

IN THE CIRCUIT OR SUPERIOR COURTS

FILED FEB 06 2001

CLARK COUNTY, INDIANA

Clark Clerk Circuit Court

IN THE MATTER OF THE)
REMOVAL AND REINTERMENT)
OF THE REMAINS OF ONE OR MORE)
DECEASED HUMANS)

No. 10C01-0102-CP-87

VERIFIED PETITION FOR JUDGMENT AUTHORIZING THE REMOVAL AND REINTERMENT OF THE REMAINS OF ONE OR MORE DECEASED HUMANS FROM ONE CEMETERY TO ANOTHER CEMETERY

The New Chapel Cemetery Association, Inc. by its president, Robert R. Marshall, hereby petitions the Court for a judgment authorizing it to remove from a family cemetery formerly known as the William Adams Cemetery the remains of all deceased humans buried in that cemetery and to reinter (rebury) said remains at the New Chapel Cemetery in Watson, Indiana, all pursuant to Indiana Code 23-14-57, and in support of this petition the president of the petitioner herein affirms under the penalties for perjury that the following representations are true:

1. That the William Adams Cemetery, a family cemetery located on Middle Road, Jeffersonville, Indiana, was conveyed to the Trustees of New Chapel Methodist Episcopal Church and their successors on June 7, 1890, pursuant to the terms of the deed attached hereto and made a part of this petition, which deed is recorded in Deed Record 81 at page 252 in the office of the Recorder of Clark County, Indiana.

2. That on or about February 10, 1992, the petitioner succeeded to the rights of the Trustees of the New Chapel Methodist Episcopal Church in said family cemetery.

3. That when the real estate surrounding said family cemetery was sold by one entity to another entity on June 8, 2000, said family cemetery was excluded in the sale and was described as an exception in said conveyance as follows:

A 0.30 acre tract of land in Survey #6 of Illinois Grant to Clark County, Indiana, described in Deed Record Book 81, Page 252 of said county records and being further described as follows: Beginning at a limestone monument on the north corner of Survey #5, being the west corner of Survey #6; Thence S. 36 deg. 01'14" E., along the line dividing said Surveys #5 and #6, 92.4 feet to THE TRUE PLACE OF BEGINNING. Thence N. 53 deg. 41' 36" E., 106.26 feet; Thence S. 36 deg. 01'14" E., 122.76 feet to a steel pin; Thence S. 53 deg. 41' 36" W., 106.26 feet to a steel pin on the line dividing said Surveys #5 and #6; Thence N. 36 deg. 01'14" W., along said dividing line, 122.76 feet to THE TRUE PLACE OF BEGINNING, containing 0.30 acre.

4. That the petitioner desires to remove from said family cemetery the remains of any deceased humans buried therein and to reinter (rebury) such remains at New Chapel Cemetery in Watson, Indiana, which cemetery is owned and operated by it.

5. That the written consent of the spouse or parents of any such deceased human cannot be determined and further, it is believed that all such persons died long ago.

6. That according to Indiana Code 23-14-57-5, and under the aforementioned circumstances, a judgment of this Court is necessary to remove said deceased human remains from said family cemetery and to reinter (rebury) them in the New Chapel Cemetery.

7. That petitioner agrees to pay the reasonable costs and expenses of such removal and reinterment including attorney fees.

Dated: February 1, 2001

NEW CHAPEL CEMETERY ASSOCIATION, INC.

By: Robert R. Marshall
Robert R. Marshall, President

SMITH, BARTLETT, HEEKE, CARPENTER
& THOMPSON

By: Ernest W. Smith

209 East Chestnut Street

P.O. Box 98

Jeffersonville, IN 47131-0098

(812) 282-7736

Fax: (812) 284-8388

Attorney No. 10700-10

Attorney for the Petitioner

This Indenture Witnesseth, That *William Adams and Eliza E. Adams, his wife*

of *Clark* County, in the State of *Indiana*
CONVEY AND WARRANT to *The Trustees of New Chapel Methodist Episcopal Church & their Successors*
of *Clark* County, in the State of *Indiana*
for the Sum of *One*

_____ Dollars, the receipt whereof is hereby acknowledged,
the following REAL ESTATE, in *Clark* County, in

the State of Indiana, to-wit: *Being the grave yard situate on the Real Estate now owned by said William Adams in said County of Clark, being a part of Survey No. Six (6) of the Elmore Grant, bounded thus: Beginning at a stake on the original line dividing Survey No. Five (5) and Six (6) of said Grant, said Stake is 5.6 rods from the corner stone at the corner of Surveys 5, 6, & 13 of said Grant; thence N. 52° 13' E. 6.44 rods to a stake; thence S. 37° 30' E. 7.44 rods to a stake; thence S. 52° 13' W. 6.44 rods to a stake on the original line dividing said Surveys No. 5 & 6; thence N. 37° 30' W. 7.44 rods to the said original line dividing said Surveys No. 5 & 6. To the place of beginning. Said Real Estate is to be kept as a grave yard.*

In Witness Whereof, The said *Grantors*
has hereunto set *their* hands and seals, this *7th* day of *June* 189*0*.
William Adams [SEAL]
Eliza E. Adams [SEAL]
[SEAL]
[SEAL]