

IN THE CHANCERY COURT OF FAYETTE COUNTY, TENNESSEE

FOUR L PROPERTIES, a general partnership
consisting of REX A. LEATH and SHARON
R. LEATH, TRUSTEES of the LEATH FAMILY
REVOCABLE TRUST, dated AUGUST 25, 2021,
AND BARRELHEAD INVESTMENTS, LLC,

Plaintiff,

v.

Case No. _____

ALL INTERESTED PARTIES HAVING
ANY RIGHT OR EASEMENT OR OTHER
INTEREST IN, OR INCIDENT OR
APPURTENANT TO, CERTAIN HUMAN
REMAINS LOCATED IN THE TEEL
CEMETERY, ROSSVILLE, TENNESSEE,

Defendants.

PETITION TO RELOCATE REMAINS AND TERMINATE BURIAL GROUND

TO THE HONORABLE CHANCELLORS OF THE CHANCERY COURT:

Pursuant to Tennessee Code Annotated §46-4-101, Petitioner Four L. Properties, a general partnership consisting of Rex A. Leath and Sharon R. Leath, Trustees of the Leath Family Revocable Trust, dated August 25, 2021, and Barrelhead Investments, LLC, Petitioner, requests that this Court enter an order permitting your Petitioner to have human remains removed and relocated. Petitioner further requests that this Court enter an order terminating the use of, all rights and easements to use the property formally utilized as the Teel Cemetery located in Rossville, Fayette County, Tennessee. In support of the Petition, your Petitioner would state as follows:

1. Petitioner is the owner of the property municipally known as 6275 Hwy. 57, Rossville, Tennessee 38066, and more particularly described on **EXHIBIT A**, attached hereto. It

took title to the property by Warranty Deed recorded as Instrument No. _____ in the Register's Office for Fayette County, Tennessee ("the Property").

2. Within the Property, there is located a cemetery commonly known as the Teel Cemetery. The Teel Cemetery contains four graves and possibly two other graves in an undisturbed area, unmarked as a cemetery and unmaintained. The Teel Cemetery contains no markers and no other sign indicating it is a cemetery containing human remains. It is known in the community as the Teel Cemetery but, upon information and belief, has been unused as such since the 1830's. Its location is shown as a cross-hatched square on the survey, attached as **EXHIBIT B**.

3. Through diligent effort of your Petitioner, and the undersigned counsel, the identity of the individuals buried in the Teel Cemetery cannot be determined. According to a person knowledgeable of the genealogical history of the Teel family, Ms. Martha Teel Fant of Holly Springs, Marshall County, Mississippi, the individuals buried within the Teel Cemetery were interred prior to 1838. Prior to 1838, the land which presently encompasses the Teel Cemetery was occupied by some portion of the Teel family. According to Ms. Fant, as shown in her Affidavit which is attached and marked as **EXHIBIT C**, the persons buried in the Teel Cemetery were likely interred prior to 1838. At that time, the Teel family which had occupied the land near Rossville, Tennessee moved to Marshall County, Mississippi. According to Ms. Fant, the identity of the persons buried in the Teel Cemetery is unknown.

4. Martha Teel Fant, although not able to determine whether she is a direct relative of the persons interred within the Teel Cemetery, has consented to the relief sought in this Petition.

5. All Defendants would be the relatives and heirs of the unknown individuals buried within the Teel Cemetery, who may have rights which would be affected by the orders of this

Court. Your Petitioner seeks publication providing notice to these individuals pursuant to Tennessee Code Annotated §21-1-204 and 46-4-103(b).

6. An exact copy of this Petition is being served on the Tennessee Historical Commission in accordance with Tennessee Code Annotated §46-4-103.

7. Petitioner seeks permission from this Court to relocate the remains contained within the Teel Cemetery and to close the cemetery, which is presently located in Rossville, Fayette County, Tennessee. Jurisdiction and venue are proper in this Court.

