

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

**IN RE: RELOCATION OF
GRAVE AT 12011 MONA ROAD,

840 Commerce, LLC,
Petitioner.**

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Docket No.: _____

**PETITION FOR TERMINATING USE OF LAND AS
BURIAL GROUND AND FOR REMOVAL AND REINTERMENT
OF REMAINS OF DECEDENT**

Petitioner 840 Commerce, LLC (“Petitioner”), by and through its undersigned counsel, respectfully petitions the Court for the termination of use of an abandoned grave in Rutherford County as a burial ground and for removal and reinterment of remains of the decedent. In support of its Petition, Petitioner states as follows:

I. PARTIES AND JURISDICTION

1. Petitioner is a Delaware limited liability company with its principal place of business at 280 East 96th Street, No. 250, Indianapolis, Indiana 46240.

2. On April 11, 2023, Petitioner purchased land at 12011 Mona Road, Murfreesboro, Tennessee, in Rutherford County (the “Property”).

3. The cemetery at issue (the “Cemetery”) is located at the Property in Rutherford County. Accordingly, jurisdiction and venue are proper in this Court pursuant to Tenn. Code Ann. § 46-4-103(a).

4. Petitioner believes that there is one burial at the Cemetery. The headstone at the Cemetery reflects that J. F. Garrett is buried at the Cemetery. Petitioners believe that the decedent’s full name is John Floyd Garrett. Per the headstone, he was born on July 16, 1838 and died on December 31, 1917.

5. Pursuant to Tenn. Code Ann. § 46-4-103(b), necessary respondents in this proceeding are all “interested persons” (“Interested Persons”), which are defined in Tenn. Code

Ann. § 46-4-102 as the following:

As used in this chapter, unless context otherwise requires, “interested persons” means 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.

(emphasis added).

6. In this case, Petitioner, through the undersigned counsel, engaged a genealogist to research the nearest living relatives of Mr. Garrett living in Tennessee. These relatives are the great grandchildren of Mr. Garrett. Petitioner has contacted these great grandchildren and obtained written declarations from them, in which they consent to the removal and relocation of the Cemetery. Attached as **Collective Exhibit A** are the Declarations of the great grandchildren living in Tennessee. As stated in their Declarations, these great grandchildren do not wish to be named parties to this lawsuit or to be served with summons.

7. For any unknown and/or nonresident Interested Persons, Tenn. Code Ann. § 46-4-103(b) provides, in part, that: “Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law.” *See also* Tenn. Code Ann. § 21-1-204 (detailing service by publication in Tennessee). Accordingly, Petitioner requests that the Court cause notice to be made to all unknown and/or nonresident Interested Persons by publication in a newspaper of general circulation in Rutherford County, Tennessee, for four consecutive weeks.

8. In addition, Petitioner is providing the requisite notice to the Tennessee Historical Commission pursuant to Tenn. Code Ann. § 46-4-103(c) and has published pre-suit notice for transferring remains off of the Property pursuant to Tenn. Code Ann. § 46-8-102(c).

II. FACTS

8. Petitioner is in the process of developing commercial facilities at the Property. The location of the Cemetery impedes that development.

9. In order to evaluate the Cemetery on the Property, Petitioners engaged the services of James Greene, MA, RPA, a Senior Archaeologist with TRC Companies, Inc. in Nashville, Tennessee, and Krista Jordan-Greene, MA, RPA, a Project Archaeologist with TRC, to inspect and research the Cemetery. *See* Declaration of James Greene (the “Greene Declaration”) ¶¶ 3-4 (attached as **Exhibit B**).

10. Mr. Greene has over thirteen years of experience in conducting archaeological investigations. Greene Declaration ¶ 3. He has overseen or assisted with over fifty grave removals and relocations. Greene Declaration ¶ 3. Attached as Exhibit 1 to the Greene Declaration is Mr. Greene’s curriculum vitae, which provides further detail regarding his professional training and experience. Greene Declaration ¶ 3.

11. As part of TRC’s engagement, Mr. Greene and Ms. Jordan-Greene have prepared a report titled “Delineation of the Wray Cemetery located at 6175 Franklin Road, Wilson County, Tennessee” (the “Report”), attached as Exhibit 2 to the Greene Declaration. Greene Declaration ¶¶ 4-5.

12. The Cemetery contains one headstone. Greene Declaration ¶ 6. Included in the Report are photographs of the Cemetery and headstone taken by TRC. *See* Green Declaration ¶ 6 and Report, Figures 3-5. The headstone inscription states as follows: “J.F. Garrett July 16, 1838 December 31, 1917.” Greene Declaration ¶ 6.

13. The Cemetery appears to be abandoned and is in an abandoned and neglected state. *See* Report, Figure 6. The fence around Mr. Garrett’s grave is broken, the headstone has not been maintained, and the Cemetery is overgrown with brush. *Id.*

14. Moreover, the current location of the Cemetery hinders Petitioner's development plans for the Property. Specifically, Petitioner intends to develop the Property in such a way that the current location of the Cemetery would interfere with a planned 627,000 square foot commercial building.

15. Accordingly, the Cemetery is unsuitable as a resting place for the remains of the decedents in accordance with the conditions set forth in Tenn. Code Ann. § 46-4-101, which supports termination of the use of land as a cemetery when: "(1) The burial ground is abandoned; (2) The burial ground is in a neglected or abandoned condition; or (3) The existence of any conditions or activities about or near the burial ground that the court finds render the further use of the burial ground for the purposes mentioned in this section that are inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes."

16. Petitioner respectfully requests permission from this Court to terminate the use of the Cemetery as a burial ground and to have the remains of the decedent removed from the current location of the Cemetery and reburied in a suitable new location on the Property as permitted by Tenn. Code Ann. § 46-4-103(a).

17. In discussions with the great grandchildren of Mr. Garrett, some of the family members have requested that Mr. Garrett's remains be relocated to the Lannom Family Cemetery, located at 1277 Whipporwill Road, Lebanon, Tennessee 370090. The great grandchild have stated that other relatives of Mr. Garrett are buried in this cemetery. Through the work of Petitioner's genealogy, it appears that twelve of Mr. Garrett's relatives are buried in the Lannom Family Cemetery, including some of his children, grandchildren, and great grandchildren.

