

IN THE CHANCERY COURT FOR ROANE COUNTY, TENNESSEE

QUINT BOURGEOIS and
ERIC J. MOSELEY,
Petitioners

v.

No: _____

UNKNOWN HEIRS OF
B. F. MARTIN & R. A. MARTIN and
ANY and ALL UNKNOWN INTERESTED PARTIES,
Respondents

PETITION FOR TERMINATION OF USE OF LAND AS BURIAL GROUND
AND FOR DISINTERMENT AND REINTERMENT OF MARTIN
AND ANY OTHER DISCOVERED REMAINS

COME Petitioners, Quint Bourgeois and Eric J. Moseley, by and through Counsel and pursuant to Tenn. Code Ann. 46-4-101, and petition this Honorable Court for an order permitting Petitioners to have human remains removed and relocated and for an order terminating the use of, and all rights and easements to use property formerly utilized as the Martin Cemetery located in Lawnsdale, Tennessee off Roane State Highway, and in support of said request would respectfully show as follows:

1. Petitioners are the owners of property located in Lawnsdale, Tennessee, off Roane State Highway in Roane County, Tennessee, said property being vested in Petitioners and more particularly described by deed dated 8/17/21 and recorded at Book 1816, pg. 948 in the Register's Office for Roane County, Tennessee, a copy of which is attached hereto as Exhibit A.

2. Petitioner's Deed at Book 1816, pg. 948, references a "cemetery" situated on Lot 16 of the subject property as shown on the map of "A Division of the J. Baker Hamilton Property" recorded at Plat Book G, pg. 344 in the Register's Office for Roane County, Tennessee, a copy of which is attached hereto as Exhibit B.

3. As best Petitioners can tell, said "cemetery" consists of two (2) head stones, a picture of which is attached as Exhibit C.

4. Petitioners have now cleared away the brush, but upon purchasing the subject property, Petitioners found said head stones and grave site to be covered in brush, hardly noticeable, abandoned and in a neglected condition as evidenced by pictures attached hereto as Exhibit D.

5. To date, Petitioners are unsure of their plans for the property. Petitioners would show that said property is currently for sale, but if Petitioners are unable to sell said property, they have a general plan to develop said property for commercial and residential purposes, and that regardless of the future use of said property, the present site is unsuitable as a grave site such that removal to a different portion of the property is necessary.

6. Petitioners propose that said head stones and grave sites be moved to a different portion of the subject property as indicated on the "Martin Gravesite Relocation" Survey dated 10/3/23 and attached hereto as Exhibit E. Petitioners propose to encircle the grave site with an aesthetically pleasing fence and to erect a sign reading "Martin Gravesite".

7. Petitioners have consulted with Kyker Funeral Home in Harriman for the purpose of removal and reinterment of the grave sites upon approval by this Court and will abide by all laws in that regard.

8. Despite diligent efforts to locate descendants or other interested parties including but not limited to contacting the Roane County Heritage Commission, Petitioners have been unable to identify any such parties. (See attached Affidavit of Quint Bourgeois at Exhibit F.)

9. Petitioners, pursuant to Tenn. Code Ann. 46-4-103, have given notice to the Tennessee Historical Commission of the filing of their Petitioner and have provided the Commission with a copy of said Petition.

WHEREFORE, Petitioners pray as follows:

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

2. That this Court find that further use of the property as a resting place for the remains of B. F. Martin, R. A. Martin or any known remains is inconsistent with due and proper reverence or respect for the memory of the dead in accordance with the conditions set forth in Tenn. Code Ann. 46-4-101.

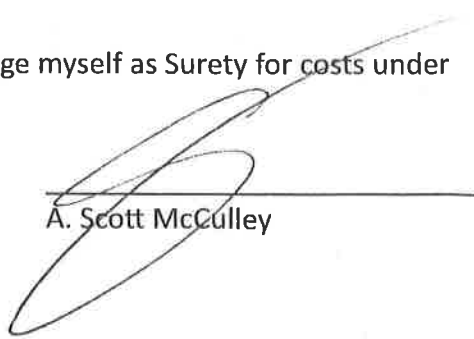
3. That this Court enter a final order authorizing the disinterment of the remains of B. F. Martin, R. A. Martin and any others discovered on the property, terminating the use of that portion of the subject property as a burial ground for the Martins and any other remains discovered and allowing said remains to be transferred and reinterred at a more suitable final resting place as proposed herein.

