

RECEIVED
MAR 19 2019

MURCHISON & NEWCOMB, L.L.C.
Attorneys At Law

BY: alg.....

MARY E. MURCHISON
JUDY A. NEWCOMB

216 West Laurel Avenue
P.O. Box 2149
Foley, Alabama 36536

Telephone: (251) 955-1591
Facsimile: (251) 955-1596
Email: m-law@m-law.us

December 17, 2018

Baldwin County Commission
Baldwin County Administration Building
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

Attention: Commissioner Charles F. Gruber, Chairman
Anu Gray, Secretary

Re: Rice Family Cemetery
Declaration of Abandonment

Dear Commissioner Gruber ,

Please find enclosed herewith a Declaration of Abandonment of the Rice Family Cemetery, a Private Cemetery and a Notice of Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein, which meets with statutory notice requirements for said Declaration in Alabama Code Sections 11-47-60, 61, and 62. Please note there are not now, nor have there been any human remains placed in the cemetery.

I would ask that you set this for hearing and approval by the County Commission, giving appropriate notice of the same. Once this has been approved by the County Commission, we anticipate having the Notice published by Gulf Coast Media, in the Onlooker as is required by Alabama Code Section 11-47-62. Should you have any questions, or you require additional information, please don't hesitate to contact me.

I appreciate the helpful assistance your office has given to me thus far by your Secretary Ms. Gray , and I thank you in advance for your assistance as well.

Sincerely yours,


Mary E. Murchison

Encl: As Noted

cc: Baldwin County Planning and Zoning
Division of Land Management
312 Courthouse Square, Suite 25
Bay Minette, Alabama 36507
Attention: Vince Jackson, Planning Director
(w/ enclosure)

DECLARATION OF ABANDONMENT OF
RICE FAMILY CEMETERY, A PRIVATE CEMETERY

KNOW ALL PERSONS BY THESE PRESENTS: That, WHEREAS, on March 4, 2015, **CHARLES H. RICE** and **SAMMIE W. RICE** after having filed an Application for Establishment of a Private Cemetery, pursuant to Code of Alabama § 22-20-4 (1975), for the location of and establishment of a private cemetery to be known as the Rice Family Cemetery and said request having been approved by the Baldwin County Commission and the Honorable Tim Russell, Judge of Probate of Baldwin County, Alabama, acknowledging having received the Resolution approving said Application issued a License to establish said private cemetery on that date, a copy of which is attached establishing said cemetery (a copy of said license, recorded as Instrument No. 1502417, recorded in the Office of the Judge of Probate, Baldwin County Alabama is attached hereto for reference) on the following described real property situated in Baldwin County Alabama, to-wit:

Commencing at a railroad spike found at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 5, Township 7 South, Range 4 East, Baldwin County, Alabama, run South 89° 59' 45" West a distance of 40 feet to a point of the on the West Right of Way Line of Baldwin County Road No. 73; run thence North 00° 08' 35" East, along said West Right of Way Line of Baldwin County Road No. 73 a distance of 15 feet to a point, run thence South 89° 59' 45" West a distance of 330.44 feet to a point; thence run North 00° 08' 35" East a distance of 50 feet to a point; run thence South 89° 59' 45" West a distance of 50 feet for the point of beginning of the property herein described; continue thence south 89° 59' 45" West a distance of 25 feet to a point; run thence North 00° 08' 35" East a distance of 65 feet to a point; run thence North 89° 59' 45" East of 25 feet to a point; run thence South 00° 08' 35" West a distance of 65 feet to the Point of Beginning containing 1625 square feet.

DESCRIPTION OF A 50-FOOT BUFFER

Commencing at railroad spike found at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 5, Township 7 South, Range 4 East Baldwin County, Alabama, run South 89° 59' 45" West a distance of 40 feet to a point of the West Right of Way line of Baldwin County 73, thence run North 00° 08' 35" East along said Right of Way of Baldwin County 73 a distance of 15 feet to a point; run thence South 89° 59' 45" West a distance of 330.44 feet to the point of beginning

of the property herein described; continue thence South 89° 59' 45" West a distance of 125 .00 feet to a point; thence South 00° 08' 35" West a distance of 165 feet to a point; thence South 89° 59' 45" East 125.00 to a point; thence North 00° 08' 35" South 165 feet to the point of beginning; containing 19,000 square feet.

