

**COPY**

**IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE**

**AT GALLATIN**

<b>TNHOMESITES.COM,</b>	)
<b>Petitioners,</b>	)
<b>v.</b>	)
	)
<b>ALL KNOWN AND UNKNOWN PARTIES</b>	)
<b>HAVING ANY INTEREST IN THE CEMETERY</b>	)
<b>LOCATED AT 1919 LONG HOLLOW PIKE</b>	)
<b>GALLATIN, TENNESSEE, 37066</b>	)
<b>Including but not limited to</b>	)
<b>JOSEPH WALTON DOUGLASS, JR., and</b>	)
<b>any heirs of R.E. DOUGLAS AND RUFUS SMITH,</b>	)
<b>Respondents.</b>	)

FILED SUMNER CHANCERY  
JUN 28 2019 AM 9:20  
RC

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**PETITION TO TERMINATE CEMETERY**

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NOW COMES Petitioners, TNHomesites.com (“Petitioners”/“TNHomesites”) and pursuant to Tenn. Code Ann. §46-4-101, *et seq.*, file this Petition seeking a court order declaring a burial ground to be abandoned and to terminate the use of, and all rights and easements to use, the ground as a burial ground, and all rights and easements and easements incident or appurtenant to the ground as a burial ground, and further, to remove the remains of those buried therein and reinter them in a more suitable repository to be obtained for that purpose before their removal from the burial ground. As grounds for this Petition, Petitioners would state and show unto the Court as follows:

**I. PARTIES AND JURISDICTION**

1. TNHomesites is a General Partnership, with partners being Robert R. Horton and Stanley Fields, located at 147 Maple Row, Suite 100, Hendersonville, Tennessee 37075.

2. TNHomesites owns certain real property located at 1919 Long Hollow Pike, Gallatin, Tennessee 37066 (hereinafter "Property"). A copy of Petitioner's Warranty Deed is attached hereto as **Exhibit C**.
3. The Property contains an abandoned gravesite that has been left in neglected condition. The cemetery contains one headstone that is indiscernible as to render it unmarked. A photo of the headstone is attached herein as **Exhibit D**.
4. TNHomesites's planned future use of the property is inconsistent with the due and proper reverence for the memory of the persons buried there.
5. Pursuant to T.C.A. §46-4-103(b), necessary respondents in this proceeding are all interested persons who are not complainants. As defined in T.C.A. §46-4-102, "Interested Persons" is defined as follows:

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.

After a reasonable inquiry, Petitioner affirms that no other potential surviving relatives of the decedents buried within the cemetery, other than potential descendants Clyde Randall Krech, Jr. and Joseph Walton Douglass, Jr. have been identified.

6. T.C.A. §46-4-103(b) states, in part, that: "Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law." T.C.A. §21-1-204(b) states: "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." Accordingly, Petitioners request that the

Court cause notice to be made to all unknown Interested Persons by publication in a newspaper of general circulation in Sumner County, Tennessee, for four (4) consecutive weeks.

7. Jurisdiction and venue are proper in this Court pursuant to T.C.A. §46-4-103(a).

## II. FACTS

1. Petitioner purchased real property, with the cemetery located thereon, in 2018 with the intent to develop the Property.
2. Petitioner asserts that since acquiring the Property, no one has performed upkeep on the cemetery and it has been in an abandoned state since purchasing the Property.
3. Petitioner contacted Cultural Resource Analysts, Inc. (“CRA”) to conduct historical and genealogical research on the cemetery Property.
4. CRA conducted a review of deed records, census records, historic maps, and tax records, as well as completing genealogical research in an attempt to identify a living descendant. A copy of the memo outlining the genealogical research is attached herein as **Exhibit E**.
5. Through these sources, a list of known addresses for potential descendants was compiled and provided in the genealogical research memo. The list of addresses for potential descendants is attached herein as **Exhibit F**.
6. Prior to filing this action, Petitioner sent notification letters to the potential descendants’ addresses listed in **Exhibit F** to alert them of Petitioner’s intentions to terminate the cemetery at issue. Copies of the notification letters sent to the potential descendants are attached herein as **Exhibit G**.
7. Petitioner received a response confirming the person, Clyde Randall Krech, Jr., is a descendant of Rufus Smith. However, Mr. Krech informed Petitioner that his wife does

genealogy work and that Mr. Krech and his wife know that Rufus Smith and Rufus Smith's family are buried in the Gallatin City cemetery in Tennessee. Mr. Krech also informed Petitioner that Mr. Krech's parents are buried in Smith County, Tennessee. Mr. Krech has given Petitioner authorization to move forward with this Petition. Mr. Krech's response to Petitioner's notification letter is attached herein as **Exhibit H**.

8. Petitioner did not receive a response from any other potential descendant, including Joseph Walton Douglass, Jr.
9. It is Petitioners belief that there are no potential closer living relatives of any persons buried in the cemetery located on Petitioner's Property.
10. Petitioner has arranged for the disinterment and reinterment of the persons buried in the abandoned Cemetery to be conducted by Crestview Funeral Home, Memory Gardens & Cremation Center, with the final resting place of the persons buried therein at the Gallatin City Cemetery located at 250 Cemetery Ave, Gallatin, Tennessee 37066. A copy of the funeral home contract signed by Randy Nash, Crestview Funeral Home's general manager and a Tennessee licensed funeral director and embalmer, is attached herein as **Exhibit I**.

WHEREFORE, Petitioners respectfully request that the Court:

1. In accordance with T.C.A. §§ 21-1-204 and 46-4-103, enter an Order authorizing notice to all unknown Interested Persons by publication in *Gallatin News*, which is Gallatin's local newspaper and one of general circulation in Sumner County, Tennessee, for four (4) consecutive weeks (publication language provided herein as **Exhibit J**);
2. In accordance with T.C.A. §§ 46-4-101 and 46-4-104, enter an Order finding that the Property is unsuitable as a resting place for the decedents because: (1) the cemetery is

abandoned; (2) the cemetery is in an abandoned and neglected condition; (3) the conditions and activities about or near the cemetery are inconsistent with the due and proper reverence for the memory of the dead; and (4) possible development of the Property in the future is inconsistent with the proper respect and reverence due to the memory of the deceased.

3. In accordance with T.C.A. § 46-4-104, enter an Order approving the reinterment of the remains with due care and decency and an appropriate memorial at the reinterment site; and
4. For such further and general relief as may be appropriate.

