

ASBURY LAW OFFICE

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Robert R. Asbury
Lee Asbury (1933-2006)

Jacob H. Shipley

June 11, 2024

G. Graham Perry III, ABD
Historic Preservation Specialist-Cemeteries
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Pike
Nashville, TN 37214
Email: graham.perry@tn.gov

In Re: Cemetery at 8055 Highway 63, Speedwell, Claiborne County, Tennessee

Dear Mr. Perry,

Pursuant to Tennessee Code Annotated Section 46-4-103 (c), please be advised and take notice that Freda M. Rogers, David S. Rogers, William Rogers, Stephen Rogers, Mark Wilson and Hope Wilson have filed a Petition to Terminate Use of Land as a Burial Ground and for Removal and Reinterment of Remains of Decedents in the Chancery Court of Claiborne County, Tennessee, Case No. 20,224.

The cemetery is located at 8055 Highway 63, Speedwell, Claiborne County, Tennessee 37870. Persons believed to be buried in the cemetery, along with their dates of birth and death, include the following:

(a) William Rogers M.D.: July 15, 1801 - May 29, 1862

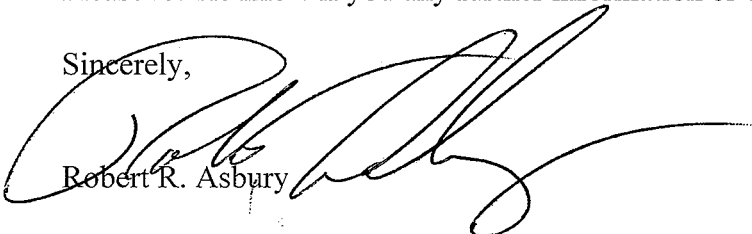
(b) John Rogers: Born in Wythe County, VA June 1, 1757 - January 5, 1822

Based upon these dates, the cemetery is approximately 201 years old and the last time a person was buried there was 161 years ago.

Pursuant to Section 103(c)(1)(B), an exact copy of the complaint filed in the Chancery Court of Claiborne County is enclosed with this letter.

Please let me know if you any further information or documentation from me.

Sincerely,



Robert R. Asbury

IN THE CHANCERY COURT OF CLAIBORNE COUNTY, TENNESSEE
AT TAZEWELL

FREDA M. ROGERS, DAVID S. ROGERS,)
WILLIAM B. ROGERS,)
STEVEN B. ROGERS,)
AND EDDIE MITCHELL,)
PETITIONERS,)
AND)
MARK WILSON AND WIFE)
HOPE WILSON,)
CO-PETITIONERS,)
VS.)
UNKNOWN HEIRS OF JOHN ROGERS)
and WILLIAM ROGERS M.D.,)
RESPONDENTS,)
IN RE: REMAINS OF JOHN ROGERS and)
WILLIAM ROGERS M.D.)

20224

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

Come now the Petitioners and Co-Petitioners, by and through counsel, and verify the
following for the relief sought:

I.

PARTIES, JURISDICTION AND OWNERSHIP OF LAND

Come the parties and state unto the Court as follows:

1. Freda M. Rogers is an adult citizen and resident of Claiborne County, Tennessee, residing at 5285 Old Highway 63, Speedwell, Tennessee 37870. She is the widow of a lineal descendant of the decedents that are the subject of this action.
2. David S. Rogers is an adult citizen and resident of Claiborne County, Tennessee, residing at 5225 Old Highway 63, Speedwell, Tennessee 37870. He is a lineal descendant of the decedents that are the subject of this action.