8. The Teel Cemetery containing up to six graves is located along Hwy. 57, approximately 150 yards north of the highway. The property surrounding the Teel Cemetery is adjacent to the Lafayette Station Subdivision. The Teel Cemetery is in the path of development and the present owner of the Property has plans to develop it into a residential subdivision. The construction of a residential subdivision would require disturbing the ground near and around the Teel Cemetery. The owner intends to locate residential homes in close proximity to the Teel Cemetery. This will render inconsistent the continued use of the land encompassing the Teel Cemetery as an appropriate resting place for the persons interred there.

9. The ground immediately containing the remains of the persons buried within the Teel Cemetery has been unmaintained as a cemetery for many, many years, most likely more than 150 years. It is in a neglected state. It, for all practical purposes has been abandoned.

10. Although alternatives to development of the area immediately surrounding the Teel Cemetery have been investigated, there is no present plan, which is feasible, which would allow the cemetery to remain undisturbed. Due to its neglected and abandoned condition of the Teel Cemetery, the likely disturbance of the ground near it and the inconsistent uses of the surrounding area as residences, closure and relocation of the cemetery is necessary.

11. Pursuant to Tennessee Code Annotated §46-4-101, the property is no longer suited as a burial ground and as a resting place for the persons interred therein.

12. Although the identity of any relatives of the persons interred in the Teel Cemetery is unknown, your petitioner is of the belief that members of the Teel family are in favor of the removal and relocation of the remains buried within the Teel Cemetery. Martha Teel Fant has consented and her consent is shown on her Affidavit attached.

13. Your Petitioner has developed definite and appropriate arrangements for the dis-interment and relocation of the individuals buried in the Teel Cemetery. The move will be overseen by a local funeral director, who will insure that all due respect and honor is given to the remains of the individuals buried in the Teel Cemetery both during the dis-interment and re-interment process. The remains will be re-interred on the same property approximately 300 yards further to the north on an area that has been set aside and will no longer contain the threat of future residential development. Your Petitioner owns the fee interest in the land proposed as the final resting place of those buried in the Teel Cemetery.

14. Pursuant to Tennessee Code Annotated §46-4-103, your Petitioner further requests that this Court terminate the use of the land as a cemetery and all rights and easements thereto.

WHEREFORE PREMISES CONSIDERED your Petitioner prays:

1. That notice be served on all interested persons by publication;
 2. That notice be served on The Tennessee Historical Commission;
 3. That following publication a hearing be conducted;
 4. For an order allowing your Petitioner to relocate the remains buried in the Teel Cemetery and terminating all rights and easements as to the use of the Property as a burial ground;
- and

5. That your Petitioner have any further and general relief to which she may be entitled.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

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Phone: (901) 524-5126
Fax: (901) 524-5024
PFeild@bpjlaw.com

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING A TRACT OF LAND LOCATED IN THE TOWN OF ROSSVILLE IN FAYETTE COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN THE SOUTHEAST CORNER OF THE LAFAYETTE STATION SUBDIVISION (PLAT BOOK 11/ PAGE 79), SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION NORTH 03 DEGREES 39 MINUTES 05 SECONDS EAST A DISTANCE OF 518.27' TO A FOUND TPOST; THENCE SOUTH 84 DEGREES 30 MINUTES 04 SECONDS EAST A DISTANCE OF 83.73' TO A FOUND 1/2" IRON PIN; THENCE ALONG THE REMAINING EAST LINE OF THE AFOREMENTIONED SUBDIVISION AND CONTINUING ALONG THE SAME BEARING ALONG THE EAST LINE OF THE BAILEY DEPOT INC PROPERTY (PARCEL ID 166 014.00) NORTH 03 DEGREES 38 MINUTES 41 SECONDS EAST A DISTANCE OF 3747.21' TO A SET 1/2" REBAR; THENCE ALONG THE SOUTH LINE OF THE NATURE CONSERVANCY PROPERTY (PARCEL ID 166 005.00) SOUTH 86 DEGREES 10 MINUTES 38 SECONDS EAST A DISTANCE OF 959.94' TO A SET 1/2" REBAR; THENCE ALONG THE WEST LINE OF THE STATE OF TENNESSEE (PARCEL ID 166 007.00), JONES (PARCEL ID 166 008.00), & JONES (PARCEL ID 166 013.00) PROPERTIES SOUTH 03 DEGREES 49 MINUTES 24 SECONDS WEST A DISTANCE OF 1649.07' TO A FOUND FLAGGED TPOST; THENCE SOUTH 83 DEGREES 37 MINUTES 58 SECONDS WEST A DISTANCE OF 297.04' TO A FOUND TPOST IN A DITCH; THENCE ALONG SAID DITCH FOR THE FOLLOWING CALLS;

