

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

In re:
MEMENTO MORI,

CASE NO. 36930

TO THE HONORABLE HARRY D'OLIVE,
JUDGE OF PROBATE:

AMENDED PETITION FOR FAMILY CEMETERY

COMES NOW, Marlene A. Lay, as attorney of record for Plaintiff, Petitioners, BENJAMIN E. MERRILL, Jr. and DIANE C. MERRILL, and files this Notice of Conflict with this Honorable Court, and states as follows: your, and petition this Honorable Court for the establishment of a family cemetery and, in support thereof, represent unto the Court as follows:

1. Your Petitioners, BENJAMIN E. MERRILL, Jr. and DIANE C. MERRILL, wish to establish a family cemetery to be located on property which they already own.
2. The name of the cemetery will be: MEMENTO MORI (Translated from Latin: "Remember that this life is fleeting").
3. The proposed site for the cemetery is located within Baldwin County, Alabama but outside any municipality.
4. The proposed site is approximately .06 acres, as determined by a survey conducted by David Lowrey Surveying, LLC. A copy of said survey is attached hereto as "Exhibit A".

WHEREFORE, your Petitioners pray that this Honorable Court will take jurisdiction of this Petition and cause such proceedings to be had and done and such proof taken as may be needed, and to render such orders and decrees as necessary to establish MEMENTO MORI, and to such further and different relief to which this Court deems that the Petitioners are entitled.

DATED this 2nd day of May, 20 19.

STATE OF ALABAMA
2019 MAY -2 A 10:09
BALDWIN COUNTY

Benjamin E. Merrill Jr.
BENJAMIN E. MERRILL, Jr.

Diane C. Merrill
DIANE C. MERRILL

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said County and State, hereby certify that BENJAMIN E. MERRILL, Jr., whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 2nd day of May, 2019.



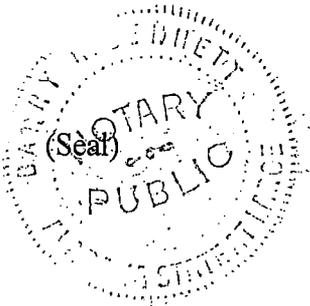
Barry R. Bennett
NOTARY PUBLIC
My Commission Expires: 9/9/19

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said County and State, hereby certify that DIANE C. MERRILL, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of the said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 2nd day of May, 2019.



Barry R. Bennett
NOTARY PUBLIC
My Commission Expires: 9/9/19

Marlene A. Lay
MARLENE A. LAY (LAY004)
Attorney for Petitioners
Post Office Box 388
Foley, Alabama 36536
(251) 752-9875

NOTES

- All bearings shown hereon are relative to Magnetic North by a Compass reading on the day of the fieldwork.
- Corner monuments shown as set iron pins are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
- Only Select Feed Interior Improvements shown hereon.
- This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
- No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
- No underground installations or improvements have been located, except as shown or noted.
- This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
- Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