FILED

APR 01 2024

AT 8:30 AM PM
Patricia Simmons, C & M

3. William B. Rogers is an adult citizen and resident of Jefferson County, Tennessee, residing at 2156 Buck Hollow Rd., New Market, Tennessee 37820. He is a lineal descendant of the decedents that are the subject of this action.
4. Steven B. Rogers is an adult citizen and resident of Campbell County, Tennessee, residing at 141 Suttles Lane, LaFollette, Tennessee 37766. He is a lineal descendant of the decedents that are the subject of this action.
5. Eddie Mitchell is an adult citizen and resident of Campbell County, Tennessee, residing at 1607 Doakes Creek Road, Speedwell, Tennessee. He is a lineal descendant of the decedents that are the subject of this action.
6. Mark Wilson and wife Hope Wilson are adult citizens and residents of Claiborne County, Tennessee, with a mailing address of P.O. Box 203, Speedwell, Tennessee 37870. They are the current owners of real property that contains the existing graves of the decedents that are the subject of this action.
7. This is a proceeding pursuant to Tennessee Code Annotated 46-4-101, et seq., to request the Court to allow the relocation of two certain grave sites on real property owned by Mark Wilson and wife Hope Wilson and reinterment in a recognized cemetery as set forth herein.
8. Mark and Hope Wilson purchased three residential lots, designated as Lots 11, 12 and 13 of the Rogers Acres Subdivision by Warranty Deed on or about September 20, 1999, as reflected in Warranty Deed recorded at Book 1023, Page 613 in the Office of the Register of Deeds for Claiborne County, Tennessee. See Deed attached hereto as Exhibit A.
9. The cemetery at issue in this action is located on Lot 12 of the Rogers Acres Subdivision owned by Mark and Hope Wilson. Said tract is designated as Control Map 089A, Group A, Parcel 012.00 by the Claiborne County Property Assessor. See Assessment Card attached

hereto as Exhibit B.

10. The cemetery at issue is located in Claiborne County, Tennessee. Accordingly, jurisdiction and venue are proper in this Court pursuant to Tennessee Code Annotated Section 46-4-103(a).
11. The following persons are believed to be buried in the cemetery with the following information evident from existing monuments:
 - (a) William Rogers M.D.: July 15, 1801 - May 29, 1862
 - (b) John Rogers: Born in Wythe County, VA June 1, 1757 - January 5, 1822
12. A monument erected in the cemetery reflects the following persons as heirs or potential interested persons:

Stephen H. Rogers

Frank T. Rogers, M.D.

Ralph L. Rogers, Jr.

Nancy Rogers Tarwater

Rosalie A. Keever

James H. Rogers

W.S. Maupin

David Kivett and Wife

Judge Jesse L. Rogers

J. Will Taylor's family

French L. Rogers

D.W. Rogers

Will M. Rogers

James Asbury Rogers

Tim C. Peters

Doris Whitmore

Lillie Norwood (Not entirely legible)

_____ Sharp (Not entirely legible)

All of the above listed persons are deceased to the best of Petitioners' knowledge, having passed in excess of fifty years ago.

13. Pursuant to Tennessee Code Annotated Section 46-4-103(b), necessary Respondents in this proceeding are all "interested persons", which are defined in Tennessee Code Annotated Section 46-4-102 as the following:

As used in this chapter, unless 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.

14. Petitioners David S. Rogers, William Rogers and Steven Rogers are known relatives of the decedents by consanguinity who have assisted in maintenance of the existing cemetery.
15. Due to the age of the burials, the potential number of heirs of the decedents buried at the cemetery is significant and not accurately ascertainable.
16. Accordingly, the "interested persons" are unknown. Petitioners and Co-Petitioners request that the Court cause notice to be made to all unknown "interested persons" by publication in a newspaper of general circulation in Claiborne County, Tennessee, for four consecutive

weeks. Tennessee Code Annotated Section 46-4-103(b) provides, in part, that: "Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law." See also Tennessee Code Annotated Section 21-1-204 (detailing service by publication in Tennessee).

17. Additionally, Petitioners and Co-Petitioners are providing the requisite notice to the Tennessee Historical Commission pursuant to Tennessee Code Annotated Section 46-4-103.

II.

FACTS

18. The cemetery at issue is located on land that was originally owned by the decedents buried there or their descendants. However, in 1992 the land was subdivided and sold as residential lots to multiple purchasers.
19. Co-Petitioners Mark and Hope Wilson ultimately purchased Lots 11, 12, 13, 14, 15 and 16 of the Rogers Acres Subdivision, with the cemetery at issue herein located on Lot 12. Co-Petitioners Wilson constructed a residential dwelling on two of the lots purchased. The current location of the cemetery on the edge of Lot 12 effectively renders both Lots 11 and 12 useless for any type of residential construction. Due to residential development of surrounding lots not purchased by Co-Petitioners Wilson, the cemetery is presently surrounded by homes. Accordingly, it is averred that the existing cemetery is unsuitable as a resting place for the remains of the decedents in accordance with the conditions set forth in Tennessee Code Annotated Section 46-4-101, which supports termination of the use of land as a cemetery when:

“(1) The burial ground is abandoned; (2) The burial ground is in a neglected or abandoned condition; or (3) The existence of any condition 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.”