WHEREAS, by resolution adopted on February 18, 2015, the Baldwin County Commission approved the application for the Declaration at a regular meeting of the commission as is set forth in the minutes for that self same day in the records of the Baldwin County Commission and ;

WHEREAS, having received a copy of said Resolution, the Honorable Tim Russell, Judge of Probate on March 4th, 2015 did by Order issue a License to Establish a Private Cemetery to the said **CHARLES H. RICE** and **SAMMIE W. RICE** on the above described property, and

WHEREAS, A Warranty Deed was executed by **CHARLES H. RICE** and **SAMMIE W. RICE**, dated September 1, 2017 and recorded as instrument No.165375, conveying all of the real property described herein above to **CHARLOTTE R. PETTIS**, f/k/a **CHARLOTTE R. LEMASTER** is recorded in the office of the Judge of Probate, Baldwin County, Alabama; and,

WHEREAS, no lots or parcels have been sold by either the said **CHARLES H. RICE** and/or **SAMMIE W. RICE** or **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER** to any person, firm, or corporation. That no human remains have been interred in the **RICE FAMILY CEMETERY**, that the owner **CHARLOTTE R. LEMASTER** n/k/a **PETTIS**, current sole owner of the **RICE FAMILY CEMETERY** has determined to declare for the abandonment in whole of such cemetery as a burial place for the human dead together with the buffer of fifty feet described in the aforementioned License and described herein; and

WHEREAS, because no human remains have been interred in the **RICE FAMILY CEMETERY**, either before or after its establishment, that no provision is necessary for the removal of any human remains therefrom.

NOW, THEREFORE, pursuant to the authority of Code of Alabama, §11-47-60 (1975) the undersigned, **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER**, being the sole owner of all the the real property within said cemetery and the fifty foot buffer, does hereby declare for the abandonment in whole of the Rice Family Cemetery, together with the fifty foot buffer as described in said License of Cemetery and hereinabove, and does hereby request the consent of the Baldwin County Commission to the abandonment of said cemetery and the said fifty foot buffer surrounding the same.

That the undersigned does hereby respectfully request the Baldwin County Commission to give notice of the present Declaration of Abandonment of **RICE FAMILY CEMETERY**, a Private Cemetery, together with the fifty foot buffer in the manner set forth in the Code of Alabama, §11-47-61 and 62 (1975) and following such notice, to set this matter for hearing before the Baldwin County Commission, and at said hearing to grant its consent and approval of the said Declaration of Abandonment of **RICE FAMILY CEMETERY**, A Private Cemetery, and the fifty foot buffer described herein and in the License to Establish Private Cemetery as heretofore approved by Resolution of the Baldwin County Commission recommending the granting of said petition.

WITNESS my hand and seal this 17th day of December 2018



CHARLOTTE R. PETTIS
f/k/a **CHARLOTTE R. LEMASTER**

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a notary public in and for said state and county, do hereby certify that **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER**, whose name is signed to the foregoing power of attorney and who is known to me, acknowledged before me on this day that,

being informed of the contents of the said power of attorney, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 17th day of December, 20 .

Carol Boyd


NOTARY PUBLIC

My commission expires: 1/20/20



NOTICE OF DECLARATION OF ABANDONMENT OF LANDS FOR
CEMETERY PURPOSES AND OF INTENTION TO REMOVE THE
HUMAN BODIES INTERRED THEREIN

TO ALL PERSONS INTERESTED IN THE RICE FAMILY CEMETERY, a private cemetery, heretofore established in Baldwin County Alabama pursuant to Code of Alabama, §22-20-4 (1975) take notice that, on the 17th day December 2018, **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER**, did declare the abandonment of said cemetery by filing a declaration thereof with the Baldwin County Commission, seeking the consent and approval of the said Baldwin County Commission of said abandonment; and that in said declaration the said **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER** did declare that she was the sole owner of all of the said cemetery, including the fifty foot buffer declared in the License of said cemetery; that no lots or parcels of land in said cemetery having been sold or conveyed by them to any person, firm, or corporation; that there were no human remains buried in said cemetery and that it was not otherwise necessary to provide for the removal of any such human remains from said cemetery; and that the present notice is given pursuant to Code of Alabama §§ 11-47-61 and 62 (1975).


