

**IN THE CHANCERY COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

---

COMMUNITY FOUNDATION REALTY,  
INC.,

Petitioner,

Docket No.: \_\_\_\_\_

v.

UNKNOWN INTERESTED PERSONS,

Respondents.

---

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

---

Community Foundation Realty, Inc., ("Petitioner"), by and through its undersigned counsel, respectfully petitions the Court for an Order terminating the use of land on the premises of the Monastery of St. Clare, 1310 Dellwood Avenue, Memphis, Tennessee 38127 as a burial ground, and permitting removal and reinterment of the decedents buried there. The subject property was a cloistered Monastery owned and operated by the Franciscan Order of St. Clare. This Petition seeks authority to remove 27 gravesites of deceased persons which are located on the property (the "Gravesites") and to obtain approval for the following. There are 25 religious Sisters buried and two Catholic priests, namely Monsignor Whitfield and Father Joe Tagg. One of the religious Sisters is to be cremated and ashes sent to Huehuetenango, Guatemala; remains of 24 religious Sisters are to be disinterred and reinterred at Calvary Catholic Cemetery. Monsignor Whitfield and Father Joe Tagg are to be disinterred and reinterred at Calvary Catholic Cemetery.

In support of its Petition, Petitioner states as follows:

### **PARTIES AND JURISDICTION**

1. Petitioner is an incorporated not for profit organization with its principle place of business at 1900 Union Avenue, Memphis, Tennessee, 38104, and is the current owner of the property commonly known as 1310 Dellwood Avenue, Memphis, Tennessee 38127.

2. The Gravesites at issue are located on the premises of the Franciscan Monastery of St. Clare, 1310 Dellwood Avenue, Memphis, Tennessee 38127. Accordingly, jurisdiction and venue are proper in this Court pursuant to Tenn. Code Ann. § 46-4-103(a).

3. Pursuant to Tenn. Code Ann. § 46-4-103(b), necessary respondents in this proceeding are all unknown “interested persons,” which are defined in Tenn. Code Ann. § 46-4-102 as the following:

As used in this chapter, unless the 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.

In this case, Petitioner purchased the subject property including the Gravesites from the Franciscan Order of St. Clare on November 19, 2019.

4. Whereas all known interested parties are in agreement as to the removal and reinterment of the deceased persons from the Gravesites, Petitioner requests that the Court cause notice to be made to all unknown interested persons by publication in a newspaper of general circulation in Shelby County, Tennessee, for 4 consecutive weeks. Tenn. Code Ann. § 46-4-103(b) provides in part that “[n]onresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law.” Tenn. Code Ann. § 21-1-204(b) states that “the clerk shall forthwith cause a copy of this order to be published for four (4)

consecutive weeks in the newspaper mentioned in the Order or designated by the general rules of the Court.”

### **FACTS**

5. The Franciscan Monastery of St. Clare is located at 1310 Dellwood Avenue in the Frayser neighborhood of Memphis, Tennessee. Until recently, the Monastery was home to a cloistered, contemplative community of Roman Catholic nuns from the Order of St. Clare, traditionally known as “the Poor Clares” or the “Sisters of St. Clare.” The Monastery has been in operation at this location since 1932 and sits on a 6.28-acre parcel of land. The Gravesites at issue are in a crypt located beneath the main chapel on the Monastery property and continue to be maintained by Petitioner. In total, there are remains of 27 deceased persons interred in the Gravesites, all St. Clare Sisters or ordained Roman Catholic religious.

6. The number of Sisters living at the Monastery has steadily decreased in recent years; as of early 2019, only four Sisters remained in residence there. At that time, the Sisters determined that the Monastery would be closed at the end of 2019, and arrangements were made for the Sisters in residence to be relocated to another religious community. The Order of St. Clare determined that the Monastery property would be sold, as its four remaining Sisters were unable to sustain The Monastery due to the infirmed health of each. Additionally, the Vatican released instructions with new norms for contemplative orders of Nuns under its document “Cor Orans” as a follow up to instructions implementing Pope Francis’ rulings and mandates for monasteries of women around the world. The instructions were released by the Vatican May 15, 2018 and went into effect immediately. Among the most significant changes was the new mandate that a monastery of contemplative community of women religious have at least eight (8) professed

religious women in order to maintain their autonomy and retain the right to elect a Superior for the religious group.

