

IN THE CHANCERY COURT FOR WILSON COUNTY, TENNESSEE

JUDITH FISHER FREED,

Petitioner,

v.

ANTHONY WALKER and
RHONDA ANDERSON,

Respondents.

NO. 2022-CV-46

FILED
MAR 02 2022
A.M. 10:52 P.M.
MICHELLE SLOAN, CLERK & MASTER
CHANCERY COURT WILSON CO., TN

**VERIFIED PETITION TO TERMINATE USE OF LAND AS BURIAL GROUND
AND ANY EASEMENT FOR ACCESS TO THE CEMETERY, AND
DISINTERMENT AND REINTERMENT OF THE REMAINS**

Petitioner, Judith Fisher Freed, in accordance with *Tennessee Code Annotated* Section 46-4-101 *et seq.*, respectfully requests this Court to grant her Petition to Terminate Use of Land as Burial Ground and Any Easement for Access to the Cemetery, and Disinterment and Reinterment of the Remains. In support of her Petition, Petitioner states as follows:

1. Petitioner, Judith Fisher Freed ("Ms. Freed"), is a resident of Wilson County, Tennessee.

2. Respondent, Anthony Walker ("Mr. Walker"), is a resident of Wilson County, Tennessee, and can be served with process at

Respondent, Rhonda Anderson ("Ms. Anderson"), is a resident of Sumner County, Tennessee, and can be served with process at

4. This Court has jurisdiction to rule upon this proceeding as the real property is located in Wilson County, Tennessee, and in accordance with *Tennessee Code Annotated* Section 46-4-101 *et seq.*

5. On February 18, 2022, Petitioner purchased a 21.66 acre tract, 2780 Eastover Road, Watertown, Tennessee 37184, from Respondents. See Exhibit 1, Warranty Deed.

6. The tract of land is adjacent to Petitioner's property. See Exhibit 2, Survey.

7. Upon information and belief, the majority of the parcel of land had been used for grazing cattle, and Petitioner will use the land as a Greenbelt for cutting hay, potentially allowing cattle grazing, and future a house or houses for family. The past use of the property under Respondents and future use of Petitioner are inconsistent with due and proper reverence and respect for Randall L. Walker's remains.

8. The purchased property includes a one burial plot that holds the remains of Randall L. Walker. He was born September 8, 1945 and died April 6, 2003. Upon information and belief, he had the plot dug for himself, and died approximately two weeks later.

9. The burial plot is in the middle of the parcel of property, and can be seen from Petitioner's residence. *Id.* and *See* Exhibit 3, Picture.

10. The current condition of the burial ground is neglected and abandoned due to its condition. *See* collective Exhibit 4. Respondents had owned the property since 2018. In addition, the negligent and abandoned location is inconsistent with due and proper reverence and respect for Randall L. Walker's remains.

11. The appearance of the burial ground has not been maintained or beautified, shows signs of wear and decay, is in a neglected condition with destroyed markers, and overgrown vegetation, and is inconsistent with due and proper reverence and respect for Randall L. Walker's remains.

12. Petitioner desires to disinter the remains of Randall L. Walker, and reinter the remains at the cemetery where Randall L. Walker's parents are interred, which is in the Garden of Gethsemane section at Wilson County Memorial Park, located at 618 S Maple Street, Lebanon, Tennessee 37087. The gravesite is in the same garden area as Randall L. Walker's late parents' graves.

13. Petitioner will contract with Paltow Funeral Home, the service that dug Randall L. Walker's grave, to disintern, transport, and reintern his remains.

14. Petitioner states that once the remains of Randall L. Walker have been properly reinterred, that the use of, and all rights and easements incident or appurtenant to use of the burial ground upon Petitioner's property, should be terminated.

15. Petitioner will provide notice and an exact copy of this Petition, with personal addresses redacted, to the Tennessee Historical Commission in accordance with *Tennessee Code Annotated* Section 46-4-103(c)(1).