Respectfully submitted this 1st day of December, 2023.

A. SCOTT MCCULLEY, BPR# 015579
Attorney for Petitioners
535 W. Lamar Alexander Pkwy.
Maryville, TN 37801
865-243-3363
asmatty@yahoo.com

COST BOND

I, A. Scott McCulley, Attorney, hereby acknowledge myself as Surety for costs under
Tenn. Code Ann. 20-12-120.



A. Scott McCulley



BK/PG:1816/948-953

21007616

E. CGR - WARRANTY DEED	
KIRSTY CLIFTON 172437 - 21007616	
08/18/2021 - 12:50 PM	
VALUE	992310.00
MORTGAGE TAX	0.00
TRANSFER TAX	3471.55
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	3.00
TOTAL DEDUCTION	3706.55
STATE OF TENNESSEE, ROANE COUNTY	

SHARON BRACKETT

OWNER/RESPONSIBLE TAXPAYER:

Quint C. Bourgeois and Eric J. Moseley

8012 Taylor Rd.

KNOXVILLE, TN 37922

CLT No. 056-064.00

THIS INSTRUMENT PREPARED BY:

Croley, Davidson & Hule, PLLC

800 S. Gay Street, Suite 1700

Knoxville, TN 37929

File No. 211870 (JEB)

WARRANTY DEED

THIS INDENTURE made as of the 17th day of August, 2021, between J. BAKER HAMILTON, aka JOHN BAKER HAMILTON and wife, KARI HAMILTON, First Parties, and QUINT C. BOURGEOIS (as to a one-half undivided interest) and ERIC J. MOSELEY (as to a one-half undivided interest), as tenants in common, Second Parties:

WITNESSETH

THAT SAID FIRST PARTIES, for and in consideration of the sum of TEN NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, to them in hand paid by said Second Parties, the receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed, and do by these presents grant, bargain, sell and convey unto Second Parties the following described property:

Situated in the First (1st Civil District of Roane County, Tennessee and being known and designated as all of Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, as shown on that map captioned as "A Division of: J. Baker Hamilton Property", being a subdivision to Roane County, Tennessee, and being shown more particularly on that map recorded in Plat Book G, Page 344, in the Roane County Register of Deeds Office, to which map specific reference is hereby made for a more particular description of said property, and being according to the survey of Christopher L. Rudd, Tennessee Registered Land Surveyor No. 1842, dated December 13, 2020. The address of the surveyor is Chris Rudd Surveyors, 925 Hiwassee Avenue, Knoxville, TN 37917.

Being a part of that property conveyed to J. Baker Hamilton by the following deeds:

(a) Quit Claim Deed from Marta S. Hamilton, dated May 16, 2003 and of record in Book DN22, page 762, in the Roane County Register of Deeds Office;

(b) Warranty Deed from Madge B. Hamilton, a single person, to J. Baker Hamilton and wife, Marta S. Hamilton, dated February 26, 1991 and recorded in Deed Book P, Series 18, Page 666, in the Roane County Register of Deeds Office;

(c) Warranty Deed from Betty Ann Bowman, one of the heirs of T.L. Bowman, deceased, to W.L. Hamilton and John Baker Hamilton, dated December 5, 1978 and recorded in Deed Book X, Series 14, Page 323, in the Roane County Register of Deeds Office;

(d) Warranty Deed from Jane Bowman Jenkins, one of the heirs of T.L. Bowman, deceased, to W.L. Hamilton and wife, Madge B. Hamilton dated November 7, 1978 and

H:\sharp\211870 - Bourgeois\Warranty Deed.doc

recorded in Deed Book W, Series 14, page 386 in the Roane County Register of Deeds Office;