Respectfully submitted,

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Thomas V. White (#2727)  
TUNE, ENTREKIN, & WHITE, P.C.  
315 Deaderick Street, Suite 1700  
Nashville, Tennessee, 37238  
p: 615.244.2770  
f: 615.244.2778  
tvwhite@tewlawfirm.com  
*Attorney for Petitioner*

1212

ADDRESS NEW OWNERS and  
SEND TAX BILLS:  
TNHOMESITES.COM

This instrument prepared by:  
TIMOTHY D. FERGUSON  
Attorney at Law  
365 West Main Street  
Hendersonville, TN 37075

147 Maple Row Blvd #100  
Hendersonville TN 37075

MAP PARCEL NUMBER:  
124 - 115 & 124 - 35.01

**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable considerations, LINDA ISAACS, both personally and as Personal Representative of the estate of JOHN FRANLIN NEWMAN, and MADELYN CHERYL NEWMAN, hereinafter called GRANTORS, have this day bargained and sold and by these presents transfer and convey to TNHOMESITES.COM, hereinafter called GRANTEE, its successors and assigns forever, the following described property, to wit:

Land situated in the 8th Civil District, City of Hendersonville, Sumner County, Tennessee and being more particularly described as follows:

Beginning at an iron rod (old), said rod lying in the southerly margin of Long Hollow Pike (R.O.W. varies) being 798' more or less from the centerline intersection of said Long Hollow Pike and Big Station Camp (100'R.O.W.) and being the northeasterly corner of the herein described tract; thence, along the westerly line of TNHOMESITE.COM of record in Record Book 3596, Page 445, R.O.S.C. the next two (2) calls: thence, S 07°22'14" W, a distance of 418.39' to a post (old); thence, S 07°19'22" W, a distance of 682.62' to an iron pin (old); thence, along northerly line of Jeffery Hollins of record in Record Book 4641, Page 110, R.O.S.C S 80° 54'05" W, a distance of 217.64' to an iron rod (old); thence, along the easterly line of Stuart Hendrix of record in Record Book 3962, Page 583, R.O.S.C. N 07°34'30" E, a distance of 1113.56' to an iron rod (set); thence, along the southerly margin of said Long Hollow Pike N 83°49'59" E, a distance of 210.00' to the point of beginning, containing an area of 228,370.61 Square Feet or 5.24 Acres, more or less.

Being the same property conveyed to John F. Newman, unmarried, by Warranty Deed from Donald O. Riddle and wife, Linda Faye Riddle, recorded on June 30, 1997, in Record Book 709, Page 559, Register's Office for Sumner County, Tennessee. John F. Newman having since died. See Sumner County Probate Court Docket No. 2018PR - 44. Pursuant to an Order Approving Sale of Real Estate, Linda Isaacs, Personal Representative was authorized to sell said property. The Grantors are the heirs at law.

Subject to a 100 foot TVA ROW easement crossing the rear of the property, and subject to the right of the public for ingress/egress to a cemetery located thereon and all other matters and restrictions of record.

This is improved property known as 1919 Long Hollow Pike, Gallatin, Tennessee 37066.

Cindy J. Bralley, Register  
Sumner County Tennessee  
Instrument #: 1253746  
Recorded  
12/10/2018 at 12:12 PM  
in Record Book  
4861  
Pgs 651-652

Rec #: 955540  
Rec'd: 10.00  
State: 1572.50  
Clerk: 1.00  
Other: 2.00  
Total: 1585.50

FERGUSON & BELOTE  
ATTORNEYS AT LAW  
365 WEST MAIN STREET  
HENDERSONVILLE, TN  
37075  
615-824-0989



TO HAVE AND TO HOLD the said tract or parcel of land, with appurtenances, estate, title and interest thereto belonging to GRANTEE, its successors and assigns, forever.

GRANTORS covenant with GRANTEE that they are lawfully seized and possessed of said land in fee simple, possessing a good right to convey it and that the said land is unencumbered except as herein provided.

GRANTORS further covenant and bind themselves, their heirs, successors and assigns to warrant and defend the title to the said land to GRANTEE, its successors and assigns against the lawful claims of all persons whomsoever.

Executed on this 5 day of December, 2018.

Linda Isaacs  
LINDA ISAACS, both personally and as personal representative of the estate of John Franklin Newman

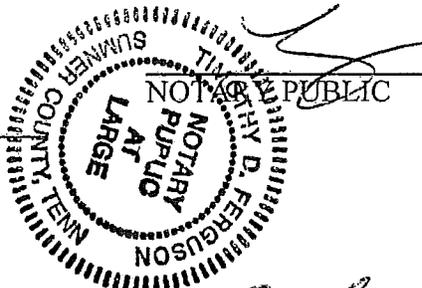
Madelyn Cheryl Newman  
MADELYN CHERYL NEWMAN

STATE OF TENNESSEE  
COUNTY OF SUMNER

Personally appeared before me, the undersigned Notary Public of said county, LINDA ISAACS and MADELYN CHERYL NEWMAN, the within named bargainors with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence and who acknowledged that they executed the within instrument for the purposes therein contained, in the capacities therein stated.

Witness my hand at office this 5 day of December, 2018.

My Commission Expires: 4.19.21



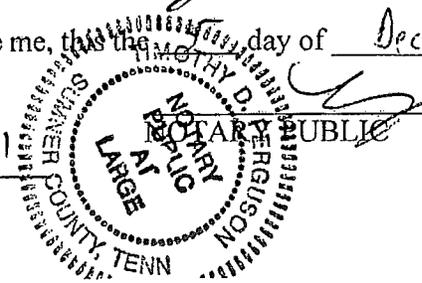
STATE OF TENNESSEE  
COUNTY OF SUMNER

The actual consideration or value, whichever is greater for this transfer is \$425,000.00.

[Signature]  
AFFILIANT

Subscribed to and sworn before me, this the 5 day of December, 2018.

My Commission Expires: 4.19.21

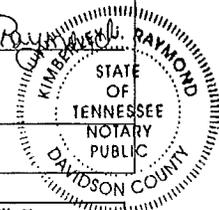


ENTERED  
John C. Isbell  
Property Assessor

JUN 20 2012  
8th 124.35.01 P/B  
Map\_Gp\_Ctl\_Par\_

3:35

<p align="center"><b>SPECIAL WARRANTY DEED</b></p> <p>Pamela L. Whitaker, Register Sumner County Tennessee</p> <p>Rec #: 785383      Instrument #: 1016177          Rec'd: 25.00      Recorded          State: 1480.00      6/20/2012 at 3:35 PM          Clerk: 1.00      in Record Book          other: 2.00      3596          Total: 1508.00      Pgs 445-449</p>	<p>STATE OF TENNESSEE      ) COUNTY OF DAVIDSON      )</p> <p>I hereby swear or affirm that the actual consideration or value, whichever is greater, for this transaction is \$400,000.00.</p> <p align="center"><i>[Signature]</i></p> <p>Subscribed and sworn to before me, this the 19<sup>th</sup> day of June, 2012.</p> <p align="center"><i>Kimberly J. Raymond</i> Notary Public</p> <p>My Commission Expires: 3-3-14</p>
<p>THIS INSTRUMENT PREPARED BY <i>Rct</i> Bone McAllester Norton PLLC, 511 Union Street, Suite 1600, Nashville, TN 37219</p>	



Address New Owner:	Map-Parcel Numbers:	Send Tax Bills To:
TNHOMESITES.COM 147 Maple Row Blvd, Suite 100 Hendersonville, TN 37075-3830	124-035.01	New Owner