18. Petitioner has been in contact with the owners of the property surrounding the Lannom Family Cemetery, Dana and Sharron Mitchell, and are in the process of determining

whether this cemetery would serve as a suitable new location for the Cemetery.

19. If the Lannom Family Cemetery is determined not to be a suitable new location for the Cemetery, Petitioner requests in the alternative that this Court permit the Cemetery to be relocated to a new location, including but not limited to a location on the current Property. If the new location is on the Property, Petitioner would propose a location that is outside of development, but is easily accessible for relatives who wish to visit Mr. Garrett's grave.

20. TRC has prepared recommendations for removing and relocating the Cemetery. Greene Declaration ¶ 7; Report, p. 6 In undertaking to relocate the decedents, TRC will conduct the reinterment of the remains with due care and decency in accordance with Tenn. Code Ann. § 46-4-104. Greene Declaration ¶ 7.

WHEREFORE, Petitioner respectfully requests that the Court:

1. In accordance with Tenn. Code Ann. §§ 21-1-204 and 46-4-103, enter an Order authorizing notice to all unknown and/or nonresident Interested Persons by publication in a newspaper of general circulation in Rutherford County, Tennessee, for four consecutive weeks;

2. In accordance with Tenn. Code Ann. §§ 46-4-101 and 46-4-104, enter an Order finding that the current Cemetery is unsuitable as a resting place for the remains of the decedent because it is abandoned, it is in an abandoned and neglected state, and because the conditions and activities about or near the Cemetery (Petitioner's development of the Property) are inconsistent with due and proper reverence or respect for the memory of the dead;

3. In accordance with Tenn. Code Ann. § 46-4-104, enter an order approving the reinterment of the remains in the manner and location proposed in this Petition, including either at the Lannom Family Cemetery or, if the Lannom Family Cemetery is determined not to be an appropriate new location, another suitable location; and

4. For such further and general relief as may be appropriate.

Respectfully submitted,

/s/ Lisa K. Helton

Lisa K. Helton, #023684

SHERRARD, ROE, VOIGT & HARBISON, PLC

150 3rd Avenue South, Suite 1100

Nashville, Tennessee 37201

Tel: (615) 742-4525 | Fax: (615) 742-4539

lhelton@srvhlaw.com

Counsel for Petitioner 840 Commerce, LLC

DECLARATION

I, Alice Lannom Caruthers, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.
2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.
3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.
4. I have had an opportunity to discuss the relocation of the cemetery with the owner's representatives and to ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.
5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.
6. I declare under penalty of perjury that the foregoing is true and correct.

Alice L Caruthers
Signature

Date

07-17-23

EXHIBIT

A

DECLARATION

I, Deborah Lannom Taylor, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.

2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.

3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.

4. I have had an opportunity to discuss the relocation of the cemetery with the owner's representatives and to ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.

5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.

6. I declare under penalty of perjury that the foregoing is true and correct.

Deborah L. Taylor 07/21/23
Signature Date

DECLARATION

I, Doris Lowe, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.
2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.
3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.
4. I have had an opportunity to discuss the relocation of the cemetery with the owner's representatives and to ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.
5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.
6. I declare under penalty of perjury that the foregoing is true and correct.

Doris Lowe Aug 21, 23
Signature Date
By POA Danny M. Lowe
Son Danny M. Lowe

DECLARATION

I, Ruby Lannom Rollins, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.

2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.

3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.

4. I have had an opportunity to contact the owner's representatives to discuss the relocation of the cemetery and ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.

5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.

6. I declare under penalty of perjury that the foregoing is true and correct.

Ruby Lannom Rollins

Signature

Date 7-24-23

DECLARATION

I, Robert D. Lannom, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.

2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.

3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.

4. I have had an opportunity to discuss the relocation of the cemetery with the owner's representatives and to ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.

5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.

6. I declare under penalty of perjury that the foregoing is true and correct.

Robert D. Lamm 7/18/2023
Signature Date

DECLARATION

I, Rossie Lee Lannom, state as follows:

1. I am over the age of eighteen (18) and am competent to make the statements contained in this Declaration.

2. I understand that I may be the great grandchild of John Floyd Garret, who is believed to be buried in a cemetery at 12011 Mona Road, Mona, Rutherford County, Tennessee.

3. I understand that the owner of the property, 840 Commerce Park, LLC, wants to move the cemetery to a new location and plans to file a lawsuit asking the court for permission to remove it and relocate it.

4. I have had an opportunity to discuss the relocation of the cemetery with the owner's representatives and to ask any questions that I may have regarding the cemetery relocation. I consent to the removal and relocation of the cemetery, as requested by the owner.

5. I do not wish to be a party to any lawsuit regarding the cemetery and waive any and all right to participate in those legal proceedings, including service of process of the petition. I understand and consent to the owner filing this declaration as part of the lawsuit.

6. I declare under penalty of perjury that the foregoing is true and correct.

Rossie L. Lannom, Jr
Signature

Date 7-20-2023

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

**IN RE: RELOCATION OF
GRAVE AT 12011 MONA ROAD,**

**840 Commerce, LLC,
Petitioner.**

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Docket No.: _____

DECLARATION OF JAMES N. GREENE, M.A., RPA

1. All of the statements contained in this Declaration are true and correct and made on the basis of my personal knowledge.

2. I am a natural person of the full age of majority and am competent in all respects to testify herein.

3. I am a Senior Archaeologist with TRC Companies, Inc. in Nashville, Tennessee. A copy of my curriculum vitae is attached as **Exhibit 1**. I have over thirteen years of experience in conducting archaeological investigations. I have overseen or assisted with over 100 grave removals and relocations.

4. TRC was engaged to conduct a burial identification and removal project of a cemetery (the "Cemetery") at 12011 Mona Road, Murfreesboro, Tennessee, in Rutherford County (the "Property"). I have worked on this project along with Krista Jordan-Greene, MA, RPA, a Project Archaeologist with TRC.