(e) Warranty Deed from J. Baker Hamilton, Administrator of the Estate of William L. Hamilton to J. Baker Hamilton and wife, Marta S. Hamilton, dated February 3, 1995 and recorded in Deed Book V, Series 19, page 522 in the Roane County Register of Deeds Office;

(f) Warranty Deed from William E. Hamilton to J. Baker Hamilton and wife, Marta S. Hamilton dated November 21, 1994 and recorded in Deed Book X, Series 19, page 626, in the Roane County Register of Deeds Office; and

(g) Order entered in the Probate Court for Roane County, Tennessee in the Estate of William L. Hamilton, deceased, on January 31, 1995 and recorded in Deed Book V, Series 19, page 519, in the Roane County Register of Deeds Office.

For further reference see that deed into Thomas L. Bowman dated May 1, 1934 and of record in Deed Book E, Series 5, Page 97, in the Roane County Register of Deeds Office and the Last Will and Testament of Thomas L. Bowman in Will Book 6, page 12, in the Roane County Probate Office.

with the hereditaments and appurtenances thereto appertaining, hereby releasing all claims therein, including homestead. **TO HAVE AND TO HOLD** the same unto the Second Parties, their heirs, successors and assigns forever.

AND said J. Baker Hamilton, for himself and his heirs, successors and assigns, does hereby covenant with said Second Parties, their heirs, successors and assigns, that he is lawfully seized in fee simple of the premises above conveyed and has full power, authority and right to convey the same, and that said premises are free from all encumbrances and that he will forever warrant and defend the said premises and the title thereto against the lawful claims of all persons whomsoever; provided, however, this conveyance is made subject to the matters set forth on Exhibit "A" attached and taxes for the year 2021, which shall be prorated at closing and payment of which shall be assumed by the Second Parties.

The First Parties further convey to Second Party any and all rights to resubdivide or combine the lots as shown on Plat Book G, Page 344 in the Roane County Register of Deeds, into other configurations and into more or less lots, as Second Party may desire in the sale and/or development of the property conveyed herein.

The spouse of J. Baker Hamilton, being Kari Hamilton, joins in the execution of this deed to convey whatever right, title or interest she may hold in and to the property by virtue of her marriage to J. Baker Hamilton, but she conveys such right, title and interest without warranty of any kind.

Whenever in this instrument a pronoun is used it shall be construed to represent either singular or plural, or the masculine, feminine or neuter gender, as the case may demand.

IN WITNESS WHEREOF, the said First Parties hereunder have executed this instrument as of the day and year first above written.



J. Baker Hamilton

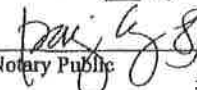


Kari Hamilton

STATE OF Tennessee
COUNTY OF Knox

Personally appeared before me, the undersigned authority, a Notary Public in and for said State and County, **J. Baker Hamilton**, the within named bargainer, with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 17th day of August, 2021.



Notary Public

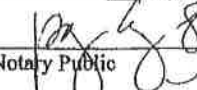


My Commission Expires: 2-2-2025

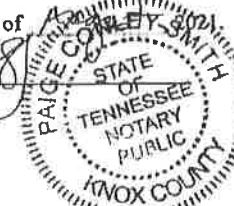
STATE OF Tennessee
COUNTY OF Knox

Personally appeared before me, the undersigned authority, a Notary Public in and for said State and County, **Kari Hamilton**, the within named bargainer, with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 17th day of August, 2021.



Notary Public



My Commission Expires: 2-2-2025

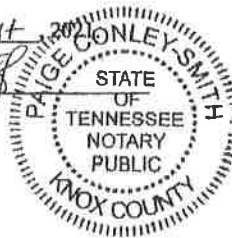
I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is \$ 992,310.⁰⁰.

[Signature]
Affiant

Subscribed and sworn to before me this 17th day of AUGUST, 2021

[Signature]
Notary Public

My Commission Expires: 2-2-2025



John A. Smith

Subdivision plat approval by Rowan County Planning Commission is not required if a parcel is divided into 3 or more acres, abuts an existing county road which is shown on the Rowan County Road List, and NO new utilities are being constructed or required.

