett Cemetery. He is his great-great nephew by way of Charles Perkins Padgett, who was George Hunter Padgett's brother, who was the father of Addie Blanche Padgett Sweeney, who was the mother of Charles Hayden Sweeney, who was the father of Greg Sweeney.
- *Jeff D. Sweeney*, 4129 Helena Bay Ct., Hermitage, Tennessee (615-889-4384, 615-678-5384). He is the great-great nephew of George Hunter Padgett, whose inscribed headstone is at the Primm-Padgett Cemetery. He is his great-great nephew by way of Charles Perkins Padgett, who was George Hunter Padgett's brother, who was the father of Addie Blanche Padgett Sweeney, who was the mother of Charles Hayden Sweeney, who was the father of Jeff Sweeney.

Please let us know if we can be of further assistance or if you have any questions. If it is determined that the Primm-Padgett Cemetery has to be moved, Alexandra Bybee on our staff has extensive experience in conducting these kinds of endeavors in particular with regard to the excavation of historic cemeteries.

Sincerely,



Charles M. Niquette, RPA 10710
President

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**ATTACHMENT A. 1883 CORRESPONDENCE BETWEEN
JOHN HAMER PRIMM AND MARY LOUMIZER FLY.**

Miss Mary

I must write

To tell you of my dream, you remember I told you a part of it, now I will tell you all about it, Miss Mary I hope and trust you will not doubt what I have to say, I dreamed that Mr C you and I were talking and Mr C fell asleep, and you did make a wreath of green leaves and put it upon his head, and he did look so cute that you laugh and he did wake up, and he asked me who put the wreath on his head, and you remarked to me if you tell him I will pay you, then Mr C laughed at you ^{and} did leave us and you said now Johnnie I will pay you for

That, and you come to me with a book in your hand, and I did catch you by each hand and said to you now pay if you can, and then I did kiss you and did tell you how I did love you, and you did not frown, and asked if you loved me and you did not say no, then I asked you if you would be mine, and you turned away your face for awhile but left your hands in mine, and then you look at me and our faces drew near each other, and I awoke!

Never was such a disappointment, there was no dear one, all was changed. But the question is, what does the dream mean, one thing is true about it - I do love you, and would give all that I have if the dream was true. Suppose and I was to ask you

what I asked you in my dream,
would you answer as you
answered then. All that I have to
say, and can say, is that I do
love you, and that the gift of
your own affection is one which
I would aspire to as my greatest
treasure. Pardon me if I am in
error - it would be very painful
to me if I were, I ask you to accept
a true and honorable devotion
that can know no change.
how entirely my whole being is
absorbed in the one aspiration
that you will not reject me.
I could writ to you volumes of
what my hopes are, and of what my
feelings will ever be; but I trust
not a wearisome subject. Once -
again, and once for all, I place
my self in your hand, with the
most ardent attachment that it is

possible to experience and that
it is impossible to describe. At
all events, you will not, I trust,
refuse a few lines to your
devoted friend?

Believe me your ever faithful friend
with respect

Yours

J. H. Primm

Home. Dec. 4. 1888

Mr Johnnie Pimm

Dear friend
I now

withdraw from the toil and cares
of the day to meditate upon the
past present and future. and to
answer your most welcome and
appreciated letter. It has my
poor heart leap with joy the
thought of receiving a letter from
you. I was almost persuaded to
to believe that you had forgotten your
promise. forgotten by one I loved so
dearly. I have often said to myself
when wishing to know what the dream
was he has cast me away if not he
would have told me before now. I
I thought at first the letter must

be a dream to good to be true.
alas it was not a dream. it was a
letter from you. Dear one written
in your own hand with that lie before
my eyes. I could not read it fast
enough. and your letter seemed short
so short. I reread it for fear. I had
not read it all. you ask what does all
this dream mean. I believe it means
there is a state of fullness happiness
for us if we ^{will} only except of it. you
seemed to think that. I would not
believe what you said. I believe you
are sincere in every word you said.
I believe your heart is the honest and true
to deceive me. if you were to deceive me
I would never have any confidence
in no man. Johnnie you ask me in
your letter to except of one whose heart
would never know no change. I cannot
deny you no never. therefore I will be
thine through life. many pleasant hours
have I spent with you. now hoping

many years to ~~to~~ spend
may we walk together thru this
life sharing ~~sharing~~ each others
sorrows and joys. may our stay
on earth be long and our days be
crowded with hours of happiness
when our task on earth is finish
may ^{we} dwell with the bright saints
above where we shall always be
happy Johnnie you said that you ^{place}
yourself in my hands. now language
fails to express my wishes for you
but I know. I shall always love
you. I could write to you for hours
~~days weeks years~~ ~~as to the~~ ~~things~~ always
find something else to write I now
leave myself in your care. Believing
that you will be the same now and
forever I suppose I have said
enough now. please let no one see
this. so by by my — — until
I see you yours forever
Mary