SOUTH 03 DEGREES 22 MINUTES 00 SECONDS WEST A DISTANCE OF 102.59';
SOUTH 02 DEGREES 53 MINUTES 50 SECONDS WEST A DISTANCE OF 100.17';
SOUTH 02 DEGREES 21 MINUTES 06 SECONDS WEST A DISTANCE OF 100.07';
SOUTH 07 DEGREES 51 MINUTES 47 SECONDS EAST A DISTANCE OF 100.94';
SOUTH 02 DEGREES 24 MINUTES 53 SECONDS EAST A DISTANCE OF 100.09';
SOUTH 02 DEGREES 43 MINUTES 22 SECONDS EAST A DISTANCE OF 100.18';
SOUTH 05 DEGREES 12 MINUTES 17 SECONDS EAST A DISTANCE OF 100.38';
SOUTH 03 DEGREES 35 MINUTES 29 SECONDS EAST A DISTANCE OF 200.87';
SOUTH 01 DEGREES 23 MINUTES 06 SECONDS WEST A DISTANCE OF 99.79';
SOUTH 06 DEGREES 19 MINUTES 59 SECONDS EAST A DISTANCE OF 100.71';
SOUTH 05 DEGREES 01 MINUTES 45 SECONDS EAST A DISTANCE OF 100.36';
SOUTH 03 DEGREES 51 MINUTES 34 SECONDS EAST A DISTANCE OF 100.15';
SOUTH 01 DEGREES 02 MINUTES 40 SECONDS WEST A DISTANCE OF 100.06';
SOUTH 07 DEGREES 10 MINUTES 34 SECONDS EAST A DISTANCE OF 100.90';
SOUTH 09 DEGREES 26 MINUTES 55 SECONDS EAST A DISTANCE OF 101.38';
SOUTH 08 DEGREES 37 MINUTES 49 SECONDS EAST A DISTANCE OF 101.17';
SOUTH 04 DEGREES 45 MINUTES 24 SECONDS EAST A DISTANCE OF 100.40';
SOUTH 09 DEGREES 18 MINUTES 44 SECONDS EAST A DISTANCE OF 101.38';
SOUTH 09 DEGREES 09 MINUTES 05 SECONDS EAST A DISTANCE OF 101.31';
SOUTH 03 DEGREES 41 MINUTES 18 SECONDS WEST A DISTANCE OF 100.22';
SOUTH 02 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 99.91';
SOUTH 10 DEGREES 39 MINUTES 17 SECONDS WEST A DISTANCE OF 101.83';
SOUTH 10 DEGREES 57 MINUTES 33 SECONDS WEST A DISTANCE OF 101.86';
SOUTH 00 DEGREES 16 MINUTES 30 SECONDS WEST A DISTANCE OF 99.98';
SOUTH 09 DEGREES 10 MINUTES 45 SECONDS WEST A DISTANCE OF 101.28';
SOUTH 02 DEGREES 21 MINUTES 23 SECONDS WEST A DISTANCE OF 100.13';

EXHIBIT

A

tabbles

SOUTH 00 DEGREES 16 MINUTES 03 SECONDS EAST A DISTANCE OF 99.99';
SOUTH 34 DEGREES 02 MINUTES 47 SECONDS WEST A DISTANCE OF 84.71';
SOUTH 00 DEGREES 33 MINUTES 17 SECONDS WEST A DISTANCE OF 119.41';

