

# BAKER DONELSON

265 BROOKVIEW CENTRE WAY · SUITE 600 · KNOXVILLE, TENNESSEE 37919 · 865.549.7000  
bakerdonelson.com

ROBERT R. CARL  
Direct Dial: (865) 971-5162  
Direct Facsimile: (865) 329-5162  
E-Mail Address: [rcarl@bakerdonelson.com](mailto:rcarl@bakerdonelson.com)

September 28, 2021

Mr. E. Patrick McIntyre, Jr. (By Email at [Patrick.McIntyre@tn.gov](mailto:Patrick.McIntyre@tn.gov))  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, Tennessee 37243-0442

Mr. G. Graham Perry III, ABD (By Email at [Graham.Perry@tn.gov](mailto:Graham.Perry@tn.gov))  
Tennessee Historical Commission  
Historical Preservation Specialist-Cemeteries  
2941 Lebanon Pike  
Nashville, Tennessee 37243-0442

**Re: Tennessee Code Annotated § 46-4-103(C)(1)(B) – Filing Of Notice Re:  
Petition To Disinter And Reinter The Remains Interred in a Private  
Cemetery In Sevier County, Tennessee**

Dear Mr. McIntyre and Mr. Perry:

Hodges Bend Advisors, LLC (“Hodges Bend”) has commenced an action in the Chancery Court for Sevier County, Tennessee (the “Petition”) to disinter and reinter the remains interred in a private cemetery, to terminate said cemetery, and to terminate an easement for access to the cemetery. The private cemetery is known as the “Fox Cemetery” and dates back to at least 1892. Hodges Bend is developing property adjacent to the cemetery and is in the process of acquiring the real property containing the cemetery. Fox Cemetery is situated in the middle of a horse pasture. An easement currently runs through Petitioner’s Hickory Hills property which provides access to the Fox Cemetery. The current condition of the cemetery is somewhat neglected and abandoned due to its location. Further, the continuing surrounding residential development renders the Fox Cemetery location inconsistent with due and proper reverence and respect for the Holt ancestors.

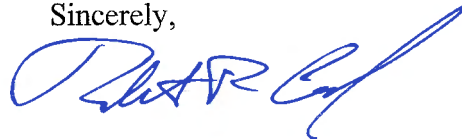
Hodges Bend and the known descendants of the family members buried in the Fox Cemetery wish to disinter the remains of the four family members, and reinter them with other deceased family at Shiloh Memorial Cemetery located at 407 Henderson Road, Pigeon Forge,

4819-0987-4429v1  
2953850-000001 09/28/2021

September 28, 2021  
Page 2

Tennessee 37863. The Petition is attached. Please let me know if you require further information or have any questions regarding this matter.

Sincerely,



Robert R. Carl

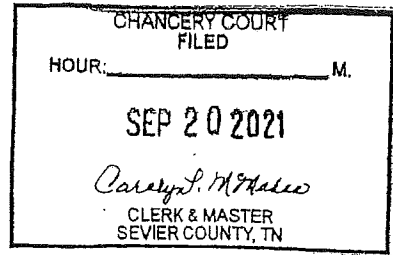
RRC:

Enclosure

IN THE CHANCERY COURT OF SEVIER COUNTY, TENNESSEE

HODGES BEND ADVISORS, LLC, )  
)  
)  
Petitioner, )  
)  
)  
vs. )  
)  
)  
PATRICIA C. HOLT, MARK ANTHONY )  
HOLT, and WILLIAM TODD HOLT, )  
)  
)  
Respondents, )

No. 21-9-214



**VERIFIED PETITION TO DISINTER, REINTER AND TERMINATE CEMETERY AND CEMETERY EASEMENTS**

Petitioner, Hodges Bend Advisors, LLC ("Petitioner"), pursuant to Tenn. Code Ann. §46-4-101 *et. seq.*, respectfully requests this Court to grant its Petition to Disinter and Reinter the remains interred in a private cemetery, to terminate said cemetery, and to terminate an easement for access to the cemetery. In support of its Petition, Petitioner states as follows:

