

Amy Harvey

From: John A. Shearer <johnashearer@me.com>
Sent: Sunday, October 24, 2021 3:31 PM
To: Amy Harvey
Subject: Omitted Exhibit A in Legal Aspects.pdf of columbarium project presentation

Categories: Agenda Packet Process

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Good morning Ms. Harvey,

I discovered the omission of a group of documents that were intended to appear as Exhibit A in the [Legal Aspects pdf](#). If possible, please send the group along to the Mayor and Council and I will copy Ms. Anderson and Mr. Fleischmann. It contains the Quitclaim Deed from the State of NC to the Town in 1989, which is key to my presentation.

My deep appreciation for your efforts,

John Shearer

Exhibit A
Old Chapel Hill Cemetery
Chapel Hill, NC
Property Records

- a. Last Wills and Death Certificates of the Owner's mother and father, Edna Starrett Shearer and Andrew Clyde Shearer, transferring the Property to the Owner. (Previously inserted in Town of Chapel Hill Attorney's file.)
- b. Ledger entry from the "Town of Chapel Hill, N.C. Old C.H. Cemetery Record" indicating Section IV, plots T7 and T14 as owned by A. C. Shearer, Owner's father.
- c. Map of the Old Chapel Hill Cemetery highlighting Section 4 (Rows Q, R, S, T) indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- d. Pages 15 and 16 of spreadsheet with header "Old Chapel Hill Cemetery Section 4 – By Plot", dated December 6, 1990, indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- e. Sample Release on Town of Chapel Hill, Parks and Recreation letterhead, signed by Ms. Debra Lane, Cemetery Administrator – August 9, 2009.
- f. Copy of Bill of Sale between playwright Paul Green and Professor Dr. Hugh T. Lefler, Sr. for Plot T15 – October 3, 1977.
- g. Handwritten diagram by A. C. Shearer, Owner's father, on father's company letterhead dated August 8, 1968.
- h. Grave Search from Find-A-Grave database, a commercial grave location company. Page 2 indicates Plot T07 to be occupied by Edna Starrett Shearer and Andrew Clyde Shearer and T14 owned by Shearer and labeled "(Empty)".
- i. Quit Claim Deed dated February 22, 1989 by the State of North Carolina to the Town of Chapel Hill, North Carolina regarding the Old Chapel Hill Cemetery. Page Two shows conditions to be met by the Town.

TOWN OF CHAPEL HILL, N. C.

Old C.H CEMETERY RECORD

BLOCK	LOT	NAME	ADDRESS	DATE RESERVED	DATE PURCHASED	AMOUNT CHARGED	DATE	RECEIPT NUMBER	AMOUNT	DATE
T	4	F.K. Cameron	Paid							
	5	Dr. John S. Hooker					3/24/54	2097	60.00	
	6	Paul Green MRS. NOEL HOUSTON					2/18/56	6554	60.00	
	7	A.C. Shearer					4/28/54	2183	60.00	
II	8	W.F. Rogers								
	9	C.M. Stancell					7/7/54	2308	60.00	CENTRA
	10	C.M. Stancell					7/7/54	2308	60.00	
	11	C.E. McIntosh					7/2/54	2498	60.00	
	12	J.L. Caldwell								
	$\frac{5}{3}$	JEFF THOMAS (PAID BY J. MOUSMODES)			5/4/57	20.00				
II	13	C.C. Suggs	Reserved							
	14	A.C. Shearer					4/28/54	2183	60.00	
	15	Paul Green					2/18/56	6554	60.00	
	16	H.R. Totten					1/28/54	1690	40.00	
	17	Margaret W. Mudkins	20 Hayes Rd.	(Cremation)			12/30/69	9850	80.00	Lat
	17	William F. Peterson	337 Ethrington Dr	C.H.	1-21-70	40.00	1-21-70	9888	40.00	Lat

OLD Chapel Hill Cemetery
Section 4



Q

R

S

T

ANNIE G. HAITHCOCK 15	WILL M. ALEXANDER 6	R.L. FOWLER 15	H.D. WOLF 6	ELIZABETH DANZIEGER 15	PAUL GREEN 6		
STEVEN WHITE				M.S. HEATH M.S. HEATH, jr. 15	MRS. NOEL HUSTON 6	HUGH LEFLER 15	
CHARLES M. CRAWFORD 14	MRS. P.S. RANDOLPH 7	R.L. FOWLER 14	D.J. COWDEN 7	BRYAN A. HUGHES 14	A.C. SHEARER 7	A.C. SHEARER 14	
JOHN DANIEL D. OLSEN			S.C. 7 VILAS	DR. A.H. BRYAN 8/5/57			
Ma. Robert Haywood	W.O. LACOCK 8	H.A. WHITFIELD 13	HARRY GODDER	OLIN MOUZON 13	W.F. ROGERS 8	C.C. SUGGS 13	
MARGARET JOHNSTON 13			D.H. BUCHANAN 8	CREMATION DR. CROCKFORD			
PAUL JOHNSTON	W.O. LACOCK 9	J.N. YOUNG	D.D. CARROLL 9		MRS. HAMLIN WADE 9	J.L. CALDWELL 12	H.W. DANIELL
FRED WEAVER 12		ALICE LACOCK 12		CHARLES SHAFFER 12	C.M. STANCELL 9	J. THOMAS	
Paul Baker		THOMAS LACOCK					
E.S. LANIER 11	W.O. LACOCK 10	HANSON	D.D. CARROLL 10		C.M. STANCELL 10	LEE PAVAO 11	H.R. TOTTEN
	MARFIA LACOCK 4/3/02	R. R. HUNTLEY 11	Fredrick Carroll 12/4/01	CHARLES SHAFFER 11		10'	