THENCE LEAVING SAID DITCH AND RUNNING ALONG THE NORTH RIGHT OF WAY OF HIGHWAY 57
NORTH 84 DEGREES 30 MINUTES 45 SECONDS WEST A DISTANCE OF 288.54' TO A SET ½" REBAR;
THENCE ALONG THE BOUNDRY OF THE BLUTECKER PROPERTY (PARCEL 1D 181 014.01) FOR THE
FOLLOWING CALLS;

NORTH 03 DEGREES 30 MINUTES 27 SECONDS EAST A DISTANCE OF 329.51';
NORTH 84 DEGREES 29 MINUTES 33 SECONDS WEST A DISTANCE OF 132.00';
SOUTH 03 DEGREES 30 MINUTES 27 SECONDS WEST A DISTANCE OF 329.56';

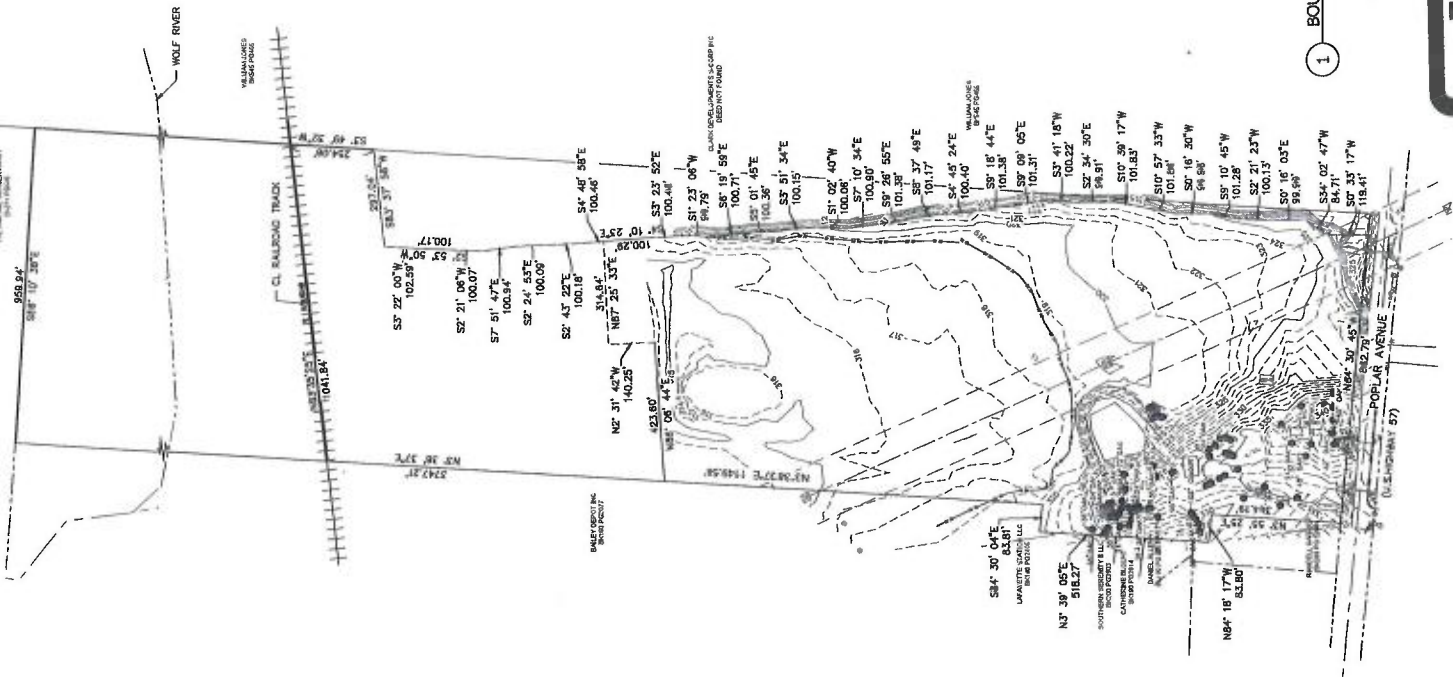
THENCE ALONG THE NORTH RIGHT OF WAY OF HIGHWAY 57 NORTH 84 DEGREES 30 MINUTES 45
SECONDS WEST A DISTANCE OF 462.25' TO A FOUND CAPPED IRON PIN; THENCE NORTH 03 DEGREES 55
MINUTES 25 SECONDS EAST A DISTANCE OF 394.19' TO A FOUND ½" IRON PIN; THENCE NORTH 84
DEGREES 18 MINUTES 17 SECONDS WEST A DISTANCE OF 83.80' TO A FOUND ½" IRON PIN; THENCE
NORTH 03 DEGREES 55 MINUTES 25 SECONDS EAST A DISTANCE OF 394.19' TO A FOUND ½" IRON PIN;
THENCE NORTH 84 DEGREES 18 MINUTES 17 SECONDS WEST A DISTANCE OF 83.80' TO THE POINT OF
BEGINNING, HAVING AN AREA OF 92.77 ACRES (LESS AND EXCEPT RAILROAD RIGHT OF WAY) MORE OR
LESS AND ACCORDING TO A SURVEY PREPARED BY EVERETTE D. WEST, TN RLS NO. 3121.