**FOR AND IN CONSIDERATION** of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CAPITAL BANK, N.A., SUCCESSOR IN MERGER TO GREENBANK, A TENNESSEE CHARTERED COMMERCIAL BANK (herein referred to as "Grantor") has this day bargained and sold and, by these presents, does hereby transfer and convey unto TNHOMESITES.COM, a Tennessee general partnership, its successors and assigns (herein referred to as "Grantee"), forever, the following described tract or parcel of land located in Sumner County, Tennessee, to-wit:

Land Description of the John F. Newman, Trustee of the Luther Hall Newman Revocable Trust Property, John F. Newman Property Subdivision,

Being Tract One of property lying in the 8th Civil District of Sumner County, Tennessee, the John F. Newman, Trustee of the Luther Hall Newman Revocable Trust property as recorded in Deed Book 22455, page 342 (R.O.S.C.T.) and being bounded on the north by the southerly margin of Long Hollow Pike (R.O.W. varies), on the east by Big Station Camp Boulevard (100' R.O.W.) on the south by James & Faye Caldwell property as recorded in Deed Book 3024, page 307 (R.O.S.C.T.) John F. Newman, Trustee of the Luther Hall Newman Revocable Trust Property recorded in Deed Book 2455, page 342 (R.O.S.C.T.), and by the Mattie Lou Hollins Property as recorded in Deed Book 1630, page 680 (R.O.S.C.T.), and on the west by the John F. Newman, Trustee of the Luther Hall Newman

*[Handwritten mark]*

Revocable Trust Property recorded in Deed Book 2455, page 342, (R.O.S.C.T.), and being more particularly described as follows;

Commencing at magnetic nail lying in the northerly margin of Long Hollow Pike (R.O.W. varies), thence South 22° 58' 56" East, a distance of 75.25 feet more or less, to an iron pin (found) in the southerly margin of said right of way, this being the TRUE POINT OF BEGINNING OF TRACT ONE;

Thence with the southerly margin of Long Hollow Pike (R.O.W. varies), the following four (4) calls, South 85° 31' 53" East, a distance of 153.97 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence South 78° 43' 38" East, a distance of 69.30 feet, to a concrete monument (found);

Thence with a curve turning to the right with, a radius of 5729.58 feet, an arc length of 440.74 feet, a chord bearing of South 83° 24' 22" East, and a chord length of 440.63 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence North 71° 36' 19" East, a distance of 40.46 feet, to an iron pin (found);

Thence leaving Long Hollow Pike (R.O.W. varies) and with Big Station Camp Boulevard (100' R.O.W.) the following two (2) calls, with a curve turning to the right with, a radius of 25.00 feet, an arc length of 43.01 feet, a chord bearing of South 32° 16' 00" East, and a chord length of 37.90 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence South 17° 00' 43" West, a distance of 1062.99 feet, to an iron pin (found);

Thence leaving Big Station Camp Boulevard (100' R.O.W.) and with the Caldwell property-Lot 32 of Newman Downs S/D, Phase 3 as recorded in Plat Book 26, page 36 (R.O.S.C.T.), North 69° 47' 12" West, a distance of 139.24 feet, to an iron pin (found);

Thence leaving the Caldwell property-Lot 32 of Newman Downs S/D, Phase 3, as recorded in Plat Book 26, page 36, (R.O.S.C.T.) and with Breaking Pen Road (50' R.O.W.), South 85° 46' 58" West, a distance of 56.31 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence leaving Breaking Pen Road (50' R.O.W.) and with the Newman property-Lot 22 of Newman Downs S/D, Phase 3 as recorded in Plat Book 26, page 36 (R.O.S.C.T.) the following two (2) calls: North 63° 54' 24" West, a distance of 91.25 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence South 61° 13' 41" West, a distance of 105.06 feet, to an iron pin (found);

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Thence leaving the Newman property-Lot 22 of Newman Downs S/D, Phase 3 as recorded in Plat Book 26, page 36 (R.O.S.C.T.), and with Starting Gate Road (50' R.O.W.), the following two (2) calls: North 28° 41' 48" West, a distance of 27.67 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence South 61° 12' 11" West, a distance of 50.00 feet;

Thence leaving the Starting Gate Road (50' R.O.W.) and with Newman property-Lot 6 of Newman Downs S/D, Phase 3 as recorded in Plat Book 26, page 36 (R.O.S.C.T.), South 61° 06' 37" West, a distance of 150.16 feet, to an iron pin (found);

Thence leaving the Newman property-Lot 6 of Newman Downs S/D, Phase 3 as recorded in Plat Book 26, page 36 (R.O.S.C.T.), and with Hollins property, the following two (2) calls: North 28° 40' 40" West, a distance of 105.80 feet, to an iron pin (found);

Thence North 86° 56' 27" West, a distance of 135.98 feet, to an iron pin (found);

Thence leaving the Hollins property and with the Newman property, the following two (2) calls: North 17° 22' 44" East, a distance of 682.62 feet, to a 5/8" iron pin (set) with orange cap labeled 'Byrd Surv. Inc.;

Thence North 17° 25' 36" East, a distance of 418.39 feet, to the point of beginning, containing 17.89 acres, more or less, and/or 779,133.4 square feet, more or less, according to a survey dated March 17, 2011, by Deon L. Byrd TN RLS #1916 of Byrd Surveying, Inc., located at 230-B West Dunbar Cave Road, Clarksville, TN 37040. Byrd Project Number B7914-11.

Being part of the same property conveyed to GREENBANK, by Trustee's Deed of record in Record Book 3405, page 550, Register's Office for Sumner County, Tennessee.

TO HAVE AND TO HOLD said tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said Grantee, its successors and assigns, in fee simple, forever.

GRANTOR COVENANTS with the said Grantee that it is lawfully seized and possessed of said property, that it has a good and lawful right to sell and convey the same, and that it is free from any lien or encumbrance whatsoever, except for applicable zoning and building regulations, all visible easements, all matters shown on Exhibit A attached hereto and incorporated herein.

Grantor warrants the title against all persons claiming under Grantor. All warranties of Grantor herein contained are expressly limited to those persons or parties claiming by, through, or under Grantor.

WITNESS this the 19<sup>th</sup> day of June, 2012.

GRANTOR:

CAPITAL BANK, N.A.

By: [Signature]  
Lonnie E. Malone, Senior Vice President

STATE OF TENNESSEE )  
COUNTY OF WILLIAMSON )

Personally appeared before me, the undersigned, a Notary Public for the state and county aforesaid, Lonnie E. Malone, with whom I am personally acquainted, and who upon oath acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Senior Vice President of Capital Bank, N.A., the Grantor, and is authorized by the Grantor to execute this instrument on behalf of the Grantor.

WITNESS my hand and seal at office this 19<sup>th</sup> day of June, 2012.

NOTARY PUBLIC

[Signature]  
My Commission Expires December 22, 2013

My Commission Expires: \_\_\_\_\_

**EXHIBIT A**

1. City of Gallatin and Sumner County general or special taxes and assessments required to be paid in the year 2012 and subsequent years for Map-Par. 124-035.01, not yet due and payable.
2. Transmission Line Easement of record in Deed Book 141, page 107, said Register's Office.
3. Drainage Easement of record in Record Book 1630, page 607, corrected in Book 1649, page 240, said Register's Office.