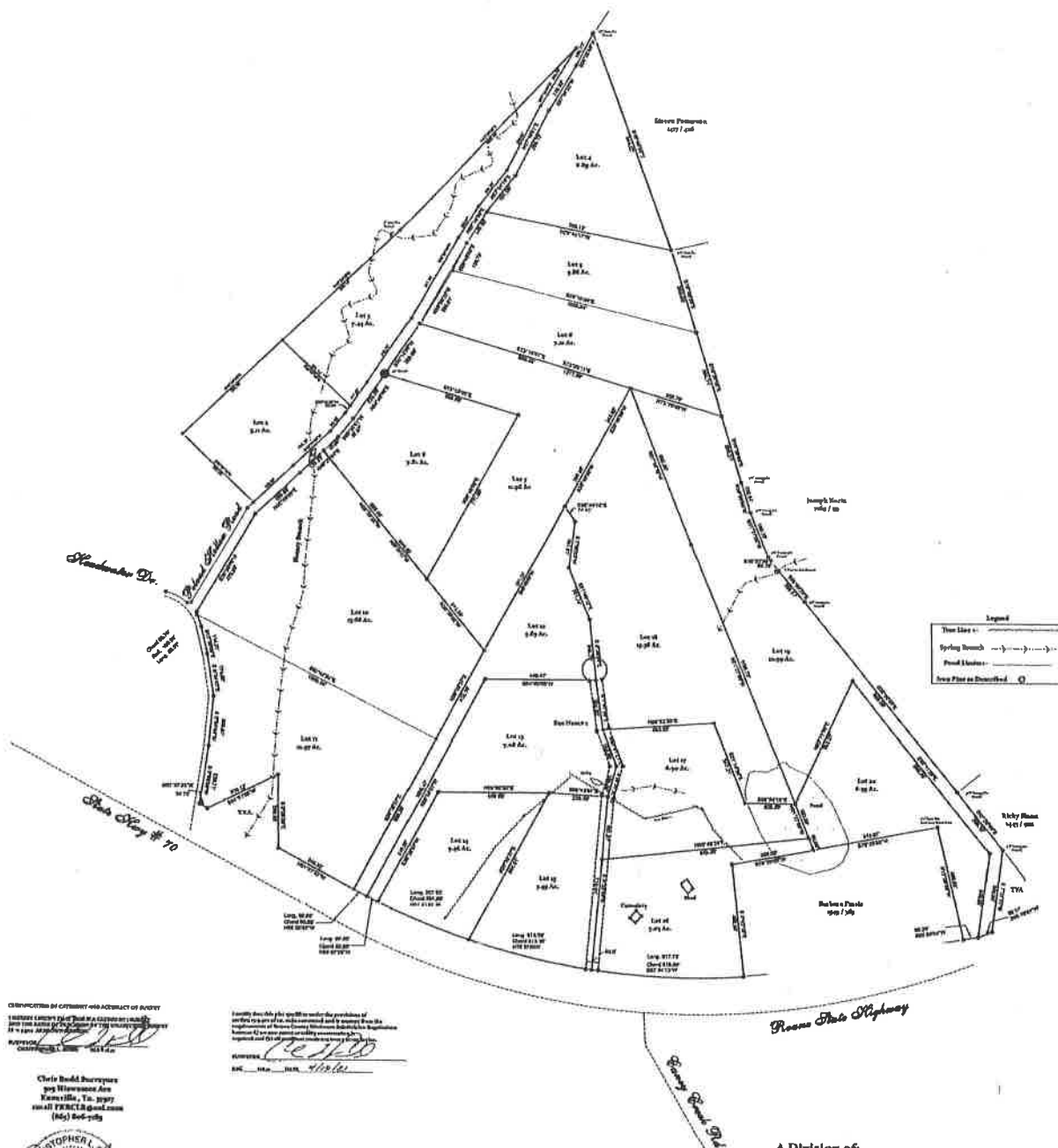
Peri Brune
10-24-2021

PLT2024-058



EXHIBIT

B



CERTIFICATION BY CATERPILLAR AND ASSOCIATES OF SUEDE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED: _____
DATE: _____

Chris Budd Surveys
305 Hallowance Ave
Knoxville, TN 37907
email FBRECH@aol.com
(423) 266-7676



I hereby declare this affidavit to be true to the best of my knowledge and belief, and I declare under the penalties of perjury that I am not a party to any fraud or other illegal activity in connection with the above-captioned matter.