1865 Air Lane Dr., Suite 9
Nashville, TN 37210

T 615.884.4430
TRCcompanies.com

July 3, 2019

Chuck Olderman
Old Smith Development Group, LLC
chuck@oldsmithgroup.com

**Subject: Proposal and Cost Estimate: Removal and Relocation of Morgan Cemetery,
Brentwood, Williamson County, Tennessee**

Mr. Olderman

The Nashville office of TRC is pleased to submit this technical and cost proposal to perform the above-referenced professional services. The following discussion reflects our understanding and approach to this project, and includes our fee structure for the work.

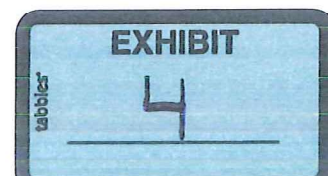
BURIAL REMOVAL AND RELOCATION METHODS

TRC has developed the following methodology in part through consultation with the staff at the Tennessee Division of Archaeology (TDOA) and in part based on prior successful projects at historic burial sites in Tennessee. This proposed approach fully satisfies our clients' legal responsibility regarding the treatment of human remains, while providing a professional and respectful exhumation and reburial process.

Removal of the graves will be conducted using a combination of mechanical and hand excavation. Although the initial delineation will have uncovered clear signs of the grave locations, a backhoe or trackhoe equipped with a straight-edged cutting blade will be used to remove additional soil down to within six inches or less of the estimated depth of the top of human remains. All excavation below that point will be conducted by hand in order to expose the burial and any coffin remnants. Once any coffin remnants and skeletal elements are exposed, the remains will be photographed as part of the permanent project record. The excavators will also take notes with basic descriptions of the coffin remains, observations on the condition of the skeletal remains, and descriptions of any grave goods and clothing remnants included in the graves. At that point all skeletal material and associated grave goods will be removed by hand and placed in a box or boxes lined with cotton sheeting. All remains will be stored in one or more lockable steel "overseas" shipping containers temporarily placed on the cemetery property until reburial can take place.

In reburying the graves, backhoe or trackhoe equipment will excavate the reburial area to a depth of at least three feet. All remains (including coffin parts) will be placed at the base of the reburial area and the trackhoe will backfill the excavation. TRC will endeavor to reestablish as closely as possible the original layout of the graves in the new cemetery, including replacement of any associated gravestones which might be uncovered during the excavation. No further effort or costs to establish fencing, permanent landscaping, or signage at the new cemetery is included as part of our offered services and costs.

Following fieldwork, TRC will produce an illustrated abbreviated technical report on the project, summarizing the process of removal and reinternment and a summary of findings. No formal scientific analysis of the skeletal remains will be made, aside from general observations about the remains and descriptions of coffin hardware, clothing elements, and any grave goods. Copies of the report will be supplied to you and the State of Tennessee Division of Archaeology.



Project Staff and Schedule

TRC will assign archaeologist James Greene from the firm's Nashville office to direct the work for this Project. The TRC Nashville office has experience with cemetery delineation and burial removal projects throughout Middle Tennessee. Mr. Greene will be assisted in the field by our staff of qualified archaeological technicians.

Based on the current estimate of up to 20 burials within the cemetery, TRC expects the full disinterment and reinternment process to take two weeks with a crew of six working on a daily basis.

Cost Proposal

Based on the information provided by Old Smith Development Group, LLC the cemetery located at 9634 Concord Road in Brentwood, Tennessee measures 26 by 12 feet and contains up to 20 burials. This is, at best, a rough estimate as there may be more buried at this cemetery. We therefore offer the services described above for a time and materials cost, plus a supplementary cost per grave above this number.

Time and materials for removal and relocation of up to 20 individuals:
\$45,631.00

Per-grave removal and relocation cost above a total of 20 individuals:
\$2,500.00.

Please note that the estimates provided above do not include the cost of mechanical equipment necessary for stripping the cemetery and preparation of the reburial area. It has been our experience that organizations such as yours can often directly contract for machines and qualified operators at less than TRC's subcontracting cost.

If you would like us to proceed with the work described above, please sign the authorization line below and return it to me via email (jgreene@trcsolutions.com) or fax (615.884.4431). Feel free to contact me at 615.618.4512 if you have questions about this proposal, and thank you for the opportunity to conduct this work.