CHARLOTTE R. PETTIS f/k/a
CHARLOTTE R. LEMASTER, Declarant
and Sole Owner

COUNSEL FOR DECLARANT
Mary E. Murchison
MURCHISON and NEWCOMB, L. L.C.
P.O. BOX 2149
Foley AL 36536

1502417

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

IN RE:

RICE FAMILY CEMETERY,
A PRIVATE CEMETERY

CASE NO. 31876

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/sect. 3/10/2015 3:21 PM
TOTAL \$ 12.00
2 Pages



ORDER GRANTING LICENSE TO ESTABLISH PRIVATE CEMETERY

The undersigned having reviewed the application for establishment of a private cemetery submitted by CHARLES H. RICE and SAMMIE W. RICE in the above cause and having received a certified copy of minutes from the Baldwin County Commission, to hereby grant the application as submitted. The undersigned do, therefore,

ORDER, ADJUDGE and DECREE that a license is hereby granted to CHARLES H. RICE and SAMMIE W. RICE to establish a private cemetery on the following described real property situated in Baldwin County, Alabama, to-wit:

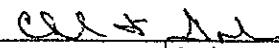
SEE ATTACHED EXHIBIT "A"

DONE this 4th day of March, 2015.



JUDGE OF PROBATE

COUNTY COMMISSION OF BALDWIN
COUNTY, ALABAMA

By: 

As Its Chairman

**RESOLUTION #2018-_____ OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA, FOR THE ABANDONMENT OF
THE RICE FAMILY CEMETERY**

KNOW ALL MEN BY THESE PRESENTS: That, WHEREAS, on the 3rd day of February, 2015, there was filed with the Baldwin County Commission and the Honorable Tim Russell, Judge of Property of Baldwin County, Alabama, an Application for Establishment of Private Cemetery, pursuant to Code of Alabama, §22-20-4 (1975), for the location and establishment of a private cemetery to be known as the **RICE FAMILY CEMETERY**; and

WHEREAS, by resolution adopted on 18th day of February, 2015, the Baldwin County Commission approved said application, as is set forth in the minutes of that self same day in the records of the Baldwin County Commission; and

WHEREAS, the Baldwin County Commission, on _____, approved an instrument entitled Order Granting License to Establish a Private Cemetery with regard to the **RICE FAMILY CEMETERY** issued by the Honorable Tim Russell, Judge of Probate of Baldwin County, Alabama, on March 4th, 2015, and recorded as Instrument number 1502417 as is set forth in Minute Book _____, pages _____, in the records of the Baldwin County Commission; and

WHEREAS, a Deed Recorded as Instrument No. 165375, in the Office of the Judge of Probate of Baldwin County to the property, which was subject to the license described above, was executed by **CHARLES H. RICE** and **SAMMIE W. RICE** dated the day of _____ 2015 granting the cemetery property to their heirs, **CHARLOTTE RICE LEMASTER, K/K/A CHARLOTTE RICE PÉTTIS, BONITA RICE CRIST, and MARY ELIZABETH SPEARS,** and

WHEREAS, a Deed dated the 1st day of September, 2017, conveyed the below described property to **CHARLOTTE RICE PÉTTIS** a/k/a **CHARLOTTE RICE LEMASTER**, which land was described the **RICE FAMILY CEMETERY** by Order of the Honorable Tim Russell Judge of Probate in his Order dated 4th day of March 2015 and recorded as Instrument No. 152417 in which deed real property upon which the cemetery is licenced is described as follows, to-wit:

