

**IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE AT
SPRINGFIELD**

FILED
CLERK & MASTER ROBERTSON CO. TN

THOMAS CURTIS GROVES,

PETITIONER

v.

MARY HINES,

AND

**FLORENCE W. BAILEY, DECEASED,
AND/OR HER PREDECESSORS IN
TITLE TO CERTAIN PROPERTY
CONTAINING A CEMETERY
LOCATED ON EUBANKS ROAD,
ROBERTSON COUNTY, TENNESSEE,**

AND

**ALL UNKNOWN INTERESTED
PERSONS HAVING AN INTEREST
IN A CEMETERY LOCATED ON
EUBANKS ROAD,
ROBERTSON COUNTY, TENNESSEE**

DEFENDENTS.

MAR 17 2022
AT 9:18 O'LOCK A.M.
BY ROSEMARY T. SPRAGUE
No. CH22-CV-133

P E T I T I O N

COMES the Petitioner, Thomas C. Groves, and would state unto the Court as follows:

1. The Petitioner is a citizen and resident of Robertson County, Tennessee, residing at 6161 Stringer Road, Portland, Tennessee.
2. This is a proceeding pursuant to Tennessee Code Annotated 46-4-101 et seq., to request that the Court allow the relocation of 2 certain grave sites on the Petitioner's property and re-internment in a recognized Church cemetery as set forth herein.

OWNERSHIP OF LAND-

3. The Petitioner is the owner of certain agricultural land used for farming located on Eubanks Road in Robertson County, Tennessee, being a tract of property containing

approximately 94.32 acres, more particularly described as Parcel 058 on Tax Map 012 in the Tax Assessor's Office for Robertson County, Tennessee, all referred to herein as "the Property".

4. A copy of the most recent deed unto the Petitioner, dated January 24, 2020, as recorded at Record Book 1931, Page 236, Register's Office for said County, is attached hereto as Exhibit "A".
5. Prior to the above 2020 deed, the Property had been owned by the Petitioner Thomas C. Groves and his mother, Lanan Groves, as tenants in common with right of survivorship, as described by deed from Florence W. Bailey dated December 11, 2014, recorded at Record Book 1598, page 9096, said Register's Office. The purpose of the above 2020 deed was to vest title solely in the name of the Petitioner.
6. Prior to the above deed from Florence Bailey, this farm property has been owned jointly by Florence W. Bailey and her niece, Mary Hines. At later time, by deed at Record Book 1597, Page 877 said Register's Office, the said Florence W. Bailey and her niece, Mary Hines, partitioned this farm property, with Florence W. Bailey then owning that part of the farm now owned by your Petitioner. Florence W. Bailey is now deceased.
7. Prior to the joint ownership of Florence W. Bailey and Mary Hines, the farm property had been owned by James Bailey, John Bailey, and Frances Bailey Lane (mother of Mary Hines). Frances Bailey and Mary Hines acquired their interest in the farm as a result of the deaths of John Bailey, James Bailey and Frances Bailey Lane.

GRAVESITES-

8. The Petitioner would state that within the last several months, while clearing a portion of his farm property from woods and underbrush, 2 graves sites were uncovered, being as depicted in the attached picture, noted as Exhibit "B".
9. The Petitioner would state that upon inspection, the headstones of these 2 graves are completely unmarked by name, date or any other markings, such that it not possible to determine the identity of persons buried in these 2 graves sites.
10. Pursuant to T. C. A. 46-4-101, the Petitioner would state that such burial ground as evidenced by said pictures is "unsuitable for such, that such burial ground is abandoned, that such burial ground is in a neglected condition".
11. The Petitioner would advise that his Property could be transferred to subsequent owners and that the future use of the Property for farming purposes would then change, resulting in the need to transfer the gravesites to a recognized cemetery such that the dignity of the gravesites may be maintained. The transfer of the gravesites is a condition for the closing.
12. The Petitioner would state that upon Court approval, these gravesites can be moved to the church cemetery of the Pleasant Hill Baptist Church located at 3049 Pleasant Hill Church

Road, referred to herein as "the Church and/or Church Cemetery". A document has been prepared to indicate the approval of the Church as to the acceptance of these grave sites, remains and headstones into the Church Cemetery, attached as Exhibit "C".

RELIEF REQUESTED-

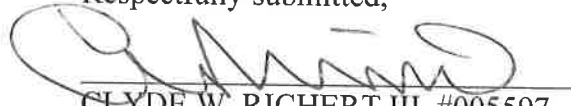
13. T. C. A. 46-4-103 (b) states, in a Petition to relocate graves sites, that all "interested persons" are to be made Defendants.
14. T.C. A. defines "interested persons" as: "all persons who have any right or easement or other right in, or incident or appurtenant to, a burial ground as such, including 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".
15. The Petitioner asserts that he, as the Property Owner, is "an interested person" to bring this action pursuant to the above statutes.
16. Upon the Petitioner's inquiry of Mary Hines, she advises that neither she, or her aunt Florence W. Bailey, or anyone in their family, had any knowledge of the existence of the gravesites upon the Property. Upon information and belief, Mary Hines is the last living person that would have any possible knowledge as to the gravesites and/or the persons buried there.
17. Based upon all information that can be found by the Petitioner, the identity of the persons buried in these gravesites is impossible to determine. Said statutes which control the relocation of gravesites above recited state that in such case, notice to any possible Defendants, who may be descendants of the persons buried there, shall be given by Publication as otherwise provided by law.
18. The Petitioner would state that pursuant to T. C. A. 46-4-103, that he has already given notice of this gravesite to the Tennessee Historical Commission, Attention Mr. Graham Perry, and that Mr. Perry has visited the site and noted the gravesites for his records. Further, Mr. Perry has been advised of this Petition for removal of the graves.

WHEREFORE, the Petitioner would pray to the Court for Relief as follows:

1. That he be allowed to file this Petition pursuant to T. C. A. 46-4-101 et seq. as an "interested party" and owner of the Property.
2. That pursuant to T. C. A. 46-4-103, that the Petitioner shall give all notice required to the Tennessee Historical Commission, including a copy of this Court filed Petition.
3. That upon filing of the Petition, that personal service be had on Mary Hines, whose address is 171 South Cedar Street, Cross Plains, Tennessee.

4. That upon filing of the Petition that service by publication be had upon the unknown Heirs of Florence W. Bailey, deceased and/or the predecessors in title of Mary Hines and Florence W. Bailey in that property located on Eubanks Road, Robertson County, Tennessee, containing two gravesites with headstones that are unmarked.
5. That upon filing of the Petition that service of process by publication be had upon "all unknown interested persons having an interest in a cemetery with unmarked headstones located on Eubanks Road, Robertson County, Tennessee".
6. That upon a final hearing of this cause that the Court enter an Order allowing for an experienced professional gravedigger, already contacted by the Petitioner, to remove the remains from these 2 gravesites, including headstones, and re-bury said remains with headstones in the cemetery of the Pleasant Hill Baptist Church, all at the expense of the Petitioner.
7. That the Petitioner have such other, general and specific relief to which he may be entitled.

Respectfully submitted,



CLYDE W. RICHERT III, #005597

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I am surety for costs not to exceed \$300.00.



CLYDE W. RICHERT III

STATE OF TENNESSEE)
COUNTY OF ROBERTSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **THOMAS C. GROVES**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who made oath that the statements set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.



THOMAS C. GROVES

Subscribed and sworn before me, this the 16th day of March, 2022.



NOTARY PUBLIC

My Commission Expires : 2-26-2024