{00765285.1 }

[Redacted]



EXHIBIT  
D

tabbles

RESEARCH FOR HISTORIC CEMETERY REMOVAL IN  
SUMNER COUNTY, TENNESSEE



by  
*Kathryn F. Moore*

---

*Prepared for*

TNHomesites.com  
Mike Stanton  
Cell: 615.838.1435  
mstanton@tennprop.com  
www.tnhomesites.com



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*Prepared by*



Kentucky | West Virginia | Wyoming  
Indiana | Louisiana | Tennessee | Virginia



On behalf of TNHomesites.com, Mr. Mike Stanton contracted Cultural Resource Analysts, Inc. (CRA) to conduct deed and genealogy research for a historic cemetery that is located on property where plans call for development in Sumner County, TN. A review of current aerial photography as well as photographs of the area indicates that the cemetery has been abandoned and is not maintained by any family descendants. The cemetery appears to not contain a fence or barrier around its perimeter and only one visible headstone is present. CRA has not visited the project area and has not conducted any fieldwork on this project to date. Mr. Stanton has retained TUNE, ENTREKIN & WHITE, P.C. as legal counsel.

CRA was tasked with conducting a review of deed records, census records, historic maps, and tax records, as well as completing genealogical research in an attempt to identify a living descendent.

### **Deed Research**

The earliest known landowner associated with the Newman Property is R.E. Douglass. It is unknown when he first acquired the property, but it is likely that he resided on the property until he sold 315 acres to Rufus Smith in 1883. In the deed it is noted that a 1-acre tract with a stone house on it was to remain in the Douglass family. It is unclear where on the property this house resided.

There is a possibility the grave could belong to a member of the Douglass family for a variety of reasons. First, from the pictures, the headstone appears to date to the 19<sup>th</sup> century and the Douglass' occupied the land sometime in the 19<sup>th</sup> century. Second, the Douglass' were an influential family in Sumner County throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries and many of them resided along Long Hollow Pike. In a map dated to 1878 there are at least 9 members of the Douglass family living on or near Long Hollow Pike. This includes two structures owned by an R.E. Douglass on the same property that was deeded to Rufus Smith. In addition, there are at least three different cemeteries in Sumner County bearing the name Douglass, but some of the Douglass family members burial places are unknown. The Douglass family is discussed in more detail below.

In 1897, Rufus Smith deeded 18 acres on the west of this tract of land to an F.H. Dunklin. It is unclear exactly where in the west the property deeded to Dunklin is.

Rufus Smith resided on the remaining 297 acres until his death in 1898. He died intestate so his wife received 10 acres, referred to as the homestead tract, and 65 acres, referred to as the dower tract. The remaining 222 acres was distributed among his five children: Mamie S. Hutchison, Gertrude Davis, Ulie Smith, Vallie Smith, and Margaret Smith.

Through various deeds and wills between Rufus Smith's heirs, all 297 acres came to be owned by Vallie Smith, Ulie Smith, and Mamie Hutchison's four children: W. Rufus Hutchison, Robert F. Hutchison, Margaret Hutchison Helm, and Mamie Hutchison Schaars.

In 1937, all 297 acres were deeded to C.C. Yowell. By this time, Vallie Smith (unmarried) was the only heir still residing on the property and it was stipulated that she be allowed to remain on the property until the end of the year.

As the Smith family resided on the property for 54 years and the property was referred to as the "home place of Rufus Smith" in the 1937 deed, there is a possibility the grave could belong to a member of the Smith family. The Smith family is discussed in more detail below.

In 1941, C.C. Yowell split the property and sold 40 acres south of Long Hollow Pike to a C.Y. Hibbett. The cemetery is located south of Long Hollow Pike but there is no mention of a cemetery in the deed.

Between 1941 and 1944 these 40 acres transferred between four different owners (C.Y. Hibbett, I.L. Cothron, R.H. Harah, and Oscar T. Clendenning, in that order).

In 1944, Oscar T. Clendenning deeded the same 40 acres to H.H. Kittrell. In addition, three years earlier, H.H. Kittrell was deeded 108 acres north of Long Hollow Pike by C.L. Lindsay. That 180 acres was part of a tract of land deeded to Lindsay by C.C. Yowell.

Kittrell resided on the property until his death in 1977. In his will he left all 148 acres to his two daughters Mary Frances K. Law and Anne K. Smith. His wife, Mary, had died several years prior in 1962. It is highly unlikely that the grave belongs to either H.H. Kittrell or Mary Kittrell as both are buried in Crestview Memory Gardens in Gallatin, Tennessee.

In 1977, Mary and Anne deeded 5.42 acres of their land to Donald O. Riddle and his wife Linda Faye. In this deed it is noted that a cemetery is located on the deeded tract of land. This is the first instance of the cemetery being mentioned in a deed.

Twenty years later, in 1997, the Riddles deeded the same 5.42 acres to John F. Newman. In 2018, the property was sold to TNHomesites.com, who is the current owner of the property. It is again noted in the deed that a cemetery is located on the deeded tract of land.

Although the cemetery is not mentioned on any deed prior to 1977, that does not necessarily exclude the possibility that the cemetery existed prior to then as it has not always been legally required to include such information on deeds. In addition, based on the morphology of the headstone and degree of degradation, the grave likely well pre-dates 1977.

## **Genealogy**

Through census data, burial records, marriage records, death records, and obituaries, CRA was able to assemble the Douglass and Smith family trees and identify multiple living relatives for each family. Both families are discussed in detail below.

### *Douglass Family*

The first of the Douglass family to move to Sumner County were Col. Edward Douglass (1713-1795) and his wife Sarah George (1724-1797) (see Figure 1a-c). They moved to Sumner County from the Colony of Virginia around 1785 and were very influential in the community. It is said that the first court of Sumner County was held in his barnyard. In addition, two of his sons, James and Edward, participated in the writing of the Constitution of Tennessee. In total, Edward and Sarah had nine children together. Both Edward and Sarah, along with their daughter Elizabeth Douglass Cage, are buried in the Cage Family Cemetery in Sumner County, Tennessee. Their two youngest sons, James and Reuben, are buried in the Douglas-Pardue Cemetery in Sumner County. The grave locations of their three oldest sons: John, William, and Elmore; and the grave of their youngest daughter, Sarah Douglass Blakemore, are unknown.

Edward and Sarah's youngest son Reuben (1763-1832) married Elizabeth "Betsy" Edwards (1774-1839) in 1791 and together they had eleven children. Their youngest daughter, Emma (1810-1881), married William Fulton Sanders Clark (1806-1847) who was also influential in Sumner County. Together they occupied the Clark House which was constructed in 1781 and still stands in its original location, approximately one half mile west of the unmarked grave. William and Emma had four sons together: Reuben, Charles, David, and Edward. Charles was the only son to survive the Civil War. Charles is buried in the Douglass-Pardue Cemetery along with his parents and one of his brothers, Reuben. The other two brothers' burial locations are unknown. The surviving son (Charles) did marry and have two children but it is unclear if either of them had any children of their own.