7. The Order of St. Clare contacted the Assisi Foundation of Memphis, Inc. to assist with the sale of the property. In preparation for the sale, the Monastery property was surveyed by Timothy E. McCaskill, RLS of McCaskill & Associates in October, 2019. The Boundary Survey of the Monastery property is attached as **Exhibit A**.

8. On November 19, 2019, the Monastery was sold to Community Foundation Realty, Inc. with funding provided through the Assisi Foundation. The Warranty Deed was recorded in the Register's Office of Shelby County, Tennessee on December 2, 2019, and is attached as **Exhibit B**. As a term of the property sale, the Order of St. Clare expressed their wish for the remains of the 27 decedents interred at the Gravesites to be disinterred and removed to another burial location following the closure and sale of the Monastery.

9. Specifically, the Order of St. Clare desired for 26 of the graves to be removed to a burial plot at Calvary Catholic Cemetery in Memphis, Tennessee, and for the 1 remaining grave to be exhumed, with the remains of Sister Eileen Teresa Rowland cremated and reinterred at the Cemetery of Monastery Hermanas Clarisas in Huehuetenango, Guatemala. See **Exhibit C**.

10. Petitioner has developed a detailed plan to accomplish the proper and lawful removal and reinterment of the Gravesites, which is set forth in the following paragraphs:

11. Petitioner has engaged the services of Canale Funeral Directors to facilitate the removal of the remains from the Gravesites and the reinterment at a new burial plot at Calvary Catholic Cemetery in Memphis, Tennessee, hereinafter referred to as "Calvary". The new burial grounds will be provided for the reinterment through the generosity of the Catholic Diocese of Memphis, in Tennessee, as it owns and operates Calvary. The Affidavit of Ford Canale of Canale

Funeral Directors, which sets forth specific information concerning the removal of the Gravesites and reinterment, is attached. Additionally, Mr. Canale has prepared a written burial disinterment/reinterment plan that describes the methodology that will be utilized to exhume the Gravesites and relocate the remains. These are attached collectively as **Exhibit D**.

12. In undertaking the removal and relocation of the decedents, Petitioner will conduct the reinterment of the remains with due care and decency in accordance with Tenn. Code Ann. § 46-4-104.

13. Pursuant to Petitioner's plan for removal and reinterment of these decedents, the remains of 26 decedents will be removed from the Gravesites and reinterred at Calvary, where a burial plot has been reserved specifically for their reinternment. The Affidavit of Patrick J. Posey, Sr. (Director of Catholic Cemeteries for the Diocese of Memphis), which sets forth specific information concerning the reinternment of these decedents, is attached as **Exhibit E**.

14. Petitioner will erect appropriate Gravesite markers at the reinterment site in accordance with Tenn. Code Ann. § 46-4-104. From that point forward, the Gravesites will be mowed and maintained by Calvary.

15. The remains of one decedent, Sr. Mary Peter (Eileen Rowland), will not be reinterred at Calvary Cemetery, but will instead be exhumed, cremated, and reinterred at the Monastery of Hermanas Clarisas in Huehuetenango, Guatemala in keeping with the wishes of the decedent, her family, and the communities of St. Clare Sisters in Memphis and Huehuetenango, Guatemala. On September 2, 2019, Maria Concepcion Menjivar, OSC, Mother Superior of the Monastery of Hermanas Clarisas in Huehuetenango, Guatemala, submitted a written Petition expressing the Guatemalan Monastery's desire for the removal and transportation of Sr. Mary Peter's remains to Huehuetenango for reinterment at the Monastery Cemetery there. This petition

states that Sr. Mary Peter's remains are to be reinterred and maintained in the Cemetery of the Monastery of Hermanas Clarisas, located in Corral Chiquito 2-75, Avenue Santa Clara, Zone 8, in Huehuetenango, Guatemala. This request is more particularly described in paragraph 9 above and as **Exhibit C** attached.