Sincerely,



James Greene, MA, RPA
Project Manager, Archaeology
615-218-4512
TRC Nashville Office



Krista Jordan-Greene, MA, RPA
Project Archaeologist
615-326-5153
TRC Nashville Office

Attachments: TRC Standard Terms and Conditions



Authorization:

Concord Old Smith Development Group authorizes TRC Environmental Corporation to carry out the above described services. Check all that apply.

☐ **Cemetery Removal and Relocation:** **\$45,631.00**

Signature

Printed Name

Title

Date

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

OLDSMITH GROUP LLC,
Petitioners,

v.

ALL KNOWN AND UNKNOWN PARTIES
HAVING ANY INTEREST IN THE CEMETERY
LOCATED AT 9634 CONCORD ROAD
BRENTWOOD, TENNESSEE, 37027
Respondents.

FILED
WILLIAMSON COUNTY
CLERK & MASTER
2020 MAR 26 PM 3:39

FILED FOR ENTRY
Case No. 49304J

ORDER OF PUBLICATION

TO: The heirs-at-law of ALL KNOWN AND UNKNOWN PARTIES HAVING ANY INTEREST IN THE CEMETERY LOCATED AT 9634 CONCORD ROAD BRENTWOOD, TENNESSEE, 37027, INCLUDING POTENTIAL DESCENDANTS OF GEORGE HUNTER PADGETT, ADDIE M. PRIMM, PADGETT, AND GEORGE RICHARD PADGETT:

A Verified Petition to terminate the use of land as a cemetery and remove any graves that can be found thereon has been filed against you by Oldsmith Group LLC because you may have an interest in property as an heir of decedents buried at 9634 CONCORD ROAD BRENTWOOD, TENNESSEE 37027. A copy of the Verified Petition may be obtained from the Clerk of the Chancery Court for Williamson County, Tennessee, 37067. You must respond to the Verified Petition in this cause with the Chancery Court Clerk and with Attorney Thomas White at the address shown below on or before _____:

Thomas V. White, Esq.
TUNE, ENTREKIN, & WHITE, P.C.
315 Deaderick Street, Suite 1700
Nashville, Tennessee, 37238

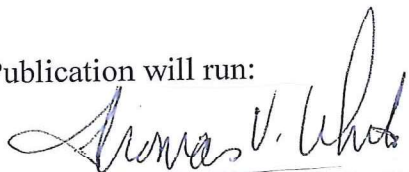
IT IS THEREFORE ORDERED that Respondents make an appearance 30 days after the last publication and file an answer to the Petition. Otherwise, a judgment by default may be taken

against Respondents for the relief sought in the Petition. A copy of this Order is to be published for four consecutive weeks in the *Tennessean/Williamson A.M.*

Date: _____

Elaine B. Beeler, Clerk and Master

Dates this Publication will run:



Thomas V. White (BPR#2727)
TUNE, ENTREKIN, & WHITE, P.C.
315 Deaderick Street Suite 1700
Nashville, TN 37238
tvwhite@tewlawfirm.com
(615) 244-2770
Attorney for Petitioner

PUBLICATION LANGUAGE

TO: The heirs-at-law of ALL KNOWN AND UNKNOWN PARTIES HAVING ANY INTEREST IN THE CEMETERY LOCATED AT 9634 CONCORD ROAD BRENTWOOD, TENNESSEE, 37027, INCLUDING POTENTIAL DESCENDANTS OF GEORGE HUNTER PADGETT, ADDIE M. PRIMM, PADGETT, AND GEORGE RICHARD PADGETT: A Verified Petition to terminate the use of land as a cemetery and remove any graves that can be found thereon has been filed against you by Oldsmith Group LLC because you may have an interest in property as an heir of decedents buried at 9634 CONCORD ROAD BRENTWOOD, TENNESSEE 37027. A copy of the Verified Petition may be obtained from the Clerk of the Chancery Court for Williamson County, Tennessee, 37067. You must respond to the Verified Petition in this cause with the Chancery Court Clerk and with Attorney Thomas White at the address shown below on or before _____:

Thomas V. White, Esq.
TUNE, ENTREKIN, & WHITE, P.C.
315 Deaderick Street, Suite 1700
Nashville, Tennessee, 37238

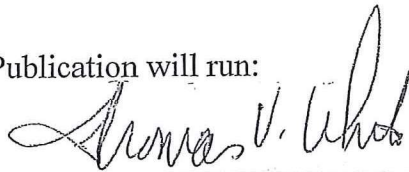


against Respondents for the relief sought in the Petition. A copy of this Order is to be published for four consecutive weeks in the *Tennessean/Williamson A.M.*

Date: _____

Elaine B. Beeler, Clerk and Master

Dates this Publication will run:



Thomas V. White (BPR#2727)
TUNE, ENTREKIN, & WHITE, P.C.
315 Deaderick Street Suite 1700
Nashville, TN 37238
tvwhite@tewlawfirm.com
(615) 244-2770
Attorney for Petitioner

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

OLDSMITH GROUP LLC,
Petitioners,

v.

