

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 all the heirs at law of **CHARLES H. RICE** and **SAMMIE W. RICE**; **CHARLOTTE R. PETTIS**, f/k/a **CHARLOTTE R. LEMASTER**, **BONITA RICE CRIST**, and **MARY ELIZABETH SPEARS** dated September 1, 2017, and recorded as instrument No.1653795, 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,

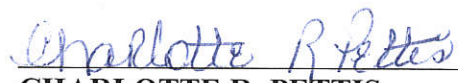
WHEREAS, no lots or parcels have been sold by either the said **CHARLES H. RICE** and/or **SAMMIE W. RICE** or **CHARLOTTE R. PETTIS** f/k/a **CHARLOTTE R. LEMASTER**, **BONITA RICE CRIST**, or **MARY ELIZABETH SPEARS** to any person, firm, or corporation. That no human remains have been interred in 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 10 day of April 2019.


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 10th day of April, 2019.

Carol Booth

NOTARY PUBLIC

My commission expires: 1/20/20