16. Given the sale of the Monastery property to Petitioner and the agreement of all known interested persons that the remains interred should be removed and properly reinterred at other burial sites, the Gravesites are no longer suitable resting places for the remains of the decedents in accordance with the conditions set forth in Tenn. Code Ann. § 46-4-101. Accordingly, Petitioner requests permission from this Court to terminate the use of the Gravesites as a burial ground and to have the remains of the decedents removed from the Gravesites and reinterred in the suitable new locations described herein as permitted by Tenn. Code Ann. § 46-4-103(a).

Petitioner has been in communication with the family of Father Joe Tagg. The family has requested that Father Tagg be buried with the Sisters and that his gravesite be located next to the grave of Monsignor Whitfield. That family's request is part of this plan.

**WHEREFORE**, Petitioner 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 interested persons by publication in a newspaper of general circulation in Shelby County, Tennessee, for 4 consecutive weeks;

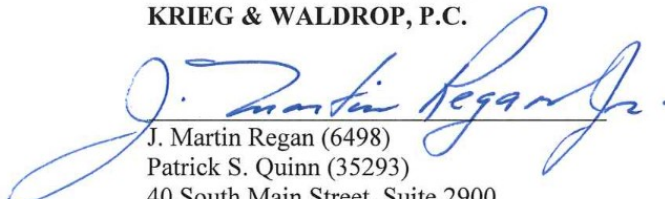
2. In accordance with Tenn. Code Ann. §§ 46-4-101 and 46-4-104, enter an Order finding that the Monastery property is unsuitable as a resting place for the remains of the decedents because the conditions and activities about or near the Gravesites are no longer consistent with due and proper reverence or respect for the memory of those interred there;

3. In accordance with Tenn. Code Ann. § 46-4-104, enter an order approving the removal and reinterment of the remains in the manner and location proposed in this Petition so that appropriate permits may be procured from the State of Tennessee, and the afore described actions may be taken in full compliance with the rules and regulations of the State of Tennessee, County of Shelby and in adherence to the teachings of the Roman Catholic faith for the proper compliance, reverence, respect and dispositions of the decedents buried at the Monastery; and

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

Respectfully submitted,

**LEWIS THOMASON KING  
KRIEG & WALDROP, P.C.**



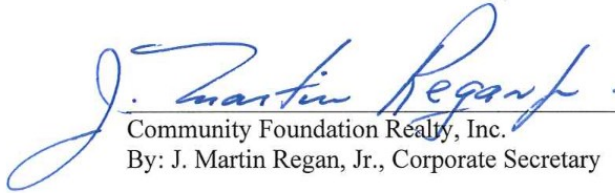
J. Martin Regan (6498)  
Patrick S. Quinn (35293)  
40 South Main Street, Suite 2900  
Memphis, Tennessee 38103  
T: (901) 525-8721  
F: (901) 531-8514  
mregan@lewisthomason.com  
pquinn@lewisthomason.com  
*Attorneys for Petitioners*

**CERTIFICATION**

STATE OF TENNESSEE

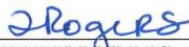
COUNTY OF SHELBY

Comes now, J. Martin Regan, Jr., and being duly sworn, makes oath that he is a Corporate Officer of Community Foundation Realty, Inc., a Tennessee not for profit organization, the within named Petitioner, and that the facts stated in the foregoing Petition are true to the best of his knowledge and belief; that the Petition is not made out of levity, or collusion with any respondent, but in sincerity and truth, for the causes mentioned in the Petition.

  
Community Foundation Realty, Inc.  
By: J. Martin Regan, Jr., Corporate Secretary

Sworn to and subscribed before me this 19<sup>th</sup> day of March, 2020.