1. Petitioner Hodges Bend Advisors, LLC is a Delaware LLC duly authorized to do business in Tennessee with its principal office in Abingdon, Virginia.
2. Respondent Patricia C. Holt is a resident of Sevier County, Tennessee and can be served with service of process at [REDACTED], Sevierville TN 37862, but has waived service of process. (See Declaration of Patricia C. Holt attached hereto as collective Exhibit A).
3. Respondent Mark Anthony Holt is a resident of Sevier County, Tennessee and can be served with service of process at [REDACTED], Sevierville, TN 37876,

but has waived service of process. (See Declaration of Mark Anthony Holt attached hereto as collective Exhibit A).

4. Respondent William Todd Holt is a resident of Sevier County, Tennessee and can be served with service of process at [REDACTED] 37862, but has waived service of process. (See Declaration of William Todd Holt attached hereto as collective Exhibit A).

5. Petitioner owns a planned unit development in Sevier County, Tennessee, known as Hickory Hills at the Holt Homestead ("Hickory Hills"). Petitioner purchased the real property for the development from Respondent Patricia Holt. Recently, Petitioner has entered into a purchase agreement with Ms. Holt for an adjacent tract, which Petitioner plans to incorporate into its plans for Hickory Hills.

6. The adjacent tract contains a private family cemetery which holds the remains of four Holt family members, dating back to 1892. The cemetery is commonly known as "Fox Cemetery." The cemetery holds the remains of Nelson Fox, who died in 1892 and his wife, Barbara Ann Fox who died in 1916; unnamed infant #1, the son of Nelson and Barbara Fox, who died at birth in 1873; and unnamed infant #2, the son of Melvin L. and Huldah C. Fox, who died at birth in 1888. Respondent Patricia Holt's late husband is a descendant of Nelson and Barbara Ann Fox.

7. Fox Cemetery is situated in the middle of a horse pasture. An easement currently runs through Petitioner's Hickory Hills property which provides access to the Fox Cemetery. The current condition of the cemetery is somewhat neglected and abandoned due to its location. Further, the continuing surrounding residential development renders the Fox Cemetery location

inconsistent with due and proper reverence and respect for the Holt ancestors. (See Survey Plat showing property, cemetery, and easement attached hereto as **Exhibit B**).

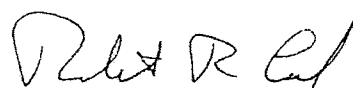
8. Ms. Holt, Mark Holt, William Holt, and Petitioner wish to disinter the remains of the four family members buried in the Fox Cemetery, and reinter them with other deceased family at Shiloh Memorial Cemetery located at 407 Henderson Road, Pigeon Forge, Tennessee 37863. Petitioner will contract with a funeral home service company in Sevierville to perform the disinterment and reinterment, together with a proper service and pastor at each cemetery.

9. Petitioner would show that once the remains of the Holt ancestors have been properly reinterred, that the use of, and all rights and easements incident or appurtenant to use of the Fox Cemetery as a burial ground, should be terminated.

10. Petitioner avers it will file an exact copy of this Petition, with personal addresses redacted, with the Tennessee Historical Commission pursuant to Tenn. Code. Ann. §46-4-103(c)(1).

11. Respondents are in agreement with the reinterment plan and termination of the Fox Cemetery as described above.

WHEREFORE, Petitioner prays for a Court order granting the disinterment of the remains interred in the Fox Cemetery; authorizing the reinterment of the remains, termination of the easement, and termination of the use of the real property as a burial ground.



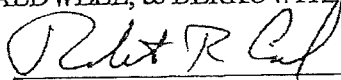
---

Robert R. Carl (BPR# 017911)  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.  
260 Brookview Centre Way, Suite 600  
Knoxville, TN 37919  
Attorneys for Hodges Bend Advisors, LLC

COST BOND

We acknowledge ourselves sureties for the costs of this action.