Reuben and Elizabeth's eldest son William "Willie" Douglass (1792-1866), also variously referred to as Wyley and Wyllis, was married two times. His first wife, Elizabeth "Eliza" Wakins (1802-1832) is buried in the Douglass-Pardue Cemetery, while his second wife Lucinda Grimm (1818-1901) is buried in the Gallatin City Cemetery. Willie has markers in both cemeteries so it is unclear where he is actually buried.

Willie Douglass had six children by his first wife. His second eldest son was named Richard E. Douglass and is likely the R.E. Douglass that sold 315 acres to Rufus Smith. It is of note that in her will, Sarah Douglass willed her estate to her grandson, Wyllis Douglass, likely Richard's father. It is unclear if the 315 acres Richard sold were part of the original Col. Edward and Sarah Douglass estate. However, it is a possibility.

Richard Douglass (1825-1896) married Sarah Walton (1827-1923) in 1849, in Sumner County, and together they had eight children. Both Richard and Sarah are buried in Mount Olivet Cemetery in McKenzie, Carroll County, Tennessee. Six of his eight children are also buried in Mount Olivet Cemetery including his eldest son Josiah Douglass (1851-1931) and Josiah's wife, Isola Biles (1858-1916).

Josiah Douglass married Isola Biles in 1877 and together they had one son, John M. Douglass. Josiah Douglass was a professor who taught in various schools across Tennessee and Kentucky, but ultimately settled back in Carroll County. At the time of his death, his son was a well-known newspaper man in Lawrenceburg, Tennessee.

John Douglass (1902-1983) married Mamie Kraus (1905-1999) in 1929 and together they had two children, a son, Joseph W. Douglass (1935-2019), and a daughter, Isola Tucker (1941-1972). John and Mamie, along with both of their children, are buried in Calvary Cemetery in Lawrenceburg, Lawrence County, Tennessee.

Joseph W. Douglass (1935-2019), was a professor like his grandfather. Also like his grandfather, Joseph taught in many places across Tennessee and his time in the military took he and his wife Victoria Jane overseas for some time. Ultimately Joseph and his wife settled back in Lawrenceburg and had six children together. Joseph's obituary indicates that there are a large number of living Douglass relatives, most of them residing in Lawrenceburg, Tennessee (see attached contact information for Joseph's son, Joseph Walton Douglass, Jr.).

### *Smith Family*

James Rufus Smith (1840-1897) and his wife Rebecca McDaniel (1844-1928) were the first of the Smith family to live on the property previously owned by the Douglass family (see Figure 2). Rufus purchased the property in 1883 and resided on it with his wife and their five surviving children for 14 years until his death in 1897. Rufus is buried in the Gallatin City Cemetery in Sumner County, Tennessee. Rufus's wife Rebecca remained on the property for an additional 31 years until her death in 1928. She is also buried in the Gallatin City Cemetery.

Rufus and Rebecca's youngest child and only surviving son, Ulie Smith (1888-1964), was one of the siblings who ultimately sold the property in 1937. In 1937, Ulie was living in Nashville, Tennessee while his older sister, Vallie Smith (1880-1963), remained on the property until it was sold. It is unclear where she moved, but she is buried in the Gallatin City Cemetery alongside her mother and father and two of her sisters.

Ulie Smith married Laura Pugh (1882-1956) in 1915 in Davidson County, Tennessee. Together they had two children: a son, Lloyd Smith (1916-2003), and a daughter, Mary Smith (1925-2018). Ulie and Laura lived in Davidson County from their marriage until their deaths and both are buried in Woodlawn Memorial Park, Nashville, Davidson County, Tennessee.

Ulie and Laura's daughter, Mary, married twice. She first married Clyde Krech (1924-1966) and together they had two sons, Clyde Krech and Paul Krech. Three years after her first husband died, Mary got remarried to John Henderson (1922-1986) but they had no children together. Mary and both of her husbands are buried in Woodlawn Memorial Park.

Mary's obituary indicates that there are a large number of living Smith relatives, most of them residing in Nashville, Tennessee (see attached contact information for Mary's son, Clyde Randall Krech Jr.).

**Contact Information:**

*Douglass Family*

Joseph Walton Douglass, Jr.

Landline: 931-762-2599

Landline: 931-762-5365

Address: 980 Norton Road, Lawrenceburg, TN 38464

Address: 109 King Street, Muscle Shoals, AL 35661

*Smith Family*

Clyde Randall Krech, Jr.

Landline: 615-595-0412

Address: 2809 Manning Lane, Franklin, TN 37064

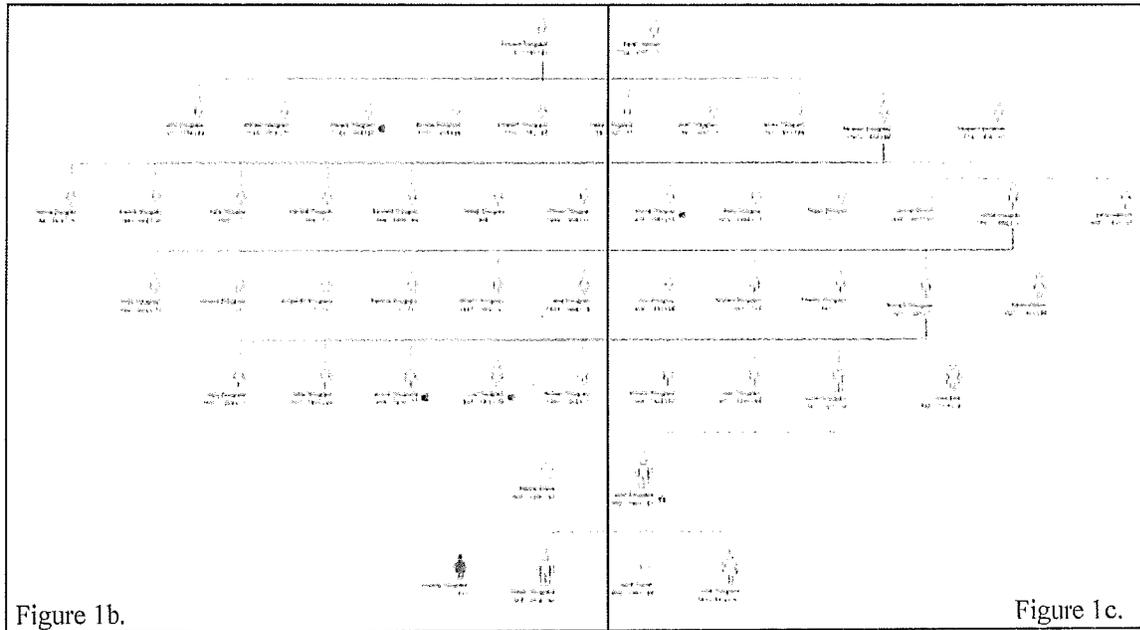


Figure 1b.

Figure 1c.