  
NOTARY PUBLIC  
My Commission Expires: 5-8-2023

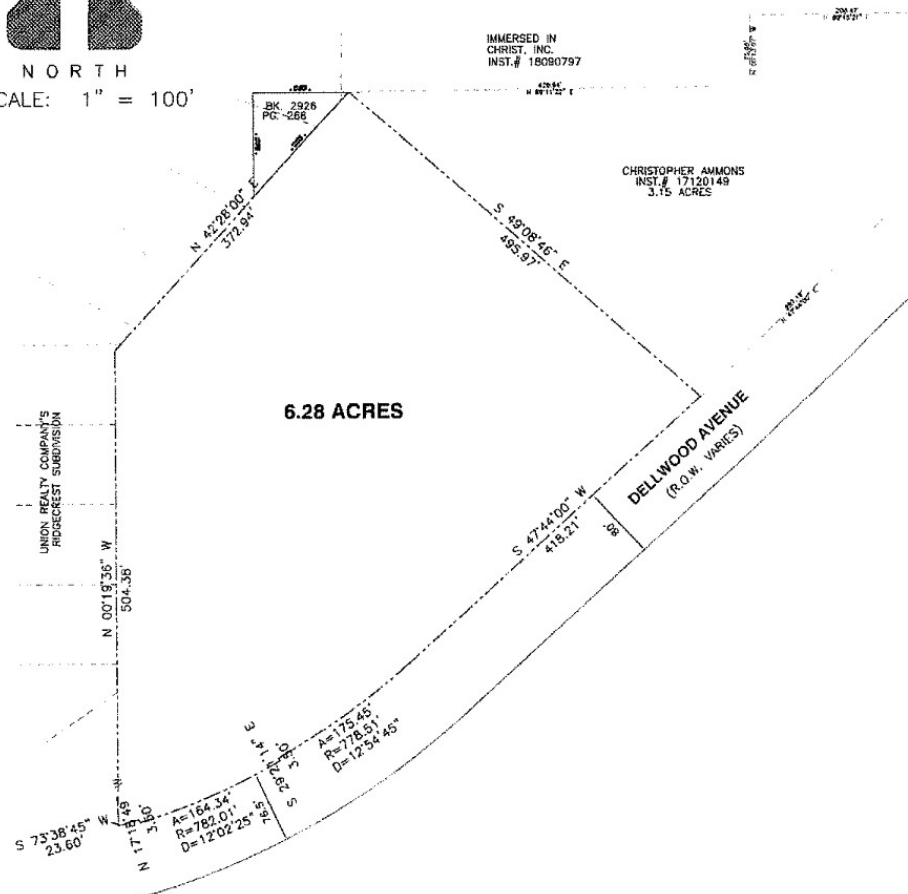
9420334/C133M-21

# Exhibit A



NORTH

SCALE: 1" = 100'



Survey of a 6.28 acre parcel being part of the The Franciscan Monastery of St. Clair of Memphis, Tennessee property recorded in Bk. 1412 Pg. 81, and Bk. 2926, Pg. 266, less and except property conveyed to Union Realty Company in Bk. 2926, Pg. 266, to James Trenham in Inst. # 12131719, to the City of Memphis in Inst. # EY 6191, Bk. 6042, Pg. 244, Inst. # EX 0100, in the Shelby County Registers Office and more particularly described as follows:

Beginning at a point in the northwest line of Dellwood Avenue (R.O.W. Varies), said point being the southernmost corner of the Christopher Ammons property (Inst. # 17120149); thence along said northwest line the following calls: S 47°44'00" W a distance of 418.21' to a point of curvature; thence along a curve to right (Rad.=778.51') on arc length of 175.45'; thence S 29°21'14" E a distance of 3.50'; thence along a curve to the right (Rad.=782.01') on arc distance of 164.34'; thence N 17°18'48" W a distance of 3.50'; thence S 73°38'45" W a distance of 23.60' to a point being the Southwest property corner; thence leaving said northwest line N 00°19'38" W a distance of 504.38' to a point; thence N 42°28'00" E a distance of 372.94' to a point; thence S 49°08'46" E a distance of 495.97' to the point of beginning, containing 6.28 acres more or less.

This is to certify that this is a Category I survey and the ratio of precision of the survey is 1:10,000 or greater.

Timothy E. McCaskill RLS



**BOUNDARY SURVEY OF  
6.28 ACRES  
FRANCISCAN MONASTERY  
1310 DELLWOOD AVENUE  
MEMPHIS, TENNESSEE  
OCTOBER, 2019**

  
**McCaskill & Associates, Inc.**  
Land Surveying Civil Design Mapping

7891 Stage Hills Blvd., Suite 112  
Memphis, Tennessee 38133  
E-Mail address: Temccaskill@AOL.com  
(901) 382-2577 FAX (901) 385-1813

# Exhibit B



# Shelby County Tennessee

*Shelandra Y Ford*

Shelby County Register

As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.