BAKER, DONELSON, BEARMAN,  
CALDWELL, & BERKOWITZ

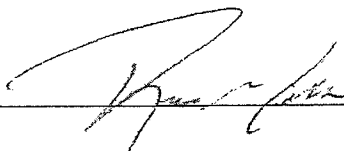
By:   
Robert R. Carl

VERIFICATION OF COMPLAINT

STATE OF TENNESSEE  
COUNTY OF SEVIER

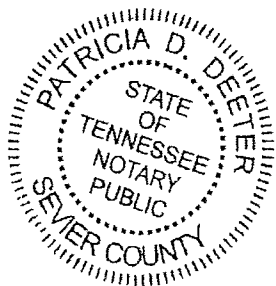
**Reece Milton** makes oath that he is the Construction Manager for Hodges Bend Advisors, LLC and states that he has personal knowledge of and is familiar with the facts set forth in this Verified Petition and that the facts and statements contained herein are true and correct to the best of his knowledge, information and belief. He executes this Verification of Petition on behalf of **Hodges Bend Advisors, LLC** on this 15<sup>th</sup> day of September, 2021.

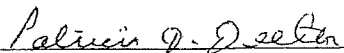
**Hodges Bend Advisors, LLC**

By: 

Before me, \_\_\_\_\_, a notary public for the state and county aforesaid, appeared **Reece Milton**, personally known to me or proved to me on the basis of satisfactory evidence and who, upon oath, acknowledged that he is the Construction Manager for **Hodges Bend Advisors, LLC**, and as such, acknowledged that he freely and voluntarily executed the foregoing Verification for the purposes therein contained.

WITNESS my hand and notarial seal this 15<sup>th</sup> day of SEPT., 2021.



  
Notary Public

My Commission Expires: 05-29-23

IN THE CHANCERY COURT OF SEVIER COUNTY, TENNESSEE

HODGES BEND ADVISORS, LLC, )  
)  
)  
                                          Petitioner, )           No.  
)  
)  
vs. )  
)  
)  
PATRICIA C. HOLT, MARK ANTHONY )  
HOLT, and WILLIAM TODD HOLT, )  
)  
)  
                                          Respondents, )

DECLARATION OF PATRICIA C. HOLT AND WAIVER OF FORMAL SERVICE OF PROCESS

I hereby state and declare under penalty of perjury that the following is true:

1. My name is Patricia C. Holt and I reside in Sevier County, Tennessee. I am over twenty-one years of age and am capable of making this declaration.
2. I am a descendant of Nelson and Barbara Ann Fox.
3. I understand that a Petition is to be filed with the Court requesting the removal of my ancestors from their present graves in Fox Cemetery and transferring their remains to Shiloh Memorial Cemetery located at 407 Henderson Road, Pigeon Forge, Tennessee 37863. I further understand that Fox Cemetery and related easements will be terminated and it will no longer serve as a cemetery.
4. I agree with said Petition and have no objections to it.
5. I understand that I have a right to be personally and formally served with a copy of the Petition. I hereby waive any of my rights to personal service.

Stated and delivered on this 15 day of September, 2021.

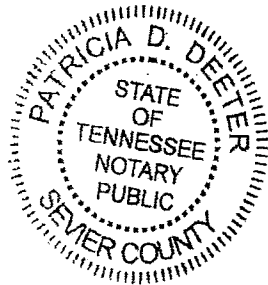




Patricia C. Holt  
PATRICIA C. HOLT

Before me, PATRICK DEETER, a notary public for the state and county aforesaid, appeared **Patricia C. Holt**, personally known to me or proved to me on the basis of satisfactory evidence and who, upon oath, acknowledged that she freely and voluntarily executed the foregoing Declaration for the purposes therein contained.

WITNESS my hand and notarial seal this 15<sup>th</sup> day of SEPT., 2021.



