

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
23RD JUDICIAL DISTRICT, HUMPHREYS COUNTY, TENNESSEE

JESSICA ANN STINSON,

Petitioner,

v.

MICHAEL JOHN ODOM, AGNES MARIE
ODOM, DEREK NICHOLAS BAILEY, AND
THE PROPERTY KNOWN AS 3310 DEER
CREEK ROAD, MCEWEN, TENNESSEE
37101,

Defendants.

No. 2023-CW-204

FILED
NOV 29 2023 PM 1:23
MICHAEL BULLION, C&M
KELLY BERRYMAN, DC

PETITION TO RELOCATE REMAINS

Pursuant to Tenn. Code Ann. § 46-4-101, Petitioner, Jessica Ann Stinson ("Petitioner"), requests that this Court enter an order permitting Petitioner to have her deceased daughter's remains removed and reinterred. In support of this Petition, Petitioner alleges the following:

PARTIES, JURISDICTION, AND VENUE

1. Petitioner Jessica Ann Stinson is a citizen and resident of Humphreys County, Tennessee with a residence located at 161 College Court, McEwen, Tennessee 37101. *See Exhibit 1*, Affidavit of Jessica Ann Stinson ("Stinson Aff."), ¶ 2.

2. Three defendants are "Interested Persons" as defined in Tenn. Code Ann. § 46-4-102: (1) Michael John Odom ("M. Odom"), 3310 Deer Creek Road, McEwen, Tennessee 37101; (2) Agnes Marie Odom ("A. Odom"), 3310 Deer Creek Road, McEwen, Tennessee 37101; and (3) Derek Nicholas Bailey ("D. Bailey"), 8987 Old Highway 46, Lyles, Tennessee 37098. *See Exhibit 1*, Stinson Aff., ¶¶ 5, 7.

3. An exact copy of this Petition is being served on the Tennessee Historical Commission in accordance with Tenn. Code Ann. § 46-4-103(c).

4. The subject real property where the remains are located is 3310 Deer Creek Road, McEwen, Tennessee 37101 (the “Property”). See Exhibit 1, Stinson Aff., ¶ 7.

5. M. Odom and A. Odom own the Property. See Exhibit 1, Stinson Aff., ¶ 7.

6. Jurisdiction is proper in this Court pursuant to Tenn. Code Ann. § 16-11-102(a).

7. Venue is proper in this Court pursuant to Tenn. Code Ann. § 46-4-103 and § 16-11-114 because the Property is located within Humphreys County.

FACTUAL BACKGROUND

8. Petitioner is the mother of Emma Grace Bailey (“E. Bailey”), b. October 11, 2016, d. March 27, 2017. See Exhibit 1, Stinson Aff., ¶ 4.

9. D. Bailey is the father of E. Bailey. Petitioner and D. Bailey were married from May 21, 2015 until April 5, 2022, when they divorced. See Exhibit 1, Stinson Aff., ¶ 5.

10. M. Odom is the father of Petitioner and the grandfather of E. Bailey. See Exhibit 1, Stinson Aff., ¶ 7.

11. A. Odom is the stepmother of Petitioner. A. Odom resides at the Property. See Exhibit 1, Stinson Aff., ¶ 7.

12. E. Bailey died on March 27, 2017, when she was 5.5 months old. The cause of death was sudden infant death syndrome (“SIDS”). See Exhibit 1, Stinson Aff., ¶ 6.

13. Following her death, E. Bailey was buried on the Property. At the time of E. Bailey’s burial, M. Odom informed Petitioner that the portion of the Property where E. Bailey’s grave (the “Burial”) is located would be used as a family cemetery. M. Odom also informed Petitioner that he intended to register that portion of the Property as a cemetery. See Exhibit 1, Stinson Aff., ¶¶ 7-8.

14. However, M. Odom did not register the area of the Property where the Burial is located as a cemetery, nor has he treated that section of the Property as a family cemetery. *See Exhibit 1*, Stinson Aff., ¶ 9.

15. Instead, M. Odom has denied Petitioner access to the Burial, preventing Petitioner from visiting her daughter's grave. M. Odom began refusing to allow Petitioner to visit the Burial following Petitioner's divorce from D. Bailey on April 5, 2022. Since that time, M. Odom has forbidden Petitioner from visiting the Burial on multiple occasions. *See Exhibit 1*, Stinson Aff., ¶¶ 10-11.

16. On October 10, 2023, Petitioner was able to gain access to the Burial and discovered that the Burial was in a neglected condition. While the area surrounding the Burial previously had been covered with artificial turf, Petitioner found that the turf had been ripped away, exposing the bare ground underneath. Because the turf had not been replaced with grass or other landscaping, the Burial was surrounded by a bare patch of dirt. Petitioner also noticed tire marks running over the Burial. *See Exhibit 1*, Stinson Aff., ¶¶ 12-14.

17. When Petitioner informed M. Odom that she had visited the Burial and asked him to explain its neglected condition, M. Odom stated that the Burial is located on private property and threatened to "have it fixed so that you have to notify us before you come out here." Petitioner then stated that she would like to maintain the Burial herself and erect a fence around it to protect it from further desecration. However, M. Odom refused to allow her to do so. *See Exhibit 1*, Stinson Aff., ¶¶ 15-17.

18. On October 12, 2023, M. Odom was arrested by the Humphreys County Sheriff's Office and charged with desecrating the Burial. *See Exhibit 1*, Stinson Aff., ¶ 18.

19. Petitioner wishes to visit the Burial without harassment and to prevent further desecration of the Burial. Accordingly, she seeks authority to remove and relocate the Burial to a suitable location. See **Exhibit 1**, Stinson Aff., ¶ 19.