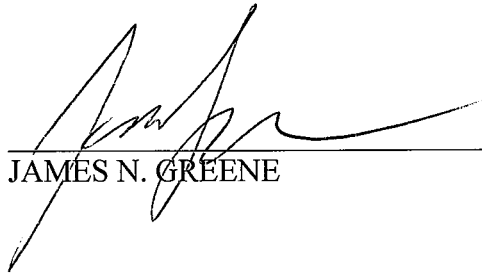
5. As part of our engagement, we prepared a report entitled "Background Review and Boundary Delineation of the Cemetery located at 12011 Mona Road, Rutherford County, Tennessee" (the "Report"), attached as **Exhibit 2**. The statements in the Report are true and correct to the best of my professional knowledge, opinion, and belief.

6. Included in the Report are photographs of the Cemetery taken by TRC. See Report, Figures 3-5. The Cemetery contains one headstone. Report, pp. 1, 2, 3, and Figure 5.

The headstone inscription states as follows: "J.F. Garrett July 16, 1838 December 31, 1917." Report, p. 3 and Figure 5.

7. As part of the Report, TRC has prepared recommendations for removing and relocating the Cemetery. Report, p. 6 These recommendations describe in detail the methodology that we will utilize to exhume and relocate the graves. *Id.* I, along with TRC, will be responsible for ensuring that the graves are removed in accordance with the burial disinterment/reinterment plan. In undertaking to relocate the decedents, TRC and I will conduct the reinterment of the remains with due care and decency and with respect to the decedents.

Pursuant to Tenn. R. Civ. P. 72, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



JAMES N. GREENE



James N Greene
Project Manager
Archeologist

AREAS OF EXPERTISE

- *Archaeology Project Coordination and Implementation*
- *Designing and Managing Field Strategies*
- *Excavation and Laboratory Analysis Procedures*
- *Assessment of Cultural Resources*
- *Technical Report Production*
- *NHPA Section 106 Compliance*
- *NEPA Compliance*
- *FERC Compliance*
- *GPS and Total Station Operations*
- *Historic and Prehistoric Archaeology*
- *Tennessee Council for Professional Archaeologists Board Member*

Summary of Experience

James serves as a Project Manager/ Archaeologist for TRC's cultural resource management services, including all aspects of research, fieldwork, analysis, and reporting. James meets the Secretary of the Interior's Professional Qualification Standards in both Prehistoric and Historic Archaeology, as defined in 36 CFR 61, Appendix A. James has participated in, supervised, and managed archaeological surveys, historic property inventories, archaeological sites testing, and data recoveries within the Southeast, Midwest, Northwest, and Southwest regions of the United States. He is responsible for supervising field investigations, managing personnel, incorporating field data into technical reports, and managing correspondence with various clients, tribal organizations, and state and federal entities. James works diligently with TRC staff to ensure the timely completion of cultural resource investigations.

James has prepared technical reports in complying with the National Environmental Protection Act (NEPA), National Historic Preservation Act (NHPA), Federal Energy Regulatory Commission (FERC), and requirements set by municipal executive orders. During his professional career, James has worked on various projects associated Department of Defense (DOD) agencies and state Departments of Transportations (DOTs).

CREDENTIALS

Education

M.A., Historical Archaeology, University of West Florida, 2009

B.S., Anthropology, University of Tennessee at Chattanooga, 2004

Significant Projects

Boundary Delineation of the Estes Cemetery, Rutherford County, Tennessee. Served as principal investigator for this project.

Boundary Delineation of the Cane Ridge Cemetery (Briley Cemetery), Antioch, Davidson County, Tennessee. Served as principal investigator for this project.

Burial Removal and Relocation for the Stephens-O'Brien Family Cemetery, Davidson County, Tennessee. Served as principal investigator and report co-author for this project.

Phase II Archaeological Testing of Site 40HS171 for the Johnsonville-Paris Tower Lighting Project Humphreys County, Tennessee. TVA 2019. Served as principal investigator and report co-author for this project.

Phase III Data Recovery of Site 12-La-0091 for the Singleton Stone Quarry Project, Indiana. This project was conducted to mitigate the effects of a proposed stone quarry project on site 12-La-0091, a prehistoric occupation site in Lake County, Indiana. Mr. Greene and colleagues worked with the client, the US Army Corps of Engineers (USACE), Native American Tribes, and the State Historic Preservation Officer (SHPO) to complete Section 106 consultation prior to the implementation of the data recovery.

In completing the mitigation, a variety of techniques were employed including geophysical survey and traditional excavation. During the course of fieldwork, several prehistoric human burials were identified within the area of potential effects. Mr. Greene and colleagues again worked with the client, USACE, Native American tribes, and the SHPO to modify construction plans in order to avoid impacting the human remains. Throughout the project, Mr. Greene and colleagues have been complimented by the tribes and the SHPO for our proactive and respectful treatment of the human burials. Analysis of the results is ongoing and will contribute to a variety of technical, scholarly, and public outreach materials. As Principal Investigator, Jim directed the Phase III fieldwork and contributed to reporting efforts.

Project and Lab Manager – Phase III Data Recovery of 40HA524 – Hamilton County, Tennessee. James managed fieldwork and lab analysis for this project. James worked closely with Tennessee Valley Authority and the City of Chattanooga to insure that all safety regulations were followed during the mechanical excavation portion of the project. Work included managing field personnel, and the management of recovered archaeological materials. James was in charge of managing the total station through the duration of the project. James managed laboratory analysis for all recovered materials and generated the analysis chapter for the technical report of this data recovery.

Phase I Archaeological Reconnaissance at Northeastern Kentucky Landfill, Kentucky. This project involved the Phase I archaeological reconnaissance prior to construction activities at a landfill facility in in Northeastern Kentucky. The project area contains archaeological site 15-Bd-006, one of the only known examples of a serpent-shaped stone effigy mound. Site 15-Bd-006 was listed on the National Register of Historic Places (NRHP) in 1974. As part of the Phase I reconnaissance, the site was revisited and thoroughly documented; one additional site was also identified during the investigation. As a result of the survey, James worked with the client to avoid and mitigate impacts to site 15-Bd-006. As Principal Investigator, James managed all aspects of the project.