Commencing at a railroad spike found at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 5, Township 7 South, Range 4 East, Baldwin County, Alabama, run South 89° 59' 45" West a distance of 40 feet to a point of the on the West Right of Way Line of Baldwin County Road No. 73; run thence North 00° 08' 35" East, along said West Right of Way Line of Baldwin County Road No. 73 a distance of 15 feet to a point, run thence South 89° 59' 45" West a distance of 330.44 feet to a point; thence run North 00° 08' 35" East a distance of 50 feet to a point; run thence South 89° 59' 45" West a distance of 50 feet for the point of beginning of the property herein described; continue thence south 89° 59' 45" West a distance of 25 feet to a point; run thence North 00° 08' 35" East a distance of 65 feet to a point; run thence North 89° 59' 45" East of 25 feet to a point; run thence South 00° 08' 35" West a distance of 65 feet to the Point of Beginning containing 1625 square feet.

DESCRIPTION OF A 50-FOOT BUFFER

Commencing at railroad spike found at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 5, Township 7 South, Range 4 East Baldwin County, Alabama, run South 89° 59' 45" West a distance of 40 feet to a point of the West Right of Way line of Baldwin County 73, thence run North 00° 08' 35" East

along said Right of Way of Baldwin County 73 a distance of 15 feet to a point; run thence South 89° 59' 45" West a distance of 330.44 feet to the point of beginning of the property herein described; continue thence South 89° 59' 45" West a distance of 125 .00 feet to a point; thence South 00° 08' 35" West a distance of 165 feet to a point; thence South 89° 59' 45" East 125.00 to a point; thence North 00° 08' 35" South 165 feet to the point of beginning; containing 19,000 square feet.

WHEREAS, the above described property is outside the corporate limits of any municipality and **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, who is the sole owner of all of the real property upon which **the RICE FAMILY CEMETERY** and the Fifty Foot Buffer around said Cemetery together with any easement thereto, represents to the Baldwin County Commission by and through an instrument entitled Declaration of Abandonment of Rice Family Cemetery, a Private Cemetery as dated the 17th day of December, 2018, that no lots or parcels in said cemetery have been sold or conveyed by the said owners to any person, firm, or corporation, that no human remains have been buried in said cemetery and that the undersigned sole owner of the **RICE FAMILY CEMETERY** has determined to declare for the abandonment in whole of such cemetery as burial place for the human dead, the fifty foot buffer surrounding said cemetery and of any easement of ingress and egress thereto; and

WHEREAS, based upon the aforesaid representations by **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, as sole owner of the **RICE FAMILY CEMETERY** and said fifty foot buffer surrounding said cemetery, together with any easement thereto, because no human remains have been interred in the **RICE FAMILY CEMETERY**, either before or after its establishment, that no provision is necessary to be made for the removal of any human remains therefrom; and

WHEREAS, pursuant to the authority of Code of Alabama, §11-47-60 (1992 Repl. Vol.) **CHARLOTTE RICE PETTIS** a/k/a **CHARLOTTE RICE LEMASTER**, as sole owner of the **RICE FAMILY CEMETERY** together with the the fifty foot buffer and the easement thereof did declare for the abandonment in whole of the **RICE FAMILY CEMETERY** hereinabove described and did request the consent of the Baldwin County Commission to the abandonment of said cemetery.

NOW, THEREFORE, BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, that, pursuant to the authority provided at Code of Alabama, §11-47-60 (1992 Repl. Vol.), we hereby grant said request and CONSENT to the abandonment, in whole, of the **RICE FAMILY CEMETERY** and the fifty foot buffer surrounding said cemetery described within this Resolution.

DONE, under the Seal of the Baldwin County Commission as affixed at the County Seat in Bay Minette, Alabama, on this the ____ day of _____, 20 ____.

CHARLES F. GRUBER, Chairman
Baldwin County Commission

I, _____, the Clerk of the County Commission of Baldwin County, Alabama certify that the above and foregoing is a true and correct transcript of the Resolution duly adopted by the County Commission of Baldwin County, Alabama, during their regular meeting held on the ____ day of _____, 20 ____.

Given under my hand and official seal on this the _____ day of _____, 20__.

Clerk of the County Commission and
County Administrator
County of Baldwin, Alabama