Co-Petitioners Mark and Hope Wilson join this action to acquiesce in the termination of the cemetery on their property.

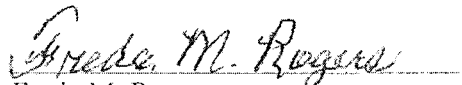
20. Petitioners Freda M. Rogers (life tenant) and David S. Rogers (remainderman) are owners of a farm located at 5225 Old Highway 63, Speedwell, Tennessee 37870, consisting of approximately 101 acres located south of Old Highway 63. On said farm is located a Rogers Family cemetery, in which many of the descendants of the decedents herein are interred. The Rogers Cemetery is fenced and maintained by Petitioners, and a passable road is maintained through the farm to provide access to the Rogers Cemetery. At present, Petitioners are responsible for maintenance of the cemetery on the Wilson property as well as the Rogers Family cemetery. A copy of Petitioners' deed is attached hereto as Exhibit C.
21. Petitioners herein believe that the Rogers Cemetery is an appropriate and suitable site for the reinterment of the decedent's remains.
22. Petitioners and Co-Petitioners request permission from the Court to terminate the use of the existing cemetery on the Wilson property as a burial ground and to have the remains of the decedents removed from the current location of the cemetery and reburied in the Rogers Family cemetery located on the property of Petitioners Freda M. Rogers and David S. Rogers as permitted by Tennessee Code Annotated Section 46-4-103(a).
23. In undertaking to relocate the decedents, Petitioners will conduct the reinterment of the remains with due care and decency in accordance with Tennessee Code Annotated Section 46-4-104, with the assistance and expertise of a licensed funeral director.

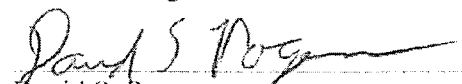
24. Petitioners will also relocate all existing memorial monuments from the existing cemetery to the Rogers Family cemetery.
25. Petitioners will be responsible for payment of all costs associated with exhumation and reinterment of the decedents in the Rogers Family cemetery. Additionally, Petitioners will continue to be responsible for all costs and responsibilities related to maintenance and upkeep of the Rogers Family cemetery.

WHEREFORE, Petitioners and Co-Petitioners respectfully request that:

1. The Court, in accordance with T.C.A. Section 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 Claiborne County, Tennessee, for four consecutive weeks.
2. The Court, in accordance with T.C.A. Section 46-4-101 and 46-4-104, enter an Order finding that the cemetery located on the Wilson property is unsuitable as a resting place for the remains of the decedents because the conditions and activities about or near the cemetery are inconsistent with due and proper reverence or respect for the memory of the dead.
3. The Court, in accordance with T.C.A. Section 46-4-104, enter an order approving the reinterment of the remains in the manner and location proposed in the Petition, specifically reinterment in the Rogers Family cemetery.
4. They be granted such further and other general relief as may be appropriate.

Submitted this 6 day of January, 2023.


Freda M. Rogers


David S. Rogers

William B. Rogers
William B. Rogers

Steven B. Rogers
Steven B. Rogers

Mark Wilson
Mark Wilson

Hope Wilson
Hope Wilson

Eddie Mitchell
Eddie Mitchell

OATH

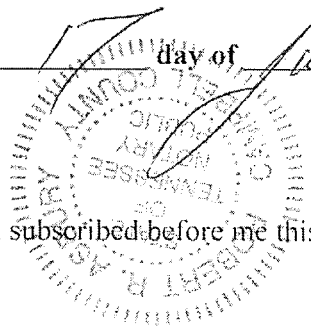
STATE OF TENNESSEE)
COUNTY OF Jefferson) ss.

FREDA M. ROGERS, being first duly sworn, upon her oath, states that she has read the foregoing Petition; that the matters therein stated are true and correct to the best of her knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 17 day of July, 2023.

Freda M. Rogers
Freda M. Rogers

Sworn to and subscribed before me this 17 day of July, 2023.