Professional Work History

Indiana

Principal Investigator-Phase Ia Archaeological Reconnaissance for the 400 acre Camp Atterbury North Barracks Complex, Camp Atterbury Joint Maneuver Training Center – Johnson County, Indiana.

During the summer of 2016, Mr. Greene was involved in the day to day management of field efforts and reporting for this 400 acre survey. His efforts included directing field crews, daily correspondence with the INARNG, data management, and report preparation and review.

Principal Investigator-Phase Ia Archaeological Reconnaissance for the proposed INARNG proposed Atlanta Facility - Hamilton County, Indiana.

Mr. Greene acted as principal investigator for the Phase Ia investigation of a proposed INARNG facility located in the town of Atlanta, Indiana. Mr. Greene provided oversight for all aspects of this project and ensured the timely completion of this investigation.

Project Archaeologist – Phase II Archaeological Testing of Site 12-Ma-0995, National Register of Historic Places Eligibility Determination of Porter Farmstead – Marion County, Indiana.

As a project archaeologist, Mr. Greene aided in the testing of Site 12-Ma-0995, a Late Nineteenth Century farmstead located at the Stout Field INARNG Base in Indianapolis. The investigation included the excavation of 1 by 1 meter test units, 50 by 50 centimeter test units, and five trenches. Multiple historic features were identified and excavated throughout the course of the investigation. As a result, Cardno archaeologists recommended archaeological Site 12-Ma-0995 not eligible for listing in the NRHP.

Project Archaeologist-Phase Ib Test of Sites 12-Pr-0774 and 12-Pr-0775 for the State Road 2 and County Road 100 South Intersection Improvement Project - Porter County, Indiana.

Mr. Greene acted as field director and primary author for this project. James worked in direct contact with the Principal Investigator and Indiana Department of Transportation (INDOT) cultural resource officer to ensure the projects timely completion and accurate assessment of these sites NRHP eligibility.

Principal Investigator – Phase Ia Archaeological Reconnaissance for the Howe Travel Plaza Water and Sewer Connection Project.

This project involved the installation of a new water and sanitary sewer line to connect the Howe Travel Plaza on Indiana Toll Road I 80/90 to the existing Larrange County Regional Utility District facility. The Phase Ia was conducted in support of the State Revolving Fund (SRF) preliminary Engineering Report Environmental Evaluation Section and in compliance with Section 106 of the NHPA. Mr. Greene conducted the field effort and aided in the report preparation portions of the project.

Principal Investigator - Phase Ia Archaeological Reconnaissance for Road Rehabilitation at 113th Street from Ohio to Florida Road, City of Fishers - Hamilton County, Indiana.

Mr. Greene acted as archaeological principal investigator for the Phase Ia survey of a 54.73 acre property for the widening and intersection improvement of 113th street and Florida Avenue. His efforts included the oversight of field efforts and production of relevant documentation under the oversight of the INDOT.

Project Archaeologist – Phase Ia Archaeological Investigation of the L7AN property at Camp Atterbury Joint Maneuver Training Center – Edinburgh, Indiana.

James surveyed 20 acres of multiuse area at Camp Atterbury Joint Maneuver Training Center property. His efforts included conducting field efforts and providing oversight during report production.

Project Archaeologist – Phase Ia Archaeological Investigation of 257 acres at the Former Camp Atterbury Cantonment Area, Camp Atterbury Joint Maneuver Training Center – Johnson County, Indiana

James surveyed 257 acres at Camp Atterbury Joint Maneuver Training Center property. His efforts included directing a large survey crew and ensuring the timely submittal of the report of investigation.

Project Archaeologist – Phase Ia Archaeological Investigation of the Riley House Visitor Center – Edinburgh, Indiana

James surveyed the visitor center foot print located at the historic Riley House in Indianapolis. His efforts included conducting the field effort and helping develop the report of investigations.

Illinois

Project Supervisor – Phase I Archaeological Survey and Geomorphological/ Geoarchaeological Survey in Support of the Maywood to Herleman Transmission Line, Mississippi River Crossing – Adams County, Illinois.

James managed fieldwork along the Mississippi River and developed the report of investigation.

Project Supervisor – Phase I Archaeological and Geomorphological/ Geoarchaeological Survey in support of the Maywood to Herleman Transmission Line, Mississippi River to Herleman – Adams County, Illinois.

James managed a survey of 5.6 miles of right of way along a transmission line. James compiled all field data and ensured the timely completion of the findings report.

Iowa

Field Supervisor- Phase I Archaeological Reconnaissance of the Natural Gas Pipeline Company of America, LLC, A Kinder Morgan Company, AMA #2 Make Piggable Project Site 2 - Muscatine County, Iowa.

Acting as field supervisor, Mr. Greene ensured the completion of field efforts for a 76 by 76 meter proposed piggling station. Mr. Greene worked closely with Cardno project managers to ensure the timely completion of this project before submittal and review by the Iowa Department of Cultural Affairs (IDCA).

Kentucky

Project Archaeologist – Archaeological Overview of the Broad Run Expansion Project, Compressor Stations 106 and 114 – Powell and Boyd Counties, Kentucky.

James supervised the archaeological survey and reporting efforts associated with both existing compressor stations. He worked with the project manager to ensure the timely completion of field efforts and the findings report.

Field Supervisor – Cultural Resource Assessment of the Heartland Parkway KY55 Enhancement Project – Adair and Taylor Counties, Kentucky.

James supervised the pedestrian and subsurface survey of 20 miles of right of way enhancements on Kentucky 55 in between Campbellsville and Columbia. He worked with the project manager to ensure the timely completion of field efforts and the findings report.

Project Archaeologist – Archaeological Phase I Archaeological Survey of Proposed Moist Soil Units Along Long Creek – Allen County, Kentucky.