Patricia D. Deeter  
Notary Public

My Commission Expires: 05-29-23

IN THE CHANCERY COURT OF SEVIER COUNTY, TENNESSEE

---

HODGES BEND ADVISORS, LLC, )  
 )  
 )  
                   Petitioner, )       No.  
 )  
 vs. )  
 )  
 )  
 PATRICIA C. HOLT, MARK ANTHONY )  
 HOLT, and WILLIAM TODD HOLT, )  
 )  
 )  
                   Respondents, )

---

**DECLARATION OF MARK ANTHONY HOLT AND WAIVER OF FORMAL SERVICE  
OF PROCESS**

---

I hereby state and declare under penalty of perjury that the following is true:

1. My name is Mark Anthony Holt and I reside in Sevier County, Tennessee. I am over twenty-one years of age and am capable of making this declaration.
2. I am a descendant of Nelson and Barbara Ann Fox.
3. I understand that a Petition is to be filed with the Court requesting the removal of my ancestors from their present graves in Fox Cemetery and transferring their remains to Shiloh Memorial Cemetery located at 407 Henderson Road, Pigeon Forge, Tennessee 37863. I further understand that Fox Cemetery and related easements will be terminated and it will no longer serve as a cemetery.
4. I agree with said Petition and have no objections to it.
5. I understand that I have a right to be personally and formally served with a copy of the Petition. I hereby waive any of my rights to personal service.

Stated and delivered on this 15<sup>th</sup> day of Sept, 2021.

Mark A. Holt  
MARK ANTHONY HOLT

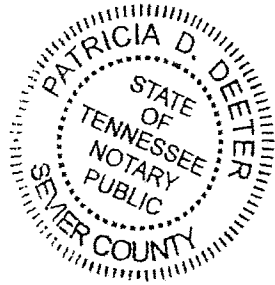
PATRICIA DEETER

Before me, Mark A. Holt, a notary public for the state and county aforesaid, appeared **Mark Anthony Holt**, personally known to me or proved to me on the basis of satisfactory evidence and who, upon oath, acknowledged that he freely and voluntarily executed the foregoing Declaration for the purposes therein contained.

WITNESS my hand and notarial seal this 15<sup>th</sup> day of SEPT., 2021.

Patricia D. Deeter  
Notary Public

My Commission Expires: 05-29-23



IN THE CHANCERY COURT OF SEVIER COUNTY, TENNESSEE

---

HODGES BEND ADVISORS, LLC,	)	
	)	
	)	
Petitioner,	)	No.
	)	
vs.	)	
	)	
PATRICIA C. HOLT, MARK ANTHONY	)	
HOLT, and WILLIAM TODD HOLT,	)	
	)	
Respondents,	)	

---

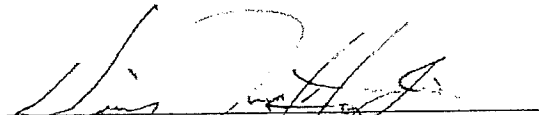
**DECLARATION OF WILLIAM TODD HOLT AND WAIVER OF FORMAL SERVICE OF PROCESS**

---

I hereby state and declare under penalty of perjury that the following is true:


1. My name is William Todd Holt and I reside in Sevier County, Tennessee. I am over twenty-one years of age and am capable of making this declaration.
2. I am a descendant of Nelson and Barbara Ann Fox.
3. I understand that a Petition is to be filed with the Court requesting the removal of my ancestors from their present graves in Fox Cemetery and transferring their remains to Shiloh Memorial Cemetery located at 407 Henderson Road, Pigeon Forge, Tennessee 37863. I further understand that Fox Cemetery and related easements will be terminated and it will no longer serve as a cemetery.
4. I agree with said Petition and have no objections to it.
5. I understand that I have a right to be personally and formally served with a copy of the Petition. I hereby waive any of my rights to personal service.

Stated and delivered on this 15 day of SEPTEMBER, 2021.

  
WILLIAM TODD HOLT

Before me, PATRICIA DEETER, a notary public for the state and county aforesaid, appeared **William Todd Holt**, personally known to me or proved to me on the basis of satisfactory evidence and who, upon oath, acknowledged that he freely and voluntarily executed the foregoing Declaration for the purposes therein contained.

WITNESS my hand and notarial seal this 15<sup>th</sup> day of SEPT., 2021.

  
Notary Public

My Commission Expires: 05-29-23