Robert R. Agnew
NOTARY PUBLIC
My commission expires: 6/28/26

OATH

STATE OF TENNESSEE)

COUNTY OF) ss.

DAVID S. ROGERS, being first duly sworn, upon his oath, states that he has read the foregoing Petition; that the matters therein stated are true and correct to the best of his knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 17 day of July, 2023.

Sworn to and subscribed before me this

17 day of July, 2023.

David S. Rogers
David S. Rogers

NOTARY PUBLIC

My commission expires: 6/28/26

OATH

STATE OF TENNESSEE)

COUNTY OF) ss.

WILLIAM B. ROGERS, being first duly sworn, upon his oath, states that he has read the foregoing Petition; that the matters therein stated are true and correct to the best of his knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 3 day of August, 2023.

Sworn to and subscribed before me this

3 day of August, 2023.

William B. Rogers
William B. Rogers

NOTARY PUBLIC

My commission expires: 6/28/26

OATH

STATE OF TENNESSEE)
COUNTY OF Campbell) ss.

STEVEN B. ROGERS, being first duly sworn, upon his oath, states that he has read the foregoing Petition; that the matters therein stated are true and correct to the best of his knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 3 day of August, 2023.

Steven B. Rogers
Steven B. Rogers

Sworn to and subscribed before me this 3 day of August, 2023.

[Signature]
NOTARY PUBLIC
My commission expires: 6/28/26

OATH

STATE OF TENNESSEE)
COUNTY OF Campbell) ss.

EDDIE MITCHELL, being first duly sworn, upon his oath, states that he has read the foregoing Petition; that the matters therein stated are true and correct to the best of his knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 18th day of December, 2023.

Eddie Mitchell
Eddie Mitchell

Sworn to and subscribed before me this 18 day of December, 2023.

Janya Hopper
NOTARY PUBLIC
My commission expires: 6/10/26

OATH

STATE OF TENNESSEE)
) ss.
COUNTY OF Campbell)

MARK WILSON, being first duly sworn, upon his oath, states that he has read the foregoing Petition; that the matters therein stated are true and correct to the best of his knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 6 day of January, ~~2023~~²⁰²⁴.

Mark Wilson
Mark Wilson

Sworn to and subscribed before me this 6 day of January, ~~2023~~²⁰²⁴.

Janya Hoppa
NOTARY PUBLIC
My commission expires: 6/10/24

OATH

STATE OF TENNESSEE)
) ss.
COUNTY OF Campbell)

HOPE WILSON, being first duly sworn, upon her oath, states that she has read the foregoing Petition; that the matters therein stated are true and correct to the best of her knowledge, information and belief; and that the Petition is executed for the purposes therein contained.

This 6 day of January, ~~2023~~²⁰²⁴.

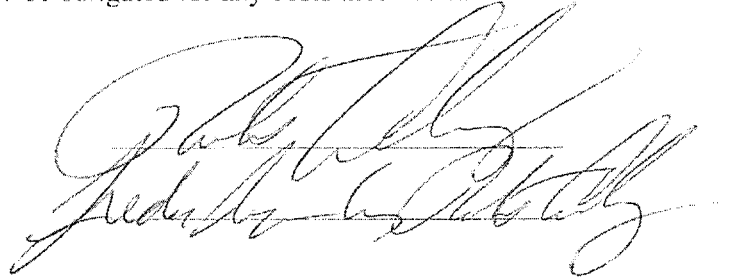
Hope Wilson
Hope Wilson

Sworn to and subscribed before me this 6 day of January, ~~2023~~²⁰²⁴.

Janya Hoppa
NOTARY PUBLIC
My commission expires: 6/10/24

COST BOND

The undersigned acknowledge themselves to be obligated for any costs incurred in this cause.

A handwritten signature in cursive script, appearing to read "Paul H. [unclear]". The signature is written in dark ink and is positioned to the right of the text "The undersigned acknowledge themselves to be obligated for any costs incurred in this cause."