16. As provided in *Tennessee Code Annotated* Section 46-4-101(a):

“[a]ny burial ground in this state ... that the court to which jurisdiction is given by this chapter finds, for any of the reasons stated in this chapter, is unsuitable for its use as such and as a resting place for the dead whose remains are buried in the burial ground, or the further use of which for those purposes the court finds, for any of such reasons, is inconsistent with due and proper reverence or respect for the memory of the dead or otherwise unsuitable for those purposes, the reasons being:

- (1) The burial ground is abandoned; or
- (2) The burial ground is in a neglected or abandoned condition; or
- (3) The existence of any conditions or activities about or near the burial ground that the court finds render the further use of the burial ground for the purposes mentioned in this section that are inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes.”

17. The location of the burial ground is neglected and in an abandoned condition. Further, the current location of the plot is unsuitable for the area and grounds, and should be relocated for due and proper reverence. *See* Exhibits 3 and 4.

18. As provided in *Tennessee Code Annotated* Section 46-4-102, “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.” The Respondents are the children of Randall L. Walker, and are the interested persons.

19. As provided in *Tennessee Code Annotated* Section 46-4-103(a):

Any interested person ... may bring or join in a suit in the chancery court of the county in which the burial ground is situated, for the following purpose or purposes:

(1) To have the remains of all deceased persons buried in the burial ground removed from the burial ground and reburied in a suitable repository to be obtained for that purpose before their removal from the burial ground;

(2) To terminate the use of, and all rights and easements to use, the ground as a burial ground, and all rights and easements incident or appurtenant to the ground as a burial ground;

20. As provided in *Tennessee Code Annotated* Section 46-4-103(c):

(1) At least thirty (30) days prior to any hearing on a suit initiated pursuant to this section, the complainant shall file notice with the Tennessee historical commission. The notice shall include the approximate age of the burial ground and either:

(A) The name of the complainant, the location of the burial ground, and, if discernable, the name of any person interred at the burial ground; or

(B) An exact copy of the complaint filed in the chancery court.

(2) The Tennessee historical commission shall post filed notices on its website. Notices shall be posted in chronological order by county and updated at least monthly. The Tennessee historical commission may archive notices annually.

21. Petitioner, as owner of the land, is an "interested person" as provided in as provided in *Tennessee Code Annotated* Section 46-4-102, and files this Petition thereunder.

22. Upon this Court's authorization, Petitioner will have 's remains relocated to Wilson County Memorial Park and reinterred by Paltow Funeral Home. Petitioner will cover the expenses associated therewith, which include the disinterment, coffin or vault for the remains for transport, gravesite, reinterment, and repair of the gravestone.

23. All public health rules and regulations under as provided in *Tennessee Code Annotated* Section 68-4-110 will be followed.

WHEREFORE, PETITIONER PRAYS for an order of this Court granting the disinterment of the remains interred on her property, authorizing the reinterment of the remains, termination of any easements, and termination of the use of the real property as a burial ground in

accordance with *Tennessee Code Annotated* Section 46-4-101 *et seq.*, and for such other and further relief to which Petitioner is entitled at law or in equity or for which justice may require.


Judith Fisher Freed

Respectfully submitted,

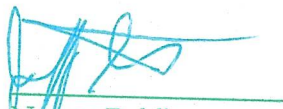

Jeffrey S. Strickland, BPR No. 26618
Strickland Law, PLLC
3200 West End Avenue, Suite 500
Nashville, Tennessee 37203
Phone: 615-739-6746
Facsimile: 615-658-8410
jss@stricklandlawpllc.com

Strickland Law, PLLC is surety for costs in this matter.

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON) ss

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, Judith Fisher Freed, with whom I am personally acquainted (or proved to me upon the basis of satisfactory evidence), and who acknowledged that she executed the foregoing document for the purposes therein contained.

Sworn and subscribed before me this 1st day of March, 2022.


Notary Public

My commission expires: September 2, 2024