Figure 1a. Selected Section of Douglass Family Tree

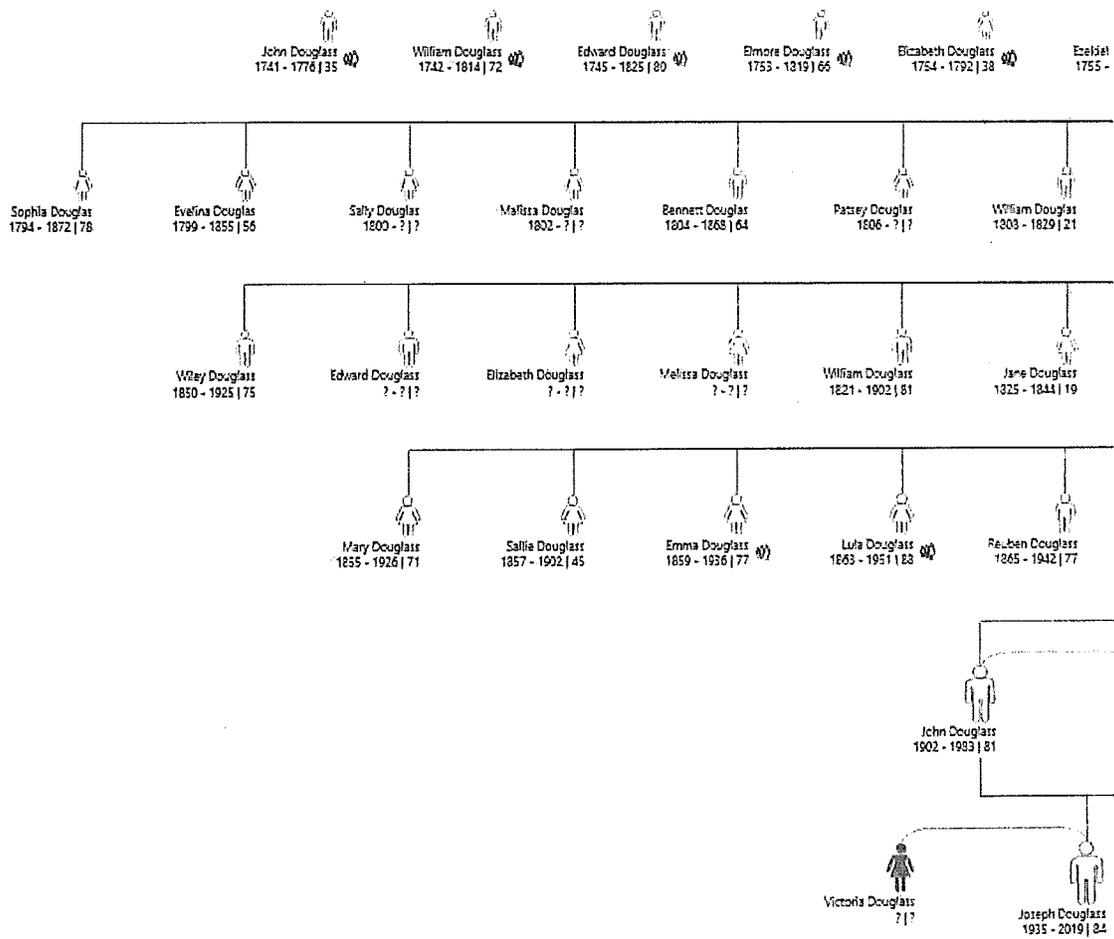


Figure 2b. Selected Section of Douglass Family Tree

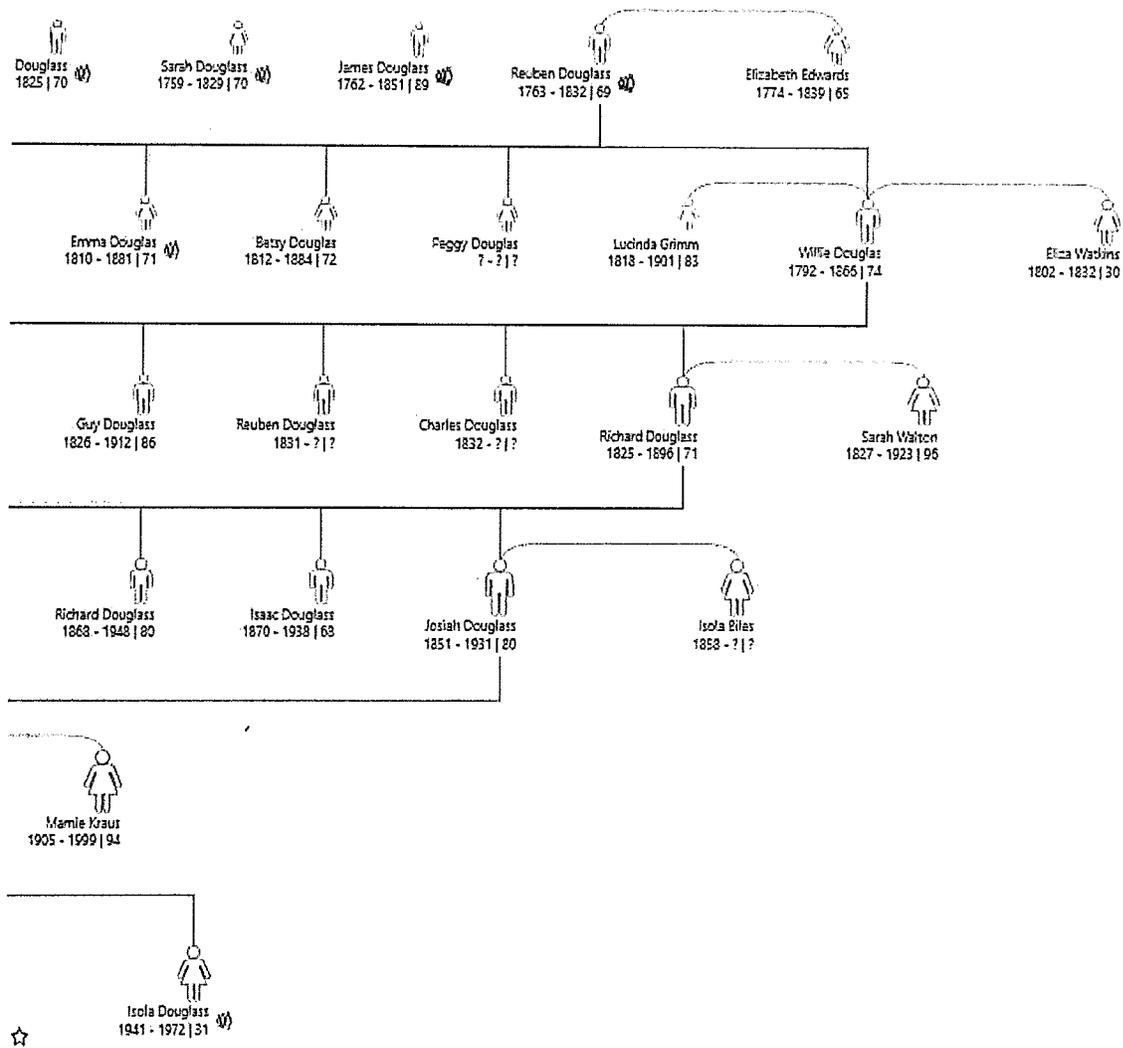


Figure 2c. Selected Section of Douglass Family Tree

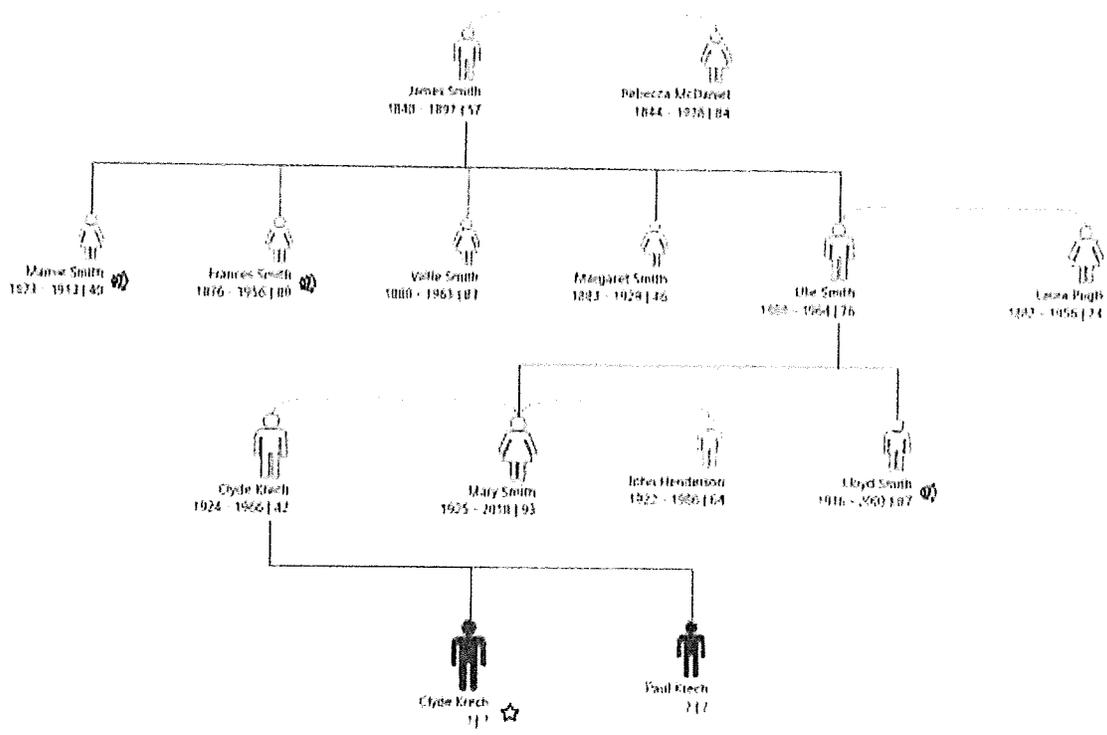


Figure 2. Selected Section of Smith Family Tree

**Contact Information:**

*Douglass Family*

Joseph Walton Douglass, Jr.

Landline: 931-762-2599

Landline: 931-762-5365

Address: 980 Norton Road, Lawrenceburg, TN 38464

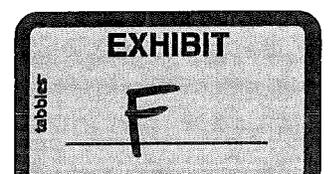
Address: 109 King Street, Muscle Shoals, AL 35661

*Smith Family*

Clyde Randall Krech, Jr.

Landline: 615-595-0412

Address: 2809 Manning Lane, Franklin, TN 37064



**TUNE, ENTREKIN & WHITE, P.C.**

ATTORNEYS AT LAW

SUITE 1700  
316 DEADERICK STREET  
NASHVILLE, TENNESSEE 37238

TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE  
1931-1983

ERVIN M. ENTREKIN  
1927-1990

*\*Rule 31 Listed General Civil Mediator*

THOMAS V. WHITE  
JOHN W. NELLEY, JR.  
THOMAS C. SCOTT  
PETER J. STRIANSE  
HUGH W. ENTREKIN  
JOHN P. WILLIAMS \*  
ROBERT L. DELANEY  
GEORGE A. DEAN  
LESA HARTLEY SKONEY  
JOSEPH P. RUSNAK  
SHAWN R. HENRY  
T. CHAD WHITE  
BRANDT M. MCMILLAN \*  
CHRISTOPHER B. FOWLER  
TIMOTHY N. O'CONNOR

**May 7, 2019**

Smith Family  
Clyde Randall Krech, Jr.  
2809 Manning Lane  
Franklin, Tennessee 37064

**Re: Unmarked Cemetery Located on 1919 Long Hollow Pike, Gallatin, Tennessee,  
37066**

Dear Mr. Clyde Krech, Jr.,