James managed the pedestrian and subsurface survey of 101.2 acres of flood plain being developed by the Kentucky Department of Fish and Wildlife Resources (KDFWR). He worked to ensure the timely completion of the findings report.

Tennessee

Project Archaeologist – Cultural Resources Survey of the Broad Run Expansion Project, Proposed Compressor Station 563, Areas 3 and 4 – Davidson County, Tennessee.

James supervised the field and reporting efforts associated with this project. He ensured that both the archaeological and history property inventory data was compiled together within a single cultural resources report of investigation.

Field Manager – Phase I Archaeological Survey, Adairville – Mt. Denson 69kV Conveyance – Logan County, Kentucky, and Robertson County, Tennessee.

James managed the field effort and produced the report of investigation. James worked with the project manager to ensure the timely completion of this project including the submittal of archaeological site forms to respective State Historic Preservation Offices and reporting documentation to the Tennessee Valley Authority.

Project Archaeologist – Phase I Archaeological Survey, John Sevier - Whitepine #2 161-kV Uprate – Greene County, Tennessee.

James managed and conducted the field effort and report writing. James worked to ensure the timely completion of field efforts and the findings report for the Tennessee Valley Authority.

Project Archaeologist – Phase I Archaeological Survey – Selmer, Forest Hills, McNairy County, Tennessee.

James conducted the background literature review and report preparation portion of this 161-kV transmission line reacquisition project for Tennessee Valley Authority.

Project Archaeologist – Phase I Archaeological Survey of the West Adamsville Switching Station and Selmer - West Adamsville Transmission Line – McNairy County, Tennessee.

James conducted background literature review and report preparation portion of this proposed 161-kV switching station project for the Tennessee Valley Authority.

Project and Lab Manager – Phase I Cultural Resources Survey of Proposed Stream Crossing, Nickajack Reservoir – Hamilton County, Tennessee.

James managed the fieldwork and lab analysis for this project. This project involved the sub-surface survey of two acres on an alluvial terrace property along the Tennessee River. James managed personnel and ensured proper client correspondence during the duration of this project.

Project and Lab Manager – An Archaeological Survey of the Brainerd Mission Cemetery – Chattanooga, Tennessee.

James managed the fieldwork and lab analysis for this project. The project involved the sub-surface testing of a Cherokee mission cemetery for the City of Chattanooga. His work included the sub-surface testing, and the preparation of a technical report. James was in charge of managing the total station through the duration of the project.

Field Supervisor – Archaeological Resources Survey of the Doak House – Green County, Tennessee.

James supervised the subsurface testing of the Doak House Plantation site, associated with Tusculum College. His work included subsurface testing and preliminary analysis of recovered archaeological materials.

Missouri

Field Supervisor – Phase I Archaeological Survey and Geomorphological/ Geoarchaeological Study in Support of the Maywood to Herleman Transmission Line, Mississippi River Crossing – Marion County, Missouri.

James supervised the archaeological fieldwork along the Mississippi River and worked with other geoarchaeologists to complete the report of investigation.

Field Supervisor – Cultural Resources Assessment of the Current River Conservation Area, Elk Habitat Enhancement Project – Reynolds, Carter and Shannon Counties, Missouri.

James supervised the pedestrian and subsurface survey of existing and prospective elk feed plots for the Missouri Department of Conservation within the Current River Conservation Area. James worked with the field director to ensure the timely completion of the findings report.

Ohio

Project Archaeologist – Phase I Archaeological Reconnaissance of the Byers Road Connector Project – Montgomery County, Ohio.

This project involved the survey of an 11.8 acre connector road project outside of Dayton, Ohio. Mr. Greene aided in the field effort and reporting portions of this project.

Project Archaeologist – Phase I Archaeological Reconnaissance for the Heath to Findley Lapweld Pipeline Replacement Project - Delaware, Licking, and Marion Counties, Ohio.

This project incorporated the Phase I survey of a 7 mile natural gas pipeline replacement in central Ohio. This survey included several laydown yards and prospective compressor stations. Mr. Greene managed all field efforts as well as report preparation and production.

Oklahoma

Project Archaeologist - Archaeological Site Monitoring of Lake Hudson – Mayes County, Oklahoma

James drafted the findings report for the on-going site monitoring efforts of known sites on the banks of Lake Hudson for the Grand River Dam Authority.

West Virginia

Principal Investigator-Phase I Cultural Resources Survey for the North Ridge Surface Mine - Kanawha County, West Virginia.

Mr. Greene conducted the fieldwork for the 79 acres surface mine and acted as primary author for the report of investigation. Efforts included correspondence with the West Virginia Department of Environmental Protection (WVDEP) and the West Virginia SHPO.

Field Supervisor – Phase I Archaeological Survey of the Broad Run Expansion Project, Proposed Compressor Station 118A and 119A – Kanawha County, West Virginia.

James conducted the field effort and supervised the reporting portion of this project. James worked with the project manager to ensure the timely completion of the project.

Phase II Archaeological Investigation of Site 46PR161, Volkstone Training Facility, Camp Dawson – Preston County, West Virginia.

James worked with other field personnel to complete the Phase II testing of the site for the West Virginia Army National Guard. Testing of Site 46PR161 included the hand excavation of five 1 by 1 meter test units and the mechanical excavation of a trench to test for deeply buried cultural deposits. James's involvement included hand excavation, monitoring, and documentation of field data.

Georgia

Phase I Archaeological Investigations of the Savannah River Re-Oxygenation Project – Effingham and Chatham Counties, Georgia and Jasper County, South Carolina.

Contracted by the United States Army Corp of Engineers (USACE) Savannah District, James directed the terrestrial component of this investigation and ensured the timely completion of the report. James worked with team leaders in incorporating the underwater field data into the findings report.

Louisiana

Project Archaeologist – Cultural Resources Survey of the Hammond Air National Guard Communications Station, Hammond – Tangipahoa Parish, Louisiana.

James conducted the archaeological and historic property survey of the Hammond Air National Guard Communications Station. His efforts included a records search and literature review, conducting surface and subsurface testing, and integrating the archaeological and historic property inventory data into a single report of investigations.