[Signature]

DATE 11/20/2011 TIME 4:00 PM

6/24/2021 11:12 AM

21005752

DATE: 1/11/74

PLAY MODE: D
PAGE: 344-344

WPA PER _____
BY PER _____

074

STUDY WAREHOUSE
10.10.2016 10:10

1) *Is the Permittee's Asset Exempt?* The asset must be used in a money trust, and will only be maintained by Racco County until the asset is accounted for once Racco County need results, and is assigned by the Racco County Road Committee and Racco County Contractors.

2) *Are the road and utility easement within all lot lines?*

3) *Property is Bond C's primary structure address*

Front = 1st
Side = 2nd
Rear = 3rd

4) *Is the parcel not at all County Exempt as noted on this Plot?*
Front to plot, plot shown is the easement

**A Division of:
J. Baker Hamilton Property
Dist 1 Roane Co. Tn.
CLT Map 56 Parcel 64
Deed Book N-22 Page 762
Date April 13, 2021
Scale 1" = 200'**

1843-C2791R



Quint Bourgeois <quintbour@gmail.com>

**Cemetary**

1 message

Quint Bourgeois <quintbour@gmail.com>
To: Quint Bourgeois <quintbour@gmail.com>

Fri, Apr 8, 2022 at 12:44 PM

*Quint Bourgeois*

10255 Kingston Pike
Knoxville, TN 37922
(865) 693-3232
Fax: (865) 244-3607
QuintBour@gmail.com
www.QuintB.com

License # 220653
Firm License # 213347

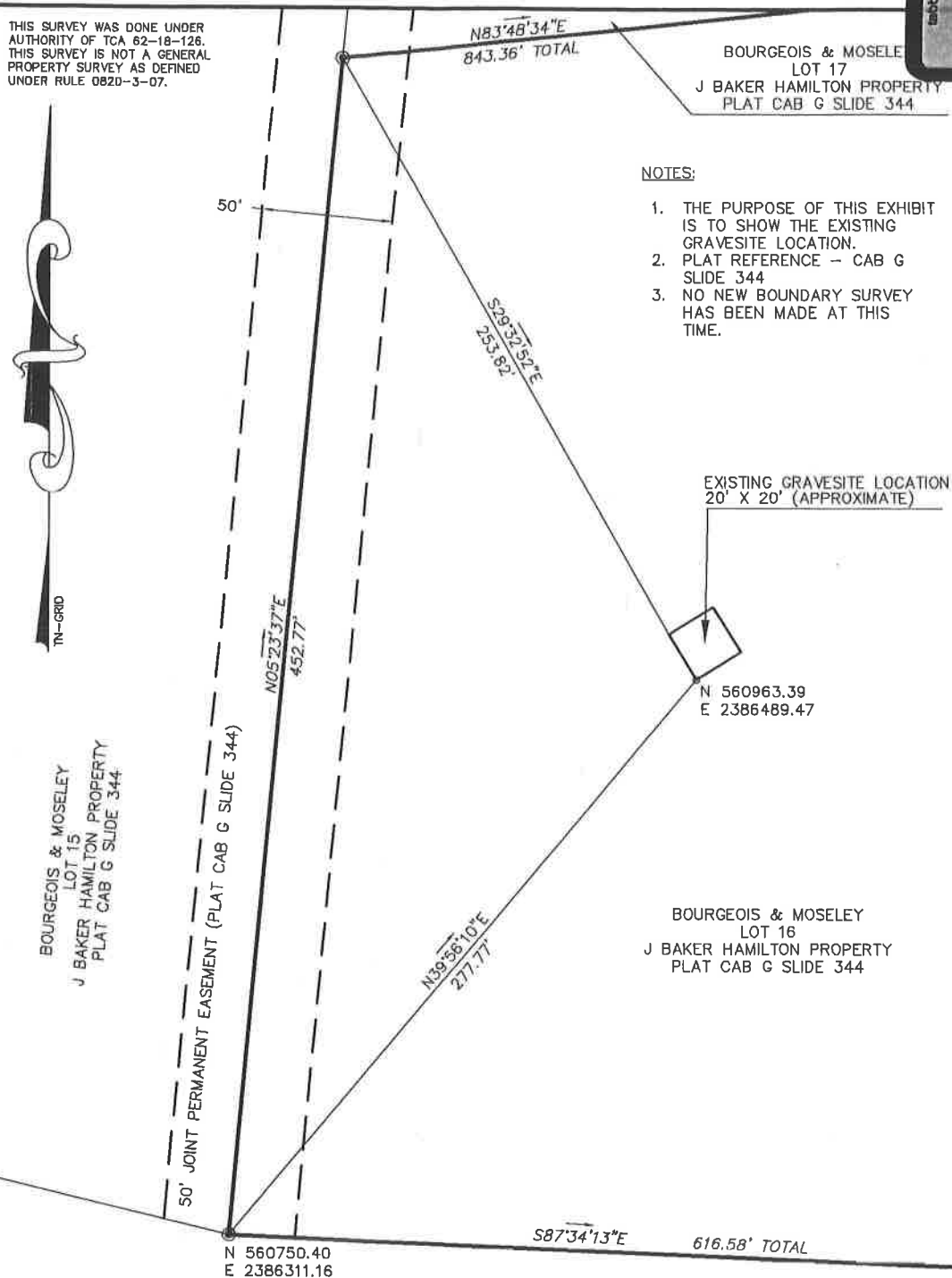