19124557

12/02/2019 - 02:03:05 PM

|                         |          |
|-------------------------|----------|
| 4 PGS                   |          |
| LACI 1951315 - 19124557 |          |
| VALUE                   | 39000.00 |
| MORTGAGE TAX            | 0.00     |
| TRANSFER TAX            | 144.30   |
| RECORDING FEE           | 20.00    |
| DP FEE                  | 2.00     |
| REGISTER'S FEE          | 1.00     |
| TOTAL AMOUNT            | 167.30   |

**SHELANDRA Y FORD**  
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100

Website: [www.register.shelby.tn.us](http://www.register.shelby.tn.us) Email: [register@shelbycountyttn.gov](mailto:register@shelbycountyttn.gov)

Prepared by and Return to:

J. Martin Regan, Jr.  
Lewis Thomason  
40 S Main Street, Suite 2900  
Memphis, Tennessee 38103  
901-525-8721

---

### WARRANTY DEED

THIS INDENTURE, made and entered into this 19<sup>th</sup> day of November, 2019, by and between **THE FRANCISCAN MONASTERY OF SAINT CLARE OF MEMPHIS, TENNESSEE, a Tennessee not for profit corporation, "Grantor", and COMMUNITY FOUNDATION REALTY, INC., a Tennessee nonprofit corporation, "Grantee";**

WITNESSETH: That for and in consideration of the sum of (ten dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of SHELBY, State of Tennessee, to-wit:

Survey of a 6.28 acre parcel being part of The Franciscan Monastery of Saint Clare of Memphis, Tennessee property recorded in Book 1412, Page 81, and Book 2926, Page 266, less and except property conveyed to Union Realty Company in Book 2926, Page 268, to James Trenham in Instrument Number 12131719, to the City of Memphis in Instrument Number EY 6191, Book 6042, Page 244 and Instrument Number EX 0100, in the Shelby County Register's Office, and more particularly described as follows: BEGINNING at a point in the northwest line of Dellwood Avenue (R.O.W. varies), said point being the southernmost corner of the Christopher Ammons property (Instrument Number 1720149); thence along said northwest line the following calls: S 47°44'00" W a distance of 418.21' to a point of curvature; thence along a curve to right (Rad.=778.51') an arc length of 175.45'; thence S 29°21'14" E a distance of 3.50'; thence along a curve to the right (Rad.=782.01') an arc distance of 164.34'; thence N 17°18'49" W a distance of 3.50'; thence S 73°38'45" W a distance of 23.60' to a point being the southwest property corner; thence leaving said northwest line N 00°19'36" W a distance of 504.38' to a point; thence N 42°28'00" E a distance of 372.94' to a point; thence S 49°08'46" E a distance of 495.97' to the point of beginning, containing 6.28 acres more or less. **Property more commonly known as 1310 Dellwood Avenue, Memphis, Tennessee 38127. Parcel Number: 070-0150-0-00038-0.**

Being a part of The Franciscan Monastery of Saint Clare of Memphis, Tennessee property recorded in Book 1412, Page 81, and Book 2926, Page 266, and as shown on survey by Tim McCaskill, dated October 23, 2019 and attached as Exhibit A.

TO HAVE AND TO HOLD the aforescribed real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto said party of the second part, his heirs and assigns, in fee simple forever. Grantor covenants that Grantor is lawfully seized and possessed of said real estate; Grantor has full power and lawful authority to sell and convey the same; the title thereto is free, clear and unencumbered except as to permitted encumbrances being easements of record in Book 3622, Page 635; Book 3934, Page 394; Book 6042, Page 244, Instrument Numbers EX 0100, EY 6191 and FM 5475, all of record in the Register's Office of Shelby County, Tennessee; zoning, setback requirements and general utility, sewer, and drainage easements of record; subdivision and/or condominium declarations, covenants, restrictions and easements of record; and applicable property taxes which are not yet due and payable; and Grantor will forever warrant and defend the same against the claims of all person whomsoever.

IN WITNESS WHEREOF, party of the first part has executed this instrument on the day and year first above written.