20. Pursuant to the Tenn. Code Ann. § 46-4-101, the Property is unsuitable for use as a burial ground and as a resting place for the Burial. Activities that have occurred on the Property, including M. Odom's desecration of the Burial and his refusal to allow Petitioner to visit the Burial, are inconsistent with due and proper reverence or respect for the memory of the dead. Additionally, the Burial is in a neglected state. The turf that surrounded the Burial has been removed and has not been replaced with grass or other landscaping. As a result, the Burial is now surrounded by a bare patch of dirt. Petitioner also has discovered tire tracks running over the Burial. See **Exhibit 1**, Stinson Aff., ¶¶ 10-14, 18

21. Petitioner has developed definite and appropriate arrangements for the disinterment, relocation, and reburial of the Burial and will proceed in accordance with all applicable laws and regulations and with due care, respect, and decency. A suitable memorial will be erected at the place of reinterment.

22. Specifically, Petitioner has contracted with Luff Bowen Funeral Home, located at 2400 TN-13, Waverly, Tennessee 37185, for the disinterment, relocation, and reburial of the Burial, which is being relocated to Stinson Cemetery, 20178 Ben Fly Road, Lyles, Tennessee 37098 (the "Relocation Site"). See **Exhibit 1**, Stinson Aff., ¶ 20.

PRAYER FOR RELIEF

Petitioner respectfully requests that the following relief be granted:

1. That, following a hearing in this cause, the Court issue a Final Order that authorizes Petitioner to remove the Burial and to rebury it at the Relocation Site in accordance with applicable law.

2. That Petitioner have such other and further general relief as the Court may deem proper.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS, LLP



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Attorney for Petitioner, Jessica Ann Stinson

EXHIBIT 1

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No. _____

AFFIDAVIT OF JESSICA ANN STINSON

Comes now the affiant, having been duly sworn, hereby deposes and states as follows:

1. My name is Jessica Ann Stinson. I am over 18 years of age and have personal knowledge of the facts stated herein, which are true and correct.
2. I reside at 161 College Court, McEwen, Tennessee 37101.
3. I submit this affidavit in support of the Petition to Relocate Remains (the "Petition").
4. I am the mother of Emma Grace Bailey ("E. Bailey"), b. October 11, 2016, d. March 27, 2017.
5. Derek Nicholas Bailey ("D. Bailey") is the father of E. Bailey. D. Bailey and I were married from May 21, 2015 until April 5, 2022, when we divorced.
6. E. Bailey died on March 27, 2017, when she was 5.5 months old. The cause of death was sudden infant death syndrome ("SIDS").
7. Following her death, E. Bailey was buried on property owned by my father, Michael John Odom ("M. Odom"), and my stepmother, Agnes Marie Odom ("A. Odom"). The

property where E. Bailey's grave (the "Burial") is located is 3310 Deer Creek Road, McEwen, Tennessee 37101 (the "Property"). M. Odom and A. Odom both reside on the Property.

8. At the time of E. Bailey's burial, M. Odom informed me that the portion of the Property where the Burial is located would be used as a family cemetery. M. Odom also informed me that he intended to register that portion of the Property as a cemetery.

9. However, M. Odom did not register the area of the Property where the Burial is located as a cemetery, nor has he treated that section of the Property as a family cemetery.

10. Additionally, M. Odom has denied me access to the Burial, preventing me from visiting my daughter's grave.

11. M. Odom began refusing to allow me to visit the Burial following my divorce from D. Bailey on April 5, 2022. Since that time, M. Odom has forbidden me from visiting the Burial on multiple occasions.

12. On October 10, 2023, I was able to gain access to the Burial and discovered that the Burial was in a neglected condition.

13. While the area surrounding the Burial previously had been covered with artificial turf, I found that the turf had been ripped away, exposing the bare ground underneath. Because the turf had not been replaced with grass or other landscaping, the Burial was surrounded by a bare patch of dirt.

14. I also noticed tire marks running over the Burial.

15. On October 10, 2023, I informed M. Odom that I had visited the Burial and asked him to explain its neglected condition.

16. In response, M. Odom stated that the Burial is located on private property, and he threatened to "have it fixed so that you have to notify us before you come out here."

17. I also told M. Odom that I would like to maintain the Burial myself and that I wanted to erect a fence around the Burial to protect it from further desecration. However, he refused to allow me to do so.

18. On October 12, 2023, M. Odom was arrested by the Humphreys County Sheriff's Office and charged with desecrating the Burial.

19. I wish to remove and relocate the Burial to prevent its further desecration and to ensure that I will be able to visit my daughter's grave without harassment.

20. I have contracted with Luff Bowen Funeral Home, located at 2400 TN-13, Waverly, Tennessee 37185, for the disinterment, relocation, and reburial of the Burial, which will be relocated to Stinson Cemetery, 20178 Ben Fly Road, Lyles, Tennessee 37098 (the "Relocation Site").

21. D. Bailey and I are the nearest living relatives of E. Bailey.

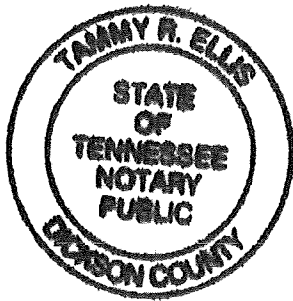
22. As one of the two nearest relatives of E. Bailey, I request that the Court grant the Petition.

FURTHER THIS AFFIANT SAITH NOT.

Jessica Ann Stinson
JESSICA ANN STINSON

STATE OF TENNESSEE)
COUNTY OF Dickson)

Sworn to and subscribed before me this 21st day of November, 2023.



Tammy R. Ellis
Notary Public

My Commission Expires: 8/18/26