THIS SURVEY WAS DONE UNDER
AUTHORITY OF TCA 62-18-126.
THIS SURVEY IS NOT A GENERAL
PROPERTY SURVEY AS DEFINED
UNDER RULE 0820-3-07.



NOTES:

1. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE EXISTING GRAVESITE LOCATION.
2. PLAT REFERENCE - CAB G SLIDE 344
3. NO NEW BOUNDARY SURVEY HAS BEEN MADE AT THIS TIME.

EXHIBIT "A":

Martin Gravesite Relocation

LOT 16

J. Baker Hamilton Property

Roane County, Tennessee

ROANE STATE HWY

NOTE:
NO TITLE REPORT WAS FURNISHED TO THIS
SURVEYOR AND OTHER EASEMENTS AND/OR
EXCEPTIONS NOT APPARENT IN THE FIELD
MAY OR MAY NOT EXIST AND MAY BE
REVEALED BY A TITLE SEARCH BY A TITLE
ATTORNEY.

Ward	—	City	—
District	1	County	ROANE
Plat Cab:	G	Slide	344
Deed Book	1816	Page	948
CLT #	056	Parcel	064
Scale	1"=50'	Date	10/03/2023
Drawn By	C. VITKUS	City Block	—
Project #	4805		

LYNCH SURVEYS LLC

SUBDIVISIONS | AS-BUILTS | SITE DESIGN
4405 COSTER RD. KNOXVILLE, TENN. 37912
865-584-2830 FAX 865-584-2801 WWW.LYNCHSURVEY.COM



THIS SURVEY WAS DONE UNDER
AUTHORITY OF TCA 62-18-126.
THIS SURVEY IS NOT A GENERAL
PROPERTY SURVEY AS DEFINED
UNDER RULE 0820-3-07.

NOTES:

1. THE PURPOSE OF THIS EXHIBIT
IS TO SHOW THE NEW
GRAVESITE LOCATION.
2. PLAT REFERENCE - CAB G
SLIDE 344
3. NO NEW BOUNDARY SURVEY
HAS BEEN MADE AT THIS
TIME.