**THE FRANCISIAN MONASTERY OF SAINT  
CLARE OF MEMPHIS, TENNESSEE,  
A Tennessee not for profit corporation**

By: Sr. Mary Marguerite, osc  
Sr. Mary Marguerite, OSC, Abbess

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Sr. Mary Marguerite**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence and who, upon oath, acknowledged herself to be the **OSC, Abbess of The Franciscan Monastery of Saint Clare of Memphis, Tennessee, a Tennessee not for profit corporation**, the within named bargainor and that she as such OSC, Abbess, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as such OSC, Abbess.

WITNESS MY HAND AND SEAL, at office in Memphis, Tennessee, this the 19<sup>th</sup> day of November, 2019.

My commission expires:  
2/17/2020



J. Martin Regan, Jr.  
Notary Public

\*\*\*\*\*

NEW OWNER:

Community Foundation Realty, Inc.  
c/o J. Martin Regan, Jr.  
Community Foundation of Greater Memphis  
1900 Union Avenue  
Memphis, TN 38104

PROPERTY ADDRESS:

1310 Dellwood Avenue  
Memphis, TN 38127

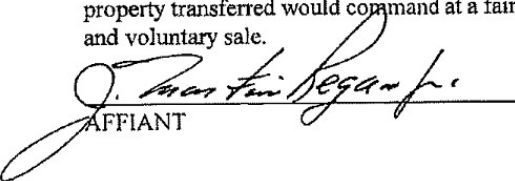
T.G. Number: CTIC 7812112

Tax Parcel Number: 070-0150-0-00038-0

SEND TAX NOTICES TO:

Community Foundation Realty, Inc.  
c/o J. Martin Regan, Jr.  
Community Foundation of Greater Memphis  
1900 Union Avenue  
Memphis, TN 38104

I hereby swear or affirm that, to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$39,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

  
AFFIANT

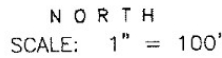
Subscribed and sworn to before me this 19th day of November, 2019.

  
NOTARY PUBLIC

My Commission Expires: 5-8-2023

9175234/MON4M-1





CHRISTOPHER AMMONS  
INST. # 17120149  
3.15 ACRES

DELLWOOD AVENUE  
(R.O.W. VARIES)

A

Timothy E. McCoskill RLS

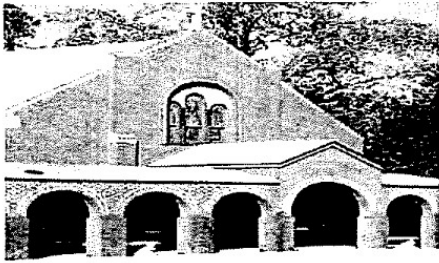


McCaskey & Associates, Inc.

Land Surveying      Civil Design      Mapping

7891 Stage Hills Blvd., Suite 112  
Memphis, Tennessee 38133  
E-Mail address: [Temccaskill@AOL.com](mailto:Temccaskill@AOL.com)  
(901) 382-2577 FAX (901) 385-1813

# Exhibit C



*May the Lord always be with you  
and may you always be with Him.*

*Blessing of St. Clare*

Monastery of St. Clare, 1310 Dellwood Avenue, Memphis TN 38127

901-357-6662

e-mail address: [memphisclares@gmail.com](mailto:memphisclares@gmail.com)

September 19, 2019

J. Martin Regan, Jr.  
Lewis Thomason  
One Commerce Square, 29<sup>th</sup> Floor  
40 South Main Street  
Memphis TN 38103

Dear Mr. Regan,

This is the document from our sisters in Guatemala requesting that the remains of Eileen Teresa Rowland be cremated and transferred to the Monastery in Guatemala. There they will be interred in their cemetery. The translation is by a U.S. Federally Certified Court Interpreter and Translator.

I think you now have all the documents you need for your court appearance.

Thank you. May your day be blessed in every way.