Project Archaeologist – Cultural Resources Survey of the England Industrial Airpark, – Alexandria, Rapides Parish, Louisiana

James acted as the project archaeologist for the archaeological and historic property survey of the 259th Air National Guard Air Traffic Control Squadron. His efforts included a records search and literature review, conducting surface and subsurface testing, and integrating the archaeological and historic property inventory data into a single report of investigations.

Florida

Field Director – Data Recovery of the Lee House and Zarragossa Houses Lot Excavations – Escambia County, Florida.

James managed the sub-surface data recovery of both house lot excavations in downtown Pensacola. James managed field excavations closely with the principal investigator.

Field Technician – Cultural Resources Survey of Falling Waters State Park – Washington County, Florida.

James conducted subsurface testing of 78 acres of State Park property.

Field Technician – Data Recovery of the Emanuel Point Shipwreck, Target 17 – Escambia County, Florida.

James geo-referenced the Emanuel Point Shipwreck with the use of a total station located on the shoreline.

Field Supervisor – Data Recovery of the Commanding Officer’s Compound 8ES1150 – Escambia, Florida.

James conducted excavation and data analysis of archaeological materials.

Field and Lab Technician – Data Recovery of Presidio Isla de Santa Rosa – Santa Rosa County, Florida.

James participated in data recovery and analysis of this sixteenth century Spanish Presidio.

Montana

Field Supervisor – Archaeological Survey of Libby Dam – Lincoln County, Montana.

James supervised the field survey on behalf of the U.S. Army Corps of Engineers’ Seattle District.

New Mexico

Project Archaeologist – Cultural Resources Oversight of the Lobo’s CO2 Pipeline Project – New Mexico.

James oversaw the cultural resource investigations associated with the Lobo’s Pipeline Project that stretches across the state of New Mexico. His responsibilities included ensuring the proper completion of site inventories, logistics, and data management.

North Dakota

Principal Investigator –Archaeological Site Impact Assessment of Site 32MZ3061 – Mckenzie County, North Dakota.

In response to a right of way infraction, Mr. Greene documented impacts that occurred to Site 32MZ3061 a stone feature/ possible rock cairn. The impact assessment and respective documentation was completed by Mr. Greene. As a result the site was recommended not eligible for listing in the NRHP and was deemed an agricultural stone pile and not a prehistoric rock cairn.

Project Archaeologist – Class I literature Review and Class III Intensive Cultural Resource Inventory for the Caliber Bear Den Interconnect – Mckenzie County, North Dakota.

Mr. Greene assisted in the field effort portion of this project. In doing so Mr. Greene was in charge of collecting and inputting all documented field data into a Trimble GPS Unit.

Washington

Field Supervisor – Archaeological Survey and Data Recovery of the Howard A. Hanson Dam – King County, Washington.

James supervised the survey and data recovery portions of the project.

Field Supervisor – Cultural Resources Assessment of the Jackson Hydroelectric Project, FERC No. P-2157 – Snohomish County, Washington.

James supervised surface and subsurface survey of this project. James managed all data collected during field efforts and completed the technical report. James conducted tribal and state consultations and corresponded with the Snohomish County Public Utility District to ensure the timely completion of this project.

Field Supervisor – Cultural Resources Assessment of the Hancock and Calligan Creek Hydroelectric Project, FERC Nos. P-13994 and P-13948 – King County, Washington.

James supervised the surface and subsurface survey of this project. James managed all data collected during field efforts and completed the technical report. James conducted tribal and state consultations and corresponded with the Snohomish County Public Utility District to ensure the timely completion of this project.

US 101 Middle Nemah River Bridge Replacement Project – Pacific County, Washington.

James managed the completion of subsurface testing and technical report production. He also coordinated with Washington State Department of Transportation representatives.

Chiawana Park Restroom, Playground, and Sewer Development Historic Resource Testing Project, Pasco – Franklin County, Washington.

James supervised the completion of the archaeological testing and technical report. He also coordinated with U.S. Army Corps of Engineers representatives and analysis of recovered lithic materials.

Field Supervisor – Centralia-Chehalis Flood Reduction Project Archaeological Surveys – Lewis County, Washington.

James managed the subsurface survey and multiple site testings along the Airport levee for the U.S. Army Corps of Engineers.

Cultural Resources Assessment of the Burien to Renton Rapid Ride F Line – King County, Washington.

James conducted a historic property inventory of multiple properties along the Rapid Ride F-Line route for King County Metro Transit. James was involved in the field survey and report production portions of the project.

Cultural Resources Services for AVISTA's Reardan Wind Energy Project, Lincoln County, Washington.

James supervised the pedestrian survey of approximately 1,200 acres of turbine corridors, connector lines and access roads for a wind energy facility located in Lincoln County, Washington. James managed personnel and coordinated with the client to ensure the project was completed on time. Work included the pedestrian survey, historic building and property inventories, site and isolate inventories, record search and literature review and the preparation of a technical report to meet the requirements under a State Environmental Protection Act special use permit.

Cultural Resource Specialist – Cultural Resources Survey for the Lund Hill Wind Energy Project – Klickitat County, Washington.

James supervised the pedestrian survey of approximately 700 acres of turbine corridors for a wind energy facility in Klickitat County, Washington. James managed personnel and coordinated with the client to ensure the project was completed on time. Work included the pedestrian survey, isolate inventories, historic building and property inventories, record search and literature review, and the preparation of a technical report to meet the requirements under a State Environmental Protection Act special use permit.