THIS INSTRUMENT PREPARED BY:

Lee Dan Stone, III/ci
Attorney At Law
P.O. Box 281
Tazewell, TN 37879

WARRANTY DEED

This indenture made this 20th day of September, 1999, by and between GARY ELY and wife, CAROLYN ELY, of Claiborne County, Tennessee, parties of the first part, and MARK WILSON and wife, HOPE WILSON, of Claiborne County, Tennessee, parties of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed, and do hereby grant, bargain, sell, and convey unto the said parties of the second part, the following described premises to wit:

SITUATED in District No. Ten (10) of Claiborne County, Tennessee, and more particularly described as follows:

BEING LOT NO. ELEVEN (11), LOT NO. TWELVE (12) and LOT NO. THIRTEEN (13) of the Rogers Acres Subdivision as shown by plat duly recorded in the Claiborne County Register's Office in Plat Book 2, Page 268.

This property is sold subject to the protective and restrictive covenants filed with said plat and is further subject to all rights of way, easements, setback lines and conditions shown on said plat. All of these are incorporated by reference herein.

89-A
Map ~~89~~, Group A, Parcel 11.00, 12.00 & 13.00

For reference see deed dated November 20, 1992, from David H. Rogers to Gary Ely, et ux, recorded in Book of Deeds 219, Pages 578-579, in the Register of Deeds Office of Claiborne County, Tennessee.

The 1999 property taxes will be prorated; thereafter, Grantees will be the responsible property tax payer, whose address is P.O. 203

Tazewell, TN 37870.

EK 1023 PG 613

THE DRAFTSMAN OF THIS INSTRUMENT
MAKES NO WARRANTY OR GUARANTEE
AS TO MATTERS OF TITLE OR SURVEY.

THIS INSTRUMENT MUST BE RECORDED
IN THE REGISTER OF DEEDS OFFICE.

with the hereditaments and appurtenances thereto appertaining, hereby releasing all claim to homestead and dower therein.

To have and to hold the said premises to the said parties of the second part, their heirs and assigns, forever. And the said parties of the first part, for themselves and for their heirs, executors, and administrators, do hereby covenant with the said parties of the second part, their heirs and assigns, that they are lawfully seized in fee simple of the premises above conveyed, and have full power, authority, and right to convey the same; that said premises are free from all encumbrances, and that they will forever warrant and defend the said premises and title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and seal the day and year first above written.

Gary Ely
GARY ELY

Carolyn Ely
CAROLYN ELY

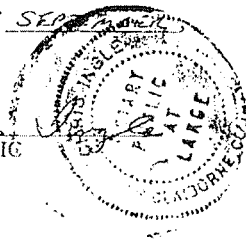
STATE OF TENNESSEE)
) ss.
COUNTY OF CLAIBORNE)

BK 1023 PG 614

Personally appeared before me, the undersigned authority, a Notary Public, in and for said County and State, the within named bargainors, GARY ELY and wife, CAROLYN ELY, with who I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this 20TH day of SEPTEMBER, 1999.

[Signature]
NOTARY PUBLIC



My Commission Expires: 02-23-02

I, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$ 11,000.00 which is equal to or greater than the amount which the property transferred would command at a fair voluntary sale.

x Mark A Wilson
AFFIANT

Sworn to and subscribed before me

this 5 day of Oct., 1999.

Kim Reece
NOTARY PUBLIC Register of Deeds

My Commission Expires: _____

EK 1023 PG 615

State of Tennessee, County of CLAIRBORNE
Received for record the 05 day of
OCTOBER 1999 at 1:10 PM. (RECH 6037)
Recorded in official records
Book 1023 pages 613- 615
State Tax \$ 40.70 Clerks Fee \$ 1.00,
Recording \$ 14.00, Total \$ 55.70;
Register of Deeds KIMBERLY REECE
Deputy Register SYLVIA HARMON

Tennessee Property Assessment Data - Parcel Details Report - 01/01/2023

Claiborne (013)		Jan 1 Owner	Current Owner	HWY 63		
Tax Year 2023 Reappraisal 2022		WILSON MARK & HOPE	P O BOX 203	Ctrl Map:	Parcel:	Sl:
		P O BOX 203	SPEEDWELL TN 37870	089A	012.00	000
		SPEEDWELL TN 37870			A	

Value Information	
Land Market Value:	\$9,600
Improvement Value:	\$0
Total Market Appraisal:	\$9,600
Assessment Percentage:	25%
Assessment:	\$2,400