*Sr. Mary Marguerite, OSC*

Sr. Mary Marguerite , OSC  
Abbess

website: <[www.poorclare.org/memphis](http://www.poorclare.org/memphis)>



Translation of request to authorize transportation of remains of Eileen Teresa Rowland

**Law Office**  
**Attorney Julio Alberto Lucas López**  
**Attorney at Law and Civil Law Notary**

**J. Martin Regan, Jr.**  
**Lewis Thomason, P.C.**  
**40 South Main St. 29<sup>th</sup> Floor**  
**Memphis TN 38103**

**María Concepción Menjivar Peraza**, Mother Superior of the Monastery of Hermanas Clarisas, based in the city of Huehuetenango, Guatemala, who identifies herself with her personal identification document number one thousand seven hundred ninety one space eleven thousand two hundred forty eight space one thousand three hundred one, (1791 11248 1301) issued by the Office of Vital Statistics of the Republic of Guatemala, Central America; I act with the assistance and under the direction of the attorney Julio Alberto Lucas López, I respectfully appear with the purpose of:

**REQUEST**

For you to authorize, according to the corresponding international protocols, and as it is our wish as a religious congregation, the transportation of the remains of Eileen Teresa Rowland, to the city of Huehuetenango, department of Huehuetenango, Guatemala, for them to be buried in the Cemetery of Monastery of Hermanas Clarisas, located in Corral Chiquito 2-75, avenue Santa Clara zone 8, in this city, since she was a member of this congregation, in order to fulfill and observe her desires.

**PETITION**

1. That receipt of this request be acknowledged.
2. That the assistance and direction it is done with be recognized.
3. That the stated petition be consented to, authorizing the transportation of the remains of **Eileen Teresa Rowland**, since it is our desire as a congregation, so that they may be buried in the cemetery of the Monastery of Hermanas Clarisas, located in zone 8 of Huehuetenango, Huehuetenango, Guatemala.

Huehuetenango, 02 of September of 2019.

Signature

With Direction and Assistance of  
(Signature)

**Julio Alberto Lucas López**  
**Collegiate 29 526**

**Stamp of Attorney**  
**Julio Alberto Lucas López**  
**Attorney at Law and Civil Law Notary**



Translation of request to authorize transportation of remains of Eileen Teresa Rowland

September 9, 2019.

**Translator's Certification**

The undersigned, Martha Medina-Myers, hereby certifies that she is fluent in the English and Spanish languages and that she possesses the professional expertise to translate between them and that the forgoing is a complete and accurate translation of the request to authorize the transportation of the remains of Eileen Teresa Rowland to Guatemala, issued in Huehuetenango, on September 2, 2019.

A handwritten signature in dark ink, appearing to read "Martha Medina-Myers", is written over the printed name.

Martha Medina-Myers  
U.S. Federally Certified Court Interpreter  
and Translator

**Bufete Jurídico**  
**Licenciado Julio Alberto Lucas López**  
**Abogado y Notario**

J. Martin Regan, Jr.  
Lewis Thomason, P.C.  
40 South Main St 29th Floor  
Memphis TN 38103.

**María Concepción Menjivar Peraza**, Hermana Superiora del Monasterio de Hermanas Clarisas, con sede en la ciudad de Huehuetenango, Guatemala; quien se identifica con su documento de identificación personal número: un mil setecientos noventa y uno espacio once mil doscientos cuarenta y ocho espacio un mil trescientos uno, (1791 11248 1301) emitido por la oficina del Registro Nacional de las personas, de la República de Guatemala, Centro América; actúo bajo el auxilio y dirección del abogado Julio Alberto Lucas López, respetuosamente comparezco y para el efecto:

**SOLICITO:**

Se sirva autorizar con los protocolos de ley correspondientes, y por ser nuestro deseo como congregación religiosa, el traslado de los restos de quien en vida fuera **Eileen Teresa Rowland**, a la ciudad de Huehuetenango, departamento de Huehuetenango, Guatemala, para ser inhumados en el cementerio del Monasterio de Hermanas Clarisas, ubicado en el Corral Chiquito 2-75, avenida Santa Clara zona 8, de esta ciudad; ya que perteneció a esta congregación; y para cumplir y respetar su última voluntad.

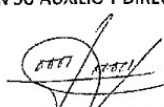
**PETICION:**

1. Se tenga por recibido la presente solicitud.
2. Se tome nota con la dirección y auxilio con el que se actúa.
3. Que se acceda a la solicitud planteada, autorizando el traslado de los restos de **Eileen Teresa Rowland**, ya que es nuestro deseo como congregación que sean inhumados en el cementerio del Monasterio de Hermanas Clarisas, ubicado en zona 8 de Huehuetenango, Huehuetenango, Guatemala.