Professional Certifications

- Registered Professional Archaeologist
- Meets the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 FR. 44716
- Qualified Professional Archaeologist, Indiana
- OSHA 10-Hour Construction Safety & Health Certification, 2015
- Hazardous Waste Operations and Emergency Response, 40 hour certification
- AMEC Safety Award 2014
- Scientific Diver, University of West Florida, 2007
- Open Water Diver, Scuba Schools International (SSI), 1995

Technical Reports

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- J. Greene and D. Simpson, AMEC Environment & Infrastructure, Inc. 2014. Phase I Archaeological Survey and Geomorphological/Geoarchaeological Study in Support of the Maywood to Herleman Transmission Line, Mississippi River Crossing, Marion County, Missouri.
- J. Greene and D. Simpson, AMEC Environment & Infrastructure, Inc. 2014. Phase I Archaeological and Geomorphological/Geoarchaeological Survey in support of the Maywood to Herleman Transmission Line, Mississippi River to Herleman, Adams County, IL.
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- J. Greene and R. Stallings, AMEC Environment & Infrastructure, Inc. 2013. Phase I Archaeological Survey, John Sevier - Whitepine #2 161-kV Uprate, Greene County, Tennessee.
- M. Prybylski and J. Greene, AMEC Environment & Infrastructure, Inc. 2013. Cultural Resources Survey of the England Industrial Airpark, Alexandria, Rapides Parish, Louisiana.
- J. Greene and M. Prybylski, AMEC Environment & Infrastructure, Inc. 2013. Cultural Resources Survey of the Hammond Air national Guard Communications Station, Hammond, Tangipahoa Parish, Louisiana.
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- K. Jordan-Greene, J. Greene. AMEC Earth & Environmental. 2010. Cultural Resources Assessment of the Heights Water Transmission Alignment Project, Vashon Island, King County, Washington.
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J. Greene. Report of Investigation. AMEC Earth & Environmental. 2010. Cultural Resources Assessment of US 101 Middle Nemah River Bridge Replacement Project, Pacific County, Washington.

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September 25, 2023

Jackson Hendricks,
Assistant Development Manager
DCI Development & Construction Insight, LLC
2054 Kildaire Farm Road, #167
Cary, North Carolina 27518

RE: Background Review and Boundary Delineation of the Cemetery located at 12011 Mona Road, Rutherford County, Tennessee

Mr. Hendricks,

On May 10, 2023, TRC Environmental Corporation (TRC) carried out the delineation and mapping of the *John Garrett Cemetery* for DCI Development & Construction Insight, LLC (DCI). The purpose of this investigation was to map and document all gravestones and other surface traces of interments within the main body and periphery of the John Garrett Cemetery. TRC utilized visual inspection to identify marked and potential unmarked graves. The following letter report provides a brief description of the cemeteries and the results of the field investigation. Additionally, recommendations for the possible removal and relocation of the John Garrett Cemetery are included.

Background

According to the Rutherford County Property Assessor's office (<https://rcpatn.com/> 2023) the John Garrett Cemetery is located on a 5.48-acre tract of land located at 12011 Mona Road in Murfreesboro, Tennessee (Figure 1). The parcel was purchased in 2023 from the Grantee, *Steele Ronald L. Etux Ruby Lynn* who in turn bought the property in 1996 from *Ballew Christopher D. Etux Traci L* in 1996. Data from the property accessor shows a home was built on the parcel in 2008. Topographic maps, produced prior to 1967, show the project area in a landscape preceding the creation of Percy Priest Lake. The lake altered the region outside of both cemeteries. In 1878, a *G. Garrett* owned the property in the general vicinity of the cemetery and association with John Garret may be assumed (D.G. Beers & Co. 1878).

The Rutherford County Historic Cemetery Survey (<http://rutherfordcountyttn.gov/archives/projects.htm> 2023) recorded the project cemetery as the *John Garrett Cemetery*, with no further information. The *Find a Grave* website references this interment as the *Garrett Cemetery* (FindaGrave.com 2023).

John Floyd Garrett

The inscription on the headstone of John Floyd Garrett states that he was born July 16, 1838, died December 31, 1917. The U.S. Federal Census establishes that a John Garrett was a thirteen-year-old male living in Wilson County with his mother Jane Garrett and multiple siblings in 1850 (Ancestry.com). Tennessee U.S Marriage Records from 1780-2002 show John F. Garrett married on July 27 ,1859 (Ancestry.com). John F. Garrett is likely a *John F. Garrett* listed in the US. Civil War Soldier Records and Profiles from 1861-1865. He is listed as a Corporal in the 45th Infantry for the Confederacy. The 1900 United States Federal Census places John F. Garret living in Rutherford County, married to Minerva Garrett with the occupation of farmer.

DELINEATION OF JOHN GARRET CEMETERY

The John Garrett Cemetery is located west directly off a gravel drive that leads up to an empty house located on the same parcel (Figure 1-2). The cemetery is bounded by an iron gate, approximately 2 meters (6.56 feet) long E/W and 1 meter (3.28 feet) wide N/S (Figure 3). The interment is marked by a single headstone with an inscription.

The grounds are overgrown, and a tree grows directly south of the cemetery. A push pile row is located directly west, nearly on top, of the cemetery (Figure 4). No other evidence of additional interments were evident during this delineation. Please see the sections below for a detailed description of the methods and results of TRC's delineation for the John Garrett Cemetery.

Methods

TRC conducted a delineation of Garrett Cemetery 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 gate placed around the headstone of John Garrett. Measuring tapes were used to map the cemetery, a GPS unit with sub-meter accuracy recorded the cemetery's location, and photographs were taken. The investigation outside the boundaries of iron gate yielded no evidence of further interments, therefore no additional methods were applied.

Results

In total, 1 grave marker, surrounded by an iron gate was identified within an area that measures 2 meters (6.56 feet) E/ W by 1 meter (3.28 feet) N/ S. The grave marker is upright with the inscription facing west. The inscription states (Figure 5):

J.F. GARRETT
JULY.16.1838
DEC.31.1917

The cemetery is not maintained but protected by the gate. No depressions or other markers were found outside the visible grave maker. The cemetery is bounded by a gravel road to the east, a tree is growing directly north of the cemetery, and a long push pile found up against the west side of the cemetery. This essentially aids in the determination that the cemetery does not expand outside the boundaries of the gate.