LOYD E. MORGAN, JR., WILLIAM RANDOLPH
MORGAN, PATRICK J. REED, CHRISTOPHER W.
GRIGSBY, MICHAEL T. GRIGSBY, MARK HITT,
GREG SWEENEY, JEFF D. SWEENEY AND
ALL KNOWN AND UNKNOWN PARTIES
HAVING ANY INTEREST IN THE CEMETERY
LOCATED AT 9634 CONCORD ROAD
BRENTWOOD, TENNESSEE, 37027
Respondents.

FILED
WILLIAMSON COUNTY
CLERK OF COURT
2020 MAR 26 PM 3:38

FILED FOR ENTRY

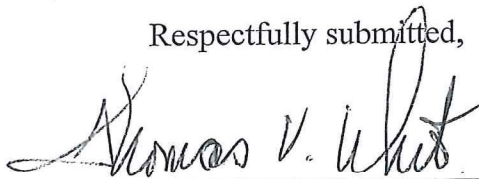
Case No. 49304J

MOTION TO ALLOW NOTICE BY PUBLICATION TO
UNKNOWN PARTIES HAVING ANY INTEREST IN THE
CEMETERY LOCATED AT 9634 CONCORD ROAD,
BRENTWOOD, TENNESSEE 37027

COMES the Petitioner and would respectfully move the Court for an Order allowing Notice by Publication to all unknown parties having an interest in the cemetery located at 9634 Concord Road, Brentwood, Tennessee 37207, and a copy of the proposed publication language is included as Exhibit A to this motion which is filed contemporaneously.

THIS MOTION IS TO BE HEARD ON THE ____ DAY OF _____, 2020.

Respectfully submitted,



Thomas V. White (BPR#2727)
TUNE, ENTREKIN, & WHITE, P.C.
315 Deaderick Street Suite 1700
Nashville, TN 37238
tvwhite@tewlawfirm.com
(615) 244-2770
Attorney for Petitioner

AFFIDAVIT OF LOYD E. MORGAN, JR.

COMES NOW, Loyd E. Morgan, Jr., who first being duly sworn states as follows:

1. My name is Loyd E. Morgan, Jr., and I conveyed the property located at 9634 Concord Road Brentwood, Tennessee 37027, (the "Morgan Property") to Oldsmith Group, LLC, ("Oldsmith") on December 10, 2018.
2. I resided on the Morgan Property for more than 50 ^{68.5} years. I was born on the property and resided thereon until its conveyance to Oldsmith on December 10, 2018.
3. I received a copy of the Cultural Resource Analyst letter report from Oldsmith, which contains the subject line RE: Morgan Property Cemetery in Brentwood, Williamson County, Tennessee CRA Project No.: K19O001 Contract Publication Series No.: 19-687. The report summarizes the results of archival and genealogical research for the Morgan Property cemetery.
4. I was aware of the presence of a cemetery on the Morgan Property during my ownership and upon its conveyance to Oldsmith; however, I am not related to anyone who is buried therein. I do not know who is buried in the cemetery, and I do not know anyone in the area with knowledge of who such decedents are. Moreover, no one ever visited the cemetery during my lifetime, and the cemetery has been abandoned.
5. For the duration of my lifetime, the cemetery has not been maintained and is inconsistent with the due and proper reverence for the memory of the persons buried therein.
6. I have spoken with my son, Bryan Morgan, about this matter and he concurs with the statements I have made herein.

FURTHER AFFIANT SAYETH NOT.

Loyd Morgan

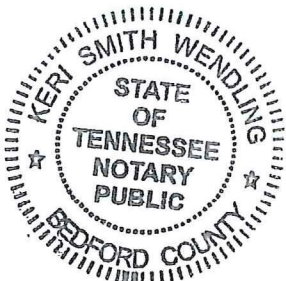
STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, a notary, Loyd E. Morgan, Jr., who conveyed real property located at 9634 Concord Road Brentwood, Tennessee 37027 to Oldsmith Group, LLC on December 10, 2018, who being duly sworn states that the statements made are true and correct to the best of his knowledge and belief, and come to him in the ordinary course of business this 21 day of Nov, 2019.

Keri Smith Wendling

Notary

My Commission Expires: 9-15-2021



EXHIBIT

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