NOTE:
NO TITLE REPORT WAS FURNISHED TO THIS
SURVEYOR AND OTHER EASEMENTS AND/OR
EXCEPTIONS NOT APPARENT IN THE FIELD
MAY OR MAY NOT EXIST AND MAY BE
REVEALED BY A TITLE SEARCH BY A TITLE
ATTORNEY.



POLAND HOLLOW RD

N05°54'44"E
200.81'

N 561652.07
E 2384761.70

NEW GRAVESITE LOCATION
20' X 20' (APPROXIMATE)

BOURGEOIS & MOSELEY
LOT 11
J BAKER HAMILTON PROPERTY
PLAT CAB G SLIDE 344

N09°05'59"E
239.71'

N 561415.38
E 2384723.79

S64°01'58"W
318.12'

TENNESSEE VALLEY AUTHORITY
PARCEL 056 063

N61°27'23"W
36.72'

N00°20'28"W
298.85'

EXHIBIT "B":

Martin Gravesite Relocation
LOT 11

J. Baker Hamilton Property
Roane County, Tennessee

Ward	—	City	—
District	1	County	ROANE
Plat Cab:	G	Slide	344
Deed Book	1816	Page	948
CLT #	056	Parcel	054.04
Scale	1"=50'	Date	10/03/2023
Drawn By	C. VITKUS	City Block	—
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ROANE STATE HWY



AFFIDAVIT IN SUPPORT OF MOTION FOR SERVICE BY PUBLICATION

STATE OF TENNESSEE
COUNTY OF KNOX

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared QUINT'BOURGEOIS, who, after being sworn according to law, deposes and says as follows:

1. I am over the age of 18 and personally familiar with this matter,
2. On or about 8/17/21 myself and a partner purchased a vacant tract of land off of Roane State Highway in Roane County,, Tennessee, consisting of a number of Lots of the "J. Baker Hamilton Property" and more particularly described as Map 56, Parcel 64 according to the Roane County Property Assessor
3. Said property contained and contains a grave site that was almost completely covered by brush and which had obviously not been kept up in years.
4. I was advised by the Seller that it was his belief that the person(s) buried there had been sharecroppers, but that he was unaware of the identity of any next of kin or heirs to the decedent(s), nor where any kin/heirs might reside.
5. Through my attorney, I contacted the Roane County Heritage Commission, who advised my attorney that the Commission was familiar with the grave site but was also unaware of any next of kin/heirs nor where such person(s) might reside.
6. Including but not limited to the actions above, I have diligently searched for the identity and whereabouts of any next of kin/heirs to the persons presumably buried at the subject site, but have been unable to ascertain the names nor whereabouts of any next of kin or heirs to the individual(s) buried at the site.
7. As the current site of the grave(s) is not a suitable location for a grave site, it is proposed that said graves me moved to a more suitable site, and to that end I have contacted Kyker Funeral Home in Harriman for the purpose of relocating the grave site upon this Court's approval of said move.
8. We have also contacted the Tennessee Historical Society and have submitted a copy of our Petition to that office as required by law


QUINT BOURGEOIS

Sworn to and subscribed before me

This 30 day of November, 2023.

NOTARY PUBLIC

My Commission Expires 11/24



IN THE CHANCERY COURT FOR ROANE COUNTY, TENNESSEE

QUINT BOURGEOIS and
ERIC J. MOSELEY,
Petitioners

v.

No: _____

THE UNKNOWN HEIRS of
B.F. MARTIN and R.A. MARTIN and
ANY AND ALL UNKNOWN INTERESTED PARTIES,
Respondents

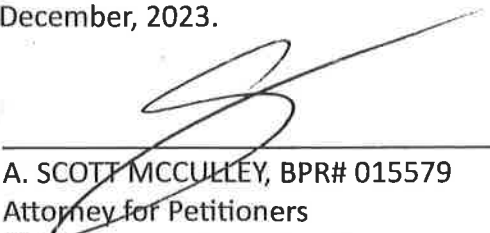
MOTION FOR SERVICE BY PUBLICATION

COME Petitioners, Quint Bourgeois and Eric J. Moseley, by and through Counsel, and
move this Honorable Court for service of Respondents, The Unknown Heirs of B.F. Martin and R.
A. Martin and Any and All Unknown Interested Parties, by publication pursuant to Tenn. Code
Ann. 21-1-203 and 21-1-204, and in support of said request would show as follows:

1. Petitioners have made diligent efforts to ascertain the identity and whereabouts of
Respondents but have been unable to locate any such persons.