Subdivision Data	
Subdivision:	
ROGERS ACRES	
Plat Book:	Plat Page:
2	268

Additional Information	
General Information	
Class: 00 - Residential	Block:
City #:	Lot:
Special Service District 1: 000	12
District: 10	
Number of Buildings: 0	
Utilities - Water/Sewer: 03 - PUBLIC / INDIVIDUAL	
Utilities - Gas/Gas Type: 00 - NONE	

Outbuildings & Yard Items	
Building #	Description
	Units

Sale Information	
Long Sale Information list on subsequent pages	
Land Information	
Deed Acres: 0.57	Calculated Acres: 0
Land Code	Soil Class
	Units
03 - SMALL TRACT	
	0.57

Sale Information

Sale Date	Price	Book	Page	Vacant/Improved	Type Instrument	Qualification
9/20/1999	\$11,000	1023	613	V - VACANT	WD - WARRANTY DEED	P - MULTIPLE PARCELS
11/20/1992	\$16,000	219	578	V - VACANT	WD - WARRANTY DEED	P - MULTIPLE PARCELS
6/19/1992	\$0	212	404			

THIS INSTRUMENT PREPARED BY:

Robert R. Asbury
Attorney at Law
P.O. Box 66, 567 Main Street
Jacksboro, Tennessee 37757
Telephone: (423) 562-7800
Facsimile: (423) 562-8184

EXECUTOR'S DEED

KNOW ALL MEN BY THESE PRESENTS that FRED A. ROGERS, Executrix of the Estate of Stephen I. Rogers, deceased, for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, and in connection with the administration and distribution of the Estate of Stephen I. Rogers, the decedent's estate having been duly admitted to probate in Claiborne County, Tennessee, in the Chancery Court Probate File No. PR-3628 for said county, has bargained and sold and hereby conveys, remises, and releases A LIFE ESTATE INTEREST UNTO FRED A. ROGERS AND ALL REMAINDER INTEREST TO DAVID STEPHEN ROGERS, their heirs and assigns, all right, title and interest of the decedent and the decedent's estate in and to certain tracts of land in Claiborne County, Tennessee described as follows:

Situate in District Ten (10) of Claiborne County, Tennessee, and described and bounded as follows:

BEGINNING at the corner of the Albert S. Carr, Jr. 4 acre farm, formerly T.H. Bowman farm, thence a West course with the meanders of Old Highway 63, 96 poles to the corner of Ralph Clawson's heirs property, near Gilbert Seals driveway to his house; thence South with the property line of Ralph Clawson's heirs, 66 poles to an old stump at a cross fence; thence Southeast with the cross fence, 10 poles to the center of Davis Creek; thence up Davis Creek as it meanders to a rock on the bluff on the north side of Davis Creek known as Pebley Corner. Beginning on the rock, South 50 1/2 degrees East, 43 poles and 15 links to a rock; thence South 66 1/2 degrees East, 25 poles to a rock; thence South 1 degree West, 104 poles to a rock; thence South 7 1/2 degrees East, 80 poles to a Double Chestnut Oak known as Old Pebley Corner or David Monday Corner; thence South 71 1/2 degrees East, 38 poles and 3 feet to a stake; thence South 87 3/4 degrees East, 16 1/2 poles to a stake halfway between Mac Ellison Corner and Pebley Corner. This stake divides up the land between Albert S. Carr's heirs and Smith Rogers' heirs. This South line joins Jim Carr's heirs property; thence North down the ridge 60 poles to the old rough wagon road next to the spring; thence North down the ridge on the old rough wagon road until it curves West into Davis Creek; thence North up Davis Creek to the Albert S. Carr, Jr. property line; thence up the hill to the top of the hill which is 5 1/2 poles Northeast to the top; thence North 48 poles to Old Highway 63 at the BEGINNING, which contains 120 acres.

This being Tract One (1) in Warranty Deed recorded at Warranty Deed Book 224, Page 370 in the Claiborne County Register of Deeds Office in Tazewell, Tennessee.