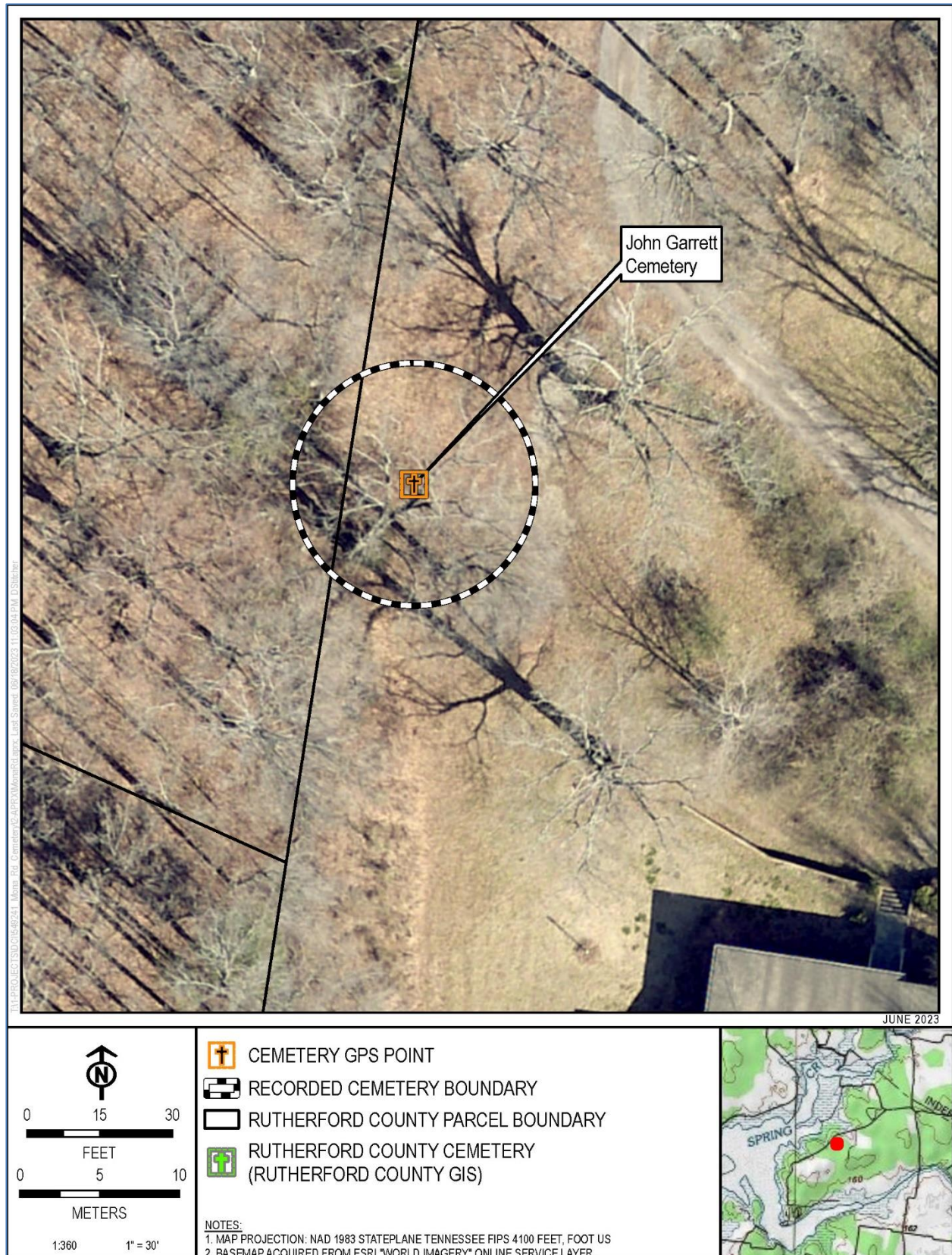


Figure1. Results of John Garrett Cemetery.



Figure 2. House and Gravel Drive northeast of John Garrett Cemetery.



Figure 3. John Garrett Cemetery.



Figure 4. Push pile directly west of John Garrett Cemetery.



Figure 5. Inscription on the John Garrett Headstone.

Recommendations for Removing and Relocating the John Garrett Cemetery

TRC recommends one of two options for the prospective development plans for John Garrett Cemetery. 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.

To remove the burial, the first course of action may be to determine if the tree growing next to the cemetery needs to be cut down prior to excavation. The second course of action is to use a track hoe to remove the overburden down to a level where the grave can be exposed and to be excavated by hand. This level is usually attained anywhere between 3.5 to 5.5 feet in depth. A 25-foot buffer zone around the interments 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. After this time TRC will hand excavate the cemetery and place the remains respectfully in bags and marked boxes. The size needed for the new cemetery location will dependent on the number of burials found. Also, if it is determined that any late twentieth century. graves are present their removal would require specialist skills archaeological excavation. In such cases a funeral home that specializes in such removals is consulted.

The work will generate 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 construction. The number of individuals buried in this cemetery cannot be definitively known until the entire area has been stripped to the level at which grave shafts can be seen.

The reburial process will have to be closely coordinated with your plans for grading and preparing the site for construction. To carry out the reburial, a track hoe will be needed to excavate the area down about five feet deep, followed by refilling. Depth of bedrock may be a concern in choosing where to rebury.

We also encourage you to be sure that development of the property will not require any federal permitting such as a US Army Corps of Engineers 404 permit or any development funds through HUD or Federal Highways. Federal involvement would likely trigger Section 106 historic preservation regulations and review. This would require a much more intense level of archaeological investigation beyond simply a respectful removal and reburial. Given that the property will be developed for private commercial use, federal involvement seems unlikely, but should federal permits be required consultation with the State Historic Preservation Office is recommended.

Please contact me by phone at 615 218-4512 or by email at jgreene@trcsolutions.com if you would like to discuss or clarify any of the findings and recommendations presented in this report. We appreciate the opportunity to work with you on this interesting project.



726 Melrose Ave.
Nashville, TN 37211

T 615.647.6465
TRCcompanies.com

Sincerely,

A handwritten signature in blue ink, appearing to read "James Greene".

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

A handwritten signature in black ink, appearing to read "Krista Jordan-Greene".

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



References

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1878 *Rutherford County, 1878*. Philadelphia PA.

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