Huehuetenango, 02 de Septiembre de 2019.

(f) 

EN SU AUXILIO Y DIRECCION



**Julio Alberto Lucas López**  
Colegiado 29,526

Licenciado  
**Julio Alberto Lucas López**  
Abogado y Notario

**Sector # 4 Cambote zona 11 Huehuetenango, Guatemala.**

**Tel. 59665230**

# Exhibit D



Canale Funeral Directors ("Canale") (originally Wenderoth & Holst) was established in 1843, and serves as the oldest continuous operating business in the City of Memphis. Its tradition of caring and personal service has never changed. It has agreed to use its expertise and long history of deep faith to assist the Franciscan Monastery of St. Clare, Memphis in the disinterment and reinternment of the remains of 26 deceased, and cremation and preparation of ashes for one deceased Sister's remains.

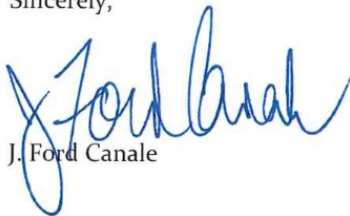
Canale has a long history of working in tandem with the Catholic Diocese, its religious clergy, its Director of Catholic Cemeteries and the assembled team that is assisting in the closing of the Monastery and the disinterment and reinternments noted above.

It is contemplated that several of the remains of those buried at the Monastery may need replacement caskets and Canale is prepared to work with the team to make sure all of the work is done with full respect for the remains and their families.

Canale has been working closely with the Sisters, Calvary Cemetery, the Catholic Diocese and the attorneys involved to assure that there is full compliance with requirements of the State of Tennessee and that the appropriate processes are followed for issuance of permits as required and completion of the tasks so that the Monastery grounds may be closed permanently as a cemetery and all of the remains of the decedents shall be handled in a fully respectful and appropriate manner.

We are available to answer any questions and remain committed to continue our years of tradition in the City of Memphis to offer the highest caring and personal services.

Sincerely,



J. Ford Canale

2700 Union Avenue Extended  
Memphis, TN 38112  
901.452.6400

[canalefuneraldirectors.com](http://canalefuneraldirectors.com)



# Exhibit E



THE CATHOLIC DIOCESE  
OF MEMPHIS

CATHOLIC CEMETERIES  
HISTORIC CALVARY · ALL SAINTS · MOUNT CALVARY

1663 ELVIS PRESLEY BOULEVARD  
MEMPHIS, TN 38106  
(901) 948-1529

**From:** Patrick J. Posey Sr.

**Date:** March 10, 2020

**To:** J. Martin Regan Jr.

**Subject:** Gave Spaces and reinternments for the Remains of the 26 Decedents, Presently Located at the Franciscan Monastery of St. Clare, Memphis (Frayser), TN 38127.

The Catholic Cemeteries of the Catholic Diocese of Memphis has donated two Family Estate Lots on Consecrated Ground with Perpetual Care, to the Franciscan Order of St. Clare. These two adjacent lots are located at Historic Calvary Catholic Cemetery, 1663 Elvis Presley Blvd. Memphis, TN 38106. The two lots will be used for the reverent reinternment of the remains of the 26 decedents, of which two are Catholic Priest of the Diocese, Monsignor James P. Whitfield and Father Joseph L. Tagg III, from the Poor Clare Monastery, 1310 Dellwood Avenue, Memphis (Frayser) TN 38127.

Historic Calvary Catholic Cemetery was established in 1867 and is a 501(c)(3) nonprofit owned and operated by the Catholic Diocese of Memphis in West Tennessee, and is where the Catholic Cemeteries Main Office is located. Many Catholic Religious Orders, Priest, Brothers and Sisters have burial lots at Historic Calvary Cemetery, and it is also where most of our Diocesan Priest are interred.

The Catholic Cemeteries staff will work closely with Ford Canale of Canale Funeral Directors and assist in the reverent disinterment and reinternment of the remains of the 26 decedents.

All internments, and any other services provide by the staff of the Catholic Cemeteries, the Catholic Diocese of Memphis, will be pro bono.

Best regards,

Patrick J. Posey Sr.  
Director of Catholic Cemeteries  
The Catholic Diocese of Memphis in West Tennessee