For further reference, see Will of Smith F. Rogers, Will Book 4 at page 110 in the Claiborne County Court Clerk's Office. Smith F. Rogers died August 15,

1979 in Claiborne County, Tennessee; his surviving spouse is Jeanette I. Rogers. See also, Will of W. H. (Billie) Rogers, Will Book 2 at page 15 in the Claiborne County Chancery Court Clerk's Office. See also Warranty Deed dated June 6, 1911 from S. H. Rogers and wife, D.C. Rogers to W.H. Rogers and recorded in Warranty Deed Book 40 at page 278 in the Claiborne County Register of Deeds Office. See also, Warranty Deed dated April 11, 1955 from Stephen H. Rogers and Cora Lee Rogers to Smith F. Rogers and Jeanette I. Rogers and recorded in Warranty Deed Book 86 at page 540 in the Claiborne County Register of Deeds Office. See also, Warranty Deed dated September 25, 1946 from W. H. Rogers to Smith F. Rogers and wife, Jeanette Irwin Rogers and recorded in Warranty Deed Book 77 at page 358 in the Claiborne County Register of Deeds Office. See also, Warranty Deed dated October 4, 1951 from W.H. (Billie) Rogers to Smith F. Rogers and wife, Jeanette Rogers and recorded in Warranty Deed Book 84 at page 43 in the Claiborne County Register of Deeds Office.

EXCEPTED from this tract of property is the home and three acres conveyed to Freda M. Rogers for her lifetime with all remainder interest to Susie Willis Williams and Peggy Ann Iachetta as described in Warranty Deed Book 1499, Page 120 of record in the Claiborne County Register of Deeds Office in Tazewell, Tennessee.

ALSO EXCEPTED from this tract of property is that portion of property conveyed to Freda M. Rogers for her lifetime with all remainder interest to Linda Gail Lambert as described in Warranty Deed Book 1499 Page 599 of record in the Claiborne County Register of Deeds Office in Tazewell, Tennessee.

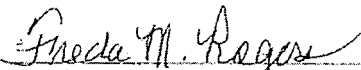
This tract of land is described in the Property Assessors Office for Claiborne County, Tennessee as being located at Map: 089; Control Map: 089; Parcel: 009.00.

This deed was prepared without benefit of title search or survey and the preparer of this deed makes no representations of any kind as to the accuracy of the description or the quality of title to the above described property.

This deed is executed to comply with the Last Will and Testament of Stephen I. Rogers, Claiborne County Chancery Court Probate No. PR-3628.

This Conveyance is made subject to any and all applicable restrictions, easements and building setback lines as are shown in the records of the Claiborne County Register Of Deeds Office, and further to any matter and/or conditions which would be disclosed by a current, accurate survey or inspection of the property herein described.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.


Freda M. Rogers, Executrix of the Estate of
Stephen I. Rogers

STATE OF TENNESSEE

Claiborne COUNTY, SS

Personally appeared before me, Tanya Hopper, a Notary Public in and for said county, the within named bargainor, Freda M. Rogers, Executrix of the Estate of Stephen I. Rogers, with whom I am personally acquainted, and who acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this 18 day of June, 2018.

Tanya Hopper
NOTARY PUBLIC

My Commission Expires: 8/11/18

I, or we, hereby swear or affirm that the actual consideration for this transfer or the value of the property transferred, whichever is greater, is - 0 - which amount is equal or greater than the amount which the property transferred would command at a fair and voluntary sale.

Freda M. Rogers
Affiant

Sworn to and subscribed before me this 18 day of June, 2018.

My Commission Expires: 8/11/18

Tanya Hopper
Notary Public / Register

RESPONSIBLE TAXPAYER:

David S. Rogers

5225 Old Highway 123

Speedwell, TN 37870

BK/PG: 1499/603-606

18002120

3 PGS/AL-EXECUTORS DEED	
LIBRARY BATCH 60826	06/28/2018 10:44 AM
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
ARCHIVE FEE	0.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

STATE OF TENNESSEE, CLAIBORNE COUNTY
KIMBERLY H. REECE

ASBURY LAW OFFICE
567 Main Street - P.O. Box 66
Jacksboro, Tennessee 37757
Telephone: (423) 562-7800
Fax: (423) 562-8184

Robert R. Asbury
Lee Asbury (1933-2006)

Email: asburylaw@comcast.net

Jacob H. Shipley

March 26, 2024

Ms. Patricia Simmons
Clerk & Master
P.O. Box 180
Tazewell, TN 37879

RE: Freda M. Rogers, et al. v. John Rogers Heirs, et al.
Claiborne County Chancery Court