2. In further support of their Motion, Petitioners offer the Affidavit of Quint Bourgeois,
attached hereto as Exhibit A, the original of which is attached as Exhibit F. to the Complaint.

Respectfully submitted this 15th day of December, 2023.


A. SCOTT MCCULLEY, BPR# 015579
Attorney for Petitioners
535 W. Lamar Alexander Pkwy.
Maryville, TN 37801
865-243-3363
asmatty@yahoo.com



AFFIDAVIT IN SUPPORT OF MOTION FOR SERVICE BY PUBLICATION

STATE OF TENNESSEE
COUNTY OF KNOX

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared QUINT'BOURGEOIS, who, after being sworn according to law, deposes and says as follows:

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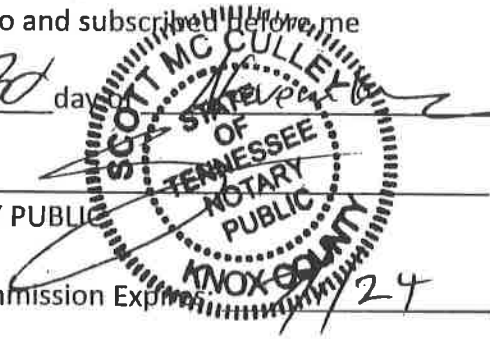

QUINT BOURGEOIS

Sworn to and subscribed before me

This 30 day of November, 2023.

NOTARY PUBLIC

My Commission Expires



IN THE CHANCERY COURT OF ROANE COUNTY, TENNESSEE

QUINT BOURGEOIS and
ERIC J. MOSELEY,
Petitioners

v.

No: _____

THE UNKNOWN HEIRS of
B.F. MARTIN and R.A. MARTIN and ANY AND ALL INTERESTED PARTIES,
Respondents

ORDER OF PUBLICATION

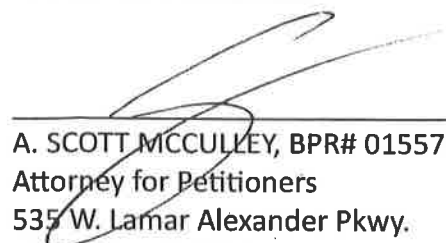
WHEREAS it appearing by sworn Affidavit that the identity and/or whereabouts of the unknown heirs of B.F. Martin and R.A. Martin and any interested parties cannot be ascertained upon diligent inquiry, and that personal service cannot be had upon said Respondent(s); service of process by publication is hereby ORDERED, and said Respondent(s) are hereby required to appear and answer or otherwise defend against the Petition for Termination of Land as a Burial Ground and for Disinterment and Reinterment of Martin and Any Other Discovered Remains filed herein by Quint Bourgeois and Eric J. Moseley, whose attorney is A. Scott McCulley, 535 W. Lamar Alexander Pkwy., Maryville, TN 37801, within 30 days after the date of the last publication of this notice, exclusive of said last date of publication, otherwise, default judgment may be entered against said Respondent(s) for the relief demanded in the Petition.

It is further ORDERED that this notice shall be published in the Roan County News, a daily newspaper of general circulation in Roane County, Tennessee, once weekly for four consecutive weeks.

ENTERED this _____ day of _____ 2023.

HON. TOM MCFARLAND, CHANCELLOR

APPROVED FOR ENTRY:



A. SCOTT MCCULLEY, BPR# 015579

Attorney for Petitioners

535 W. Lamar Alexander Pkwy.

Maryville, TN 37801

Maryville, TN 37801

865-243-3363

asmatty@yahoo.com