DESCRIPTION AS SURVEYED

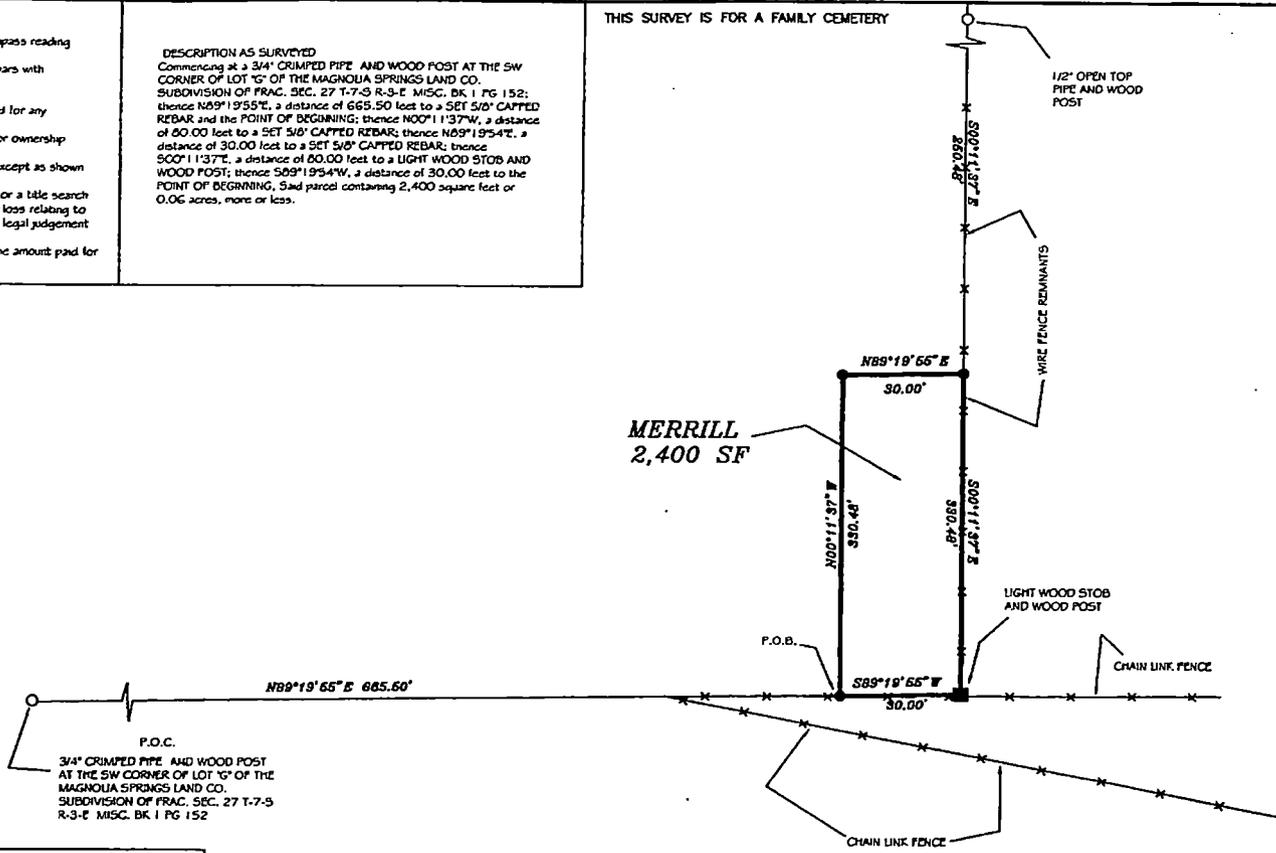
Commencing at a 3/4" CRIMPED PIPE AND WOOD POST AT THE SW CORNER OF LOT 10 OF THE MAGNOLIA SPRINGS LAND CO. SUBDIVISION OF FRAC. SEC. 27 T-7-S R-3-E MISC. BK. 1 PG. 152; thence N89°19'55"E, a distance of 665.50 feet to a SET 5/8" CAPPED REBAR and the POINT OF BEGINNING; thence N00°11'37"W, a distance of 30.00 feet to a SET 5/8" CAPPED REBAR; thence N89°19'54"E, a distance of 30.00 feet to a SET 5/8" CAPPED REBAR; thence S00°11'37"E, a distance of 80.00 feet to a LIGHT WOOD STOB AND WOOD POST; thence S89°19'54"W, a distance of 30.00 feet to the POINT OF BEGINNING. Said parcel containing 2,400 square feet or 0.06 acres, more or less.

THIS SURVEY IS FOR A FAMILY CEMETERY



SCALE

1" = 30'



PLAT OF A FAMILY DIVISION SURVEY PREPARED FOR

**MERRILL
BALDWIN COUNTY, AL.**

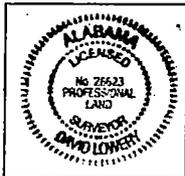
DWG. NO.	SURVEY DATE	SCALE
16-11-026	NOV. 2018	1"=30'
DRAWN BY: DBL	CHECKED BY: D. LOWERY	

LEGEND AND SYMBOLS

- (*) RECORD BEARING/DISTANCE
- OE OVERHEAD ELECTRIC
- SET IRON PIN
- FOUND IRON PIN
- △ PIN NOT SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- ~ NOT TO SCALE
- x- FENCE
- LIGHT WOOD STOB
- CONCRETE MONUMENT

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com



DL

David Lowery
AL Lic No 26623
55284 Martin Ln.
Stockton, AL 36579
251-937-2757

CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plot or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

DAVID LOWERY SURVEYING, L.L.C.

Survey

Borrower	Estate of Patricia Dollhite				
Property Address	12774 Co Rd 49 Parcel B				
City	Magnolia Springs	County	Baldwin	State	AL
Lender/Client	Estate of Patricia Dollhite				
				Zip Code	36555