DOCUMENT(S) ENCLOSED FOR FILING:

*Petition for Termination Use of Land as a Burial Ground and for Removal and
Reinterment of Remains of Decedents (check for filing fee enclosed)*

Publisher's Certificate of Publication

STATE OF TENNESSEE COUNTY OF CLAIBORNE

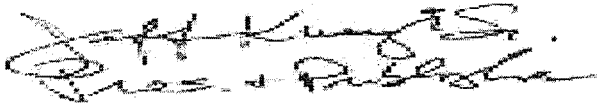
Jeff Kuerzi, being duly sworn, on oath says he is and during all times herein stated has been an employee of Middlesboro-Tazewell Newsmedia publisher and printer of the Claiborne Progress(the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

04/17/24, 04/24/24, 05/01/24, 05/08/24

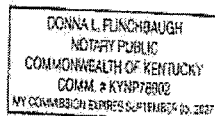
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney



Jeff Kuerzi, publisher

Subscribed and sworn to before me this
8th Day of May, 2024



Donna Flinchbaugh, Notary Public
Kentucky State at Large
KYNP78902
My commission expires 09-05-2027

Account #
Ad # 1808231

CLAIBORNE CO CLERK & MASTER
PO BOX 180
TAZEWELL TN 37879

PUBLIC NOTICE

NON-RESIDENT NOTICE:
STATE OF TENNESSEE
CLAIBORNE COUNTY:
CHANCERY NO. 20224

Freda M. Rogers, David S.
Rogers,
William B. Rogers, Steven B.
Rogers, & Eddie Mitchell
Plaintiff
Mark Wilson & Hope
Wilson Co-Plaintiffs
VS.

Unknown Heirs of John
Rogers & William Rogers,
M.D. Defendant

In the Chancery Court of Claiborne County, Tennessee at Tazewell;

In this cause, it appearing from the Petition for Terminating Use of Land as a Burial Ground and For Removal and Reinterment of Remains, which is sworn to, that the Defendant, Unknown Heirs of John Rogers, is a Non-resident of the State of Tennessee so that ordinary process cannot be served upon the Defendant, Unknown Heirs of John Rogers; they are hereby commanded to serve on Robert R. Asbury, plaintiff's attorney Box 66, Jacksboro, TN 37757 whose address is an answer to the Petition filed against the Defendant, Unknown Heirs, in this cause within 30 days of the fourth publication of this notice as required by law; otherwise the Petition will be taken as admitted by them and the case set for hearing without their presence

This notice will run in the Claiborne Progress newspaper for four consecutive weeks.

This the 8 day of April, 2024.

Patricia Simmons
Clerk and Master
/s/Candace Seals
BY: Candace Seals, Deputy
Clerk and Master

Claiborne Progress: Apr. 17, 24,
May 1 and 8, 2024
20224

THE CLAIBORNE PROGRESS
PO BOX 947
COLUMBIANA, AL 35051
(423) 254-6841

Advertising Invoice

CLAIBORNE CO CLERK & MASTER
PO BOX 180
TAZEWELL TN 37879

Acct #: 217790
Date: 5/8/2024
Ad #: 1808231
Sales Rep: Brittany Schofield

Notes:

DESCRIPTION	START	STOP	INSERTS	AMOUNT
AD# 1808231		4/18/2024		-325.00
20224	4/17/2024	5/8/2024	26	325.00

Ad Text

PUBLIC NOTICENON-
RESIDENT NOTICE: STATE
OF TENNESSEE
CLAIBORNE COUNTY:
CHANCERY NO.
20224Freda M. Rogers,
David S. Rogers, William B.
Rogers, Steven B. Rogers, &
Eddie Mitchell Plaintiff
Mark Wilson & Hope
Wilson Co-
PlaintiffsVS.Unknown
Heirs of John Rogers &
William Rogers, M.D.
DefendantIn the Chancery
Court of Claiborne County,
Tennessee at Tazewell; In
this cause, it appearing from
the Petition for Terminating
Use of Land as a Burial

Total: \$0.00
Tax: \$0.00
Net: \$0.00
Paid: \$0.00

Total Due: \$0.00

FILED

MAY 14 2024

AT 8:30 (AM) PM
Patricia Simmons, C & M