ALL BEARINGS ARE GRID BEARINGS.

SAID PROPERTY IS SUBJECT TO ALL RIGHT OF WAY, EASEMENTS AND RESTRICTIONS OF RECORD.



VICINITY MAP
N.T.S.



1 BOUNDARY PLAN
Scale: 1"=200'

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ASHWORTH ENGINEERING, PLLC
10815 COLLIERVILLE ROAD, COLLIERVILLE TN 38017
Ph: (901)414.8767

OUTLINE PLAN
RIVER EDGE PLANNED
DEVELOPMENT
ROSSVILLE, FAYETTE COUNTY
TENNESSEE

EXISTING ZONING F.A.R.
TOTAL AREA: 59.06 ACRES
DATE: JANUARY 30, 2022
SCALE: 1"= 200'
DEVELOPER:

EXHIBIT

B

tabbles

AFFIDAVIT OF MARTHA TEEL FANT

I, Martha Teel Fant, after having been duly sworn on oath and based upon personal knowledge, state:

1. My name is Martha Teel Fant and my home address is 800 Salem Avenue, Holly Springs, MS 38635-2128. I am familiar with the Teel Cemetery located at 6275 Hwy. 57, Rossville, Fayette County, Tennessee.

2. I am familiar with the genealogy of the Teel family and of the Teel relatives who lived in West Tennessee. I am a member of the Marshal County Genealogy Society. I have done research on the Teel Family Cemetery many times through the years.

3. I am unaware of the names or identities of any of the persons buried in the Teel Cemetery. Through my genealogy research I have been unable to locate any information on the persons buried there. From my research, I have determined that it is most likely that the persons buried in the Teel Cemetery were members of the Teel family or connected to the Teel family and buried there prior to 1838, when the Teel family moved from Fayette County, Tennessee to Marshall County, Mississippi. The identities of the persons buried in the Teel Cemetery are unknown.

4. It has been disclosed to me that the present location of the graves, which are generally unmaintained, is inconsistent with the future use of the property due to the development in the area. I have been informed that the present owner of the land intends to relocate the graves to another location on the same property which will be more suited as a resting place for the persons buried there.

5. I am in favor of such a move so that the graves may be maintained in a more suitable location and under better conditions for the internment of the remains of these individuals.



FURTHER AFFIANT SAYETH NOT.

Martha Teel Fant
MARTHA TEEL FANT

STATE OF Md
COUNTY OF Marshall

Sworn to and subscribed before me on this the 24 day of April, 2022.



C.W. "Chuck" Thomas, Chancery Clerk
By Marshall County Clerk
NOTARY PUBLIC

MY COMMISSION EXPIRES
1-1-2024