I represent the owner of a piece of real property located at 1919 Long Hollow Pike, Gallatin, Tennessee 37066. Located on this property is an unmarked headstone that appears to date to the 19th century. The deed indicates that a small cemetery is located thereon. The earliest known landowner associated with the property is R.E. Douglass. It is unknown when R.E. Douglass first acquired the property, but he likely resided on the property until he sold 315 acres to Rufus Smith in 1883. You are receiving this letter because a genealogical survey indicated that you are a potential descendant of Rufus Smith, and thus a potential descendant from one of the persons buried in the unmarked cemetery.

It is my client's intention to terminate and move the cemetery pursuant to T.C.A. §46-4-101 *et seq.* Currently, the cemetery sits on property at the corner of Long Hollow Pike and Big Station Camp Boulevard in Gallatin and is in an abandoned state that is unfit to be the final resting place of the persons buried. My client intends to file a petition with the Chancery Court of Sumner County to terminate the cemetery and have the persons buried therein professionally disinterred and reinterred at a more suitable location. Pursuant to the procedure set for in the Tennessee Code, we are reaching out to you as a possible descendant.

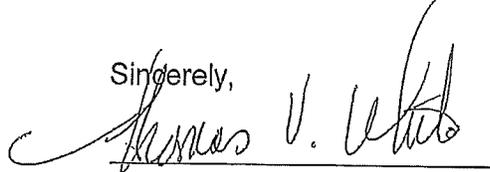
If you believe that you have descended from one of the persons above, have information on persons who may be descendants, or have an interest in the termination of this cemetery please contact me within ten (10) days of receipt of this letter.



TUNE, ENTREKIN & WHITE, P.C.

You may reach me via email at: [tvwhite@tewlawfirm.com](mailto:tvwhite@tewlawfirm.com) or by phone at: (615) 244-2770.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas V. White", written over a horizontal line.

Thomas V. White

**TUNE, ENTREKIN & WHITE, P.C.**

ATTORNEYS AT LAW

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315 DEADERICK STREET  
NASHVILLE, TENNESSEE 37238

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SHAWN R. HENRY  
T. CHAD WHITE  
BRANDT M. MCMILLAN \*  
CHRISTOPHER B. FOWLER  
TIMOTHY N. O'CONNOR

**May 7, 2019**

Douglass Family  
Joseph Walton Douglass, Jr.  
109 King Street  
Muscle Shoals, Alabama 35661

**Re: Unmarked Cemetery Located on 1919 Long Hollow Pike, Gallatin, Tennessee,  
37066**

Dear Mr. Joseph Douglass, Jr.,

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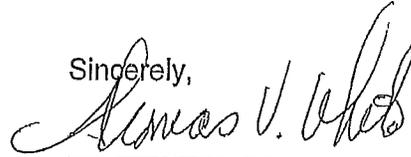
It is my client's intention to terminate and move the cemetery pursuant to T.C.A. §46-4-101 *et seq.* Currently, the cemetery sits on property at the corner of Long Hollow Pike and Big Station Camp Boulevard in Gallatin and is in an abandoned state that is unfit to be the final resting place of the persons buried. My client intends to file a petition with the Chancery Court of Sumner County to terminate the cemetery and have the persons buried therein professionally disinterred and reinterred at a more suitable location. Pursuant to the procedure set for in the Tennessee Code, we are reaching out to you as a possible descendant.

If you believe that you have descended from one of the persons above, have information on persons who may be descendants, or have an interest in the termination

TUNE, ENTREKIN & WHITE, P.C.

of this cemetery please contact me within ten (10) days of receipt of this letter. You may reach me via email at: [tywhite@tewlawfirm.com](mailto:tywhite@tewlawfirm.com) or by phone at: (615) 244-2770.

Sincerely,

A handwritten signature in cursive script that reads "Thomas V. White". The signature is written in black ink and is positioned above a horizontal line.

Thomas V. White

**TUNE, ENTREKIN & WHITE, P.C.**

ATTORNEYS AT LAW

JOHN C. TUNE  
1931-1983

ERVIN M. ENTREKIN  
1927-1980

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CHRISTOPHER B. FOWLER  
TIMOTHY N. O'CONNOR

May 7, 2019

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Joseph Walton Douglass, Jr.  
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Lawrenceburg, TN 38464

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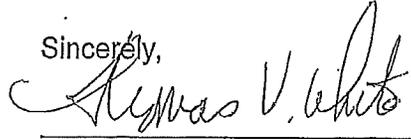
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of this cemetery please contact me within ten (10) days of receipt of this letter. You may reach me via email at: [tvwhite@tewlawfirm.com](mailto:tvwhite@tewlawfirm.com) or by phone at: (615) 244-2770.

Sincerely,

A handwritten signature in cursive script that reads "Thomas V. White". The signature is written in black ink and is positioned above a horizontal line.

Thomas V. White

5/9/2019

Belmont University Mail - Fwd: Smith Family



Taylor Chambless <taylor.chambless@pop.belmont.edu>

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## Fwd: Smith Family

---

Thomas V. White <twwhite@tewlawfirm.com>

Thu, May 9, 2019 at 11:21 AM

To: "taylor.chambless@pop.belmont.edu" <taylor.chambless@pop.belmont.edu>

Taylor, please review and let's talk

Sent from my iPhone

Begin forwarded message:

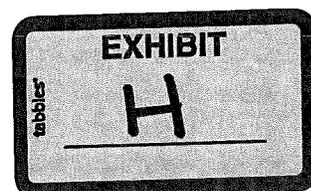
**From:** Buddy Krech <lime\_man@msn.com>  
**Date:** May 9, 2019 at 11:14:28 AM CDT  
**To:** "twwhite@tewlawfirm.com" <twwhite@tewlawfirm.com>  
**Subject:** Smith Family

I am one of the great grandsons of Rufus Smith. My wife does genealogy work and we know that Rufus and his family are buried in the Gallatin city cemetery. His parents are buried in Smith county. They did have a small child that died but we think it was before they owned this property. We do not know whom this headstone belongs to.

This is your authorization from me to move forward with what ever needs to be done to accommodate the owner of the property. If you need to contact me you can at 615.406.0852.

Thank you for your consideration in this matter.

Buddy Krech (Clyde Randall Krech Jr.)





**CRESTVIEW**  
FUNERAL HOME,  
MEMORY GARDENS  
& CREMATION  
AND  
**SUMNER**  
MEMORIAL GARDENS

1623 Hwy 109 North  
Gallatin, TN 37066 - (615) 452-1943  
www.CrestviewFH.com

June 11, 2019

Mr. Mike Stanton

**RE: Abandoned Cemetery at 1109 Long Hollow Pike**

- Opening/Closing of Grave at 1109 Long Hollow Pike \$600.00
- Opening/Closing of Grave at Gallatin City Cemetery \$600.00
- 20 Gauge Non-Gasketed Steel Casket for remains \$995.00
- Services of Funeral Director \$350.00
- Monument for Grave at Gallatin City Cemetery \$465.00
- Grave Lot at Gallatin City Cemetery \$500.00
- Sales Tax on Casket \$92.04
- Total \$3602.04

If any additional unknown remains are discovered during the disinterment process, the unknown remains will be disinterred, reinterred, and treated under the same circumstances as the currently known remains.

Sincerely,

Randy Nash

General Manger, Tennessee Licensed Funeral Director & Embalmer

**HARPETH HILLS**  
Memory Gardens, Funeral Home  
& Cremation Center

**JOELTON HILLS**  
Memory Gardens

**WEST HARPETH**  
Funeral Home & Crematory

**ALEXANDER**  
Funeral Home & Cremation Center

**COLE & GARRETT**  
Funeral Homes & Cremation Services

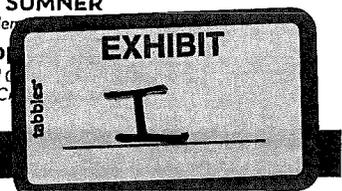
**HENDERSONVILLE**  
Memory Gardens, Funeral Home & Cremation Center

www.AFamilyLegacy.com

**CRESTVIEW**  
Funeral Home, Memory Gardens & Cremation

**SUMNER**

SP  
Memorial G  
& C



TO: The heirs-at-law of R.E. DOUGLASS AND RUFUS SMITH, including but not limited to JOSEPH WALTON DOUGLASS, JR.:

A Verified Petition to terminate the use of land as a cemetery, and remove any graves that can be found thereon has been filed against you by TNHOMESITES.COM because you may have an interest in property as an heir of R.E. DOUGLASS OR RUFUS SMITH. A copy of the Verified Petition may be obtained from the Clerk of the Chancery Court for Sumner County, Metropolitan Courthouse, Gallatin, Tennessee, 37066. You must respond to the Verified Petition in this cause with the Chancery Court Clerk and with Attorney Thomas White at the address shown below on or before \_\_\_\_\_ :

Thomas V. White, Esq.  
TUNE, ENTREKIN, & WHITE, P.C.  
315 Deaderick Street, Suite 1700  
Nashville, Tennessee, 37238