STRIP

OLD CHAPEL HILL CEMETERY Section 4 - By Lot

Last Name	First Name	Born	Died	Dsc	Typ	Mtl	Char	Cond	Mkr	Dimensns	Dir	Srf	T	Mo	C
** T01	EMPTY														
** T02	Renegar	Harvey Caldwell	1897 02-03	1933 02-19	1	1	1	5	9	H30W48T12 W	1	1	3		
** T03	Abshear	Betsy Jones	1874 07-15	1955 02-02	1	2	1		9/11	H00W24T12 W	1	1	3		
** T04	Cameron	Frank Kenneth	1869 02-02	1958 08-18	3	1	1	3	9	H30W48T06 EW	2	1	3	1	
	Cameron	Virginia Newton	1872 05-28	1954 11-15	3	1	1	3	9	H30W48T06 EW	2	1	3	1	
** T05	Dudley	Betty Jean	1943 05-29	1977 07-13	1	1	1	3	1	H26W26T06	1	1	1	1	1
	Hooker	(Family)			3	1	1	3	1	H60W25T10 EW	2	1	1		
	Hooker	John Samuel	1900 07-31	1976 01-06	1	2	1		9	H00W24T12 W	1	1	3	1	
	Hooker	Nina Mae G.	1902 05-24	1958 07-13	1	2	1		9	H00W24T12 W	1	1	1		
** T06	Houston	(Family)			3	1	1	3	1	H24W40T08 EW	2	1	1		
	Houston	Katherine Replogle	1906 07-31	1986 11-12	1	2	1		1	H04W24T12 W	1	1	1		
	Houston	Noel Harris	1909 03-26	1958 09-09	1	2	1		1	H04W24T12 W	1	1	1		
		PAUL GREEN		1994-6						CREMATION					
** T07	Shearer	(Family)			3	1	1	3	1	H24W48T10 EW	2	1	1		
	SHEARER	ANDREW C. (CREMATION)	1906-3-10	1992-8-2											
** T08	Rogers	Nannie Strain	1874 12-04	1958 04-13	3	1	1	3	3	H14W28T10 W	1	1	6	1	
	Rogers	William Fletcher	1879 08-08	1954 04-05	3	1	1	3	3	H14W28T10 W	1	1	5	1	
** T09	Wade	(Family)			3	1	1	3	1	H24W30T10 EW	2	1	1		
	Wade	Hamlin Landis	1902 07-24	1969 12-14	1	2	1		1	H02W24T12 W	1	1	1		
	Wade	Julius Jennings (Jake)	1901 08-13	1962 05-09	1	2	1		9	H02W24T12 W	1	1	3		
		STANCELL BOUGHT Southern West 90T													
** T10	Stancell	(Family) Charles M. Sr.		2006 5-06	3	1	1	3	1	H24W48T08 EW	2	1	1		
	Stancell	Anne Boyd	1883 04-25	1968 02-25	1	2	1		2	H02W24T12 W	1	1	1		
** T11	Pavao	Joan Hersey	1935 04-15	1990 02-18	3	1	2	3	1	H36W72T18 EW	2	1	1		
	Thomas	Jeff	1898 03-25	1957 05-03	1	1	2	3	9	H24W18T08 W	1	1	3		
		Pavao bought 3rd to 13th T11													
** T12	Caldwell	(Family)			3	1	1		1	H30W36T10 EW	2	1	3		
	Caldwell	Florine Carothers	1889	1951	3	1	1	4	9/10	H30W36T10 EW	2	1	3		



PARKS AND RECREATION
Town of Chapel Hill
200 Plant Road
Chapel Hill, NC 27514

phone (919) 968-2784 fax (919) 932-2923
www.townofchapelhill.org
www.chapelhillparks.org

August 4, 2009

Cary, NC 27518

O 4-T10
Sample Release

Dear Mr. & Mrs. _____

I have officially updated the Town's Cemetery records to show transferred plots in the Old Chapel Hill Cemetery, Section 4 Lot T10 two (2) spaces southernmost from Mrs. Jean D. Stancell.

If I may be of any more assistance in the future, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Debra M. Lane".

Debra Lane
Cemetery Administrator

PAUL GREEN
OLD LYSTRA ROAD
CHAPEL HILL, NORTH CAROLINA 27514

October 3, 1977

Dr. Hugh T. Lefler, Sr.
Hillcrest Road
Chapel Hill, N. C. 27514

Dear Hugh:

This is to certify that I have this day sold to you Plot 15 in Section T of the Old Chapel Hill Cemetery, adjoining the plot of Mr. and Mrs. Noel Houston, and consisting of three burial places. Your check for \$1,000 is received in full payment.


Paul Green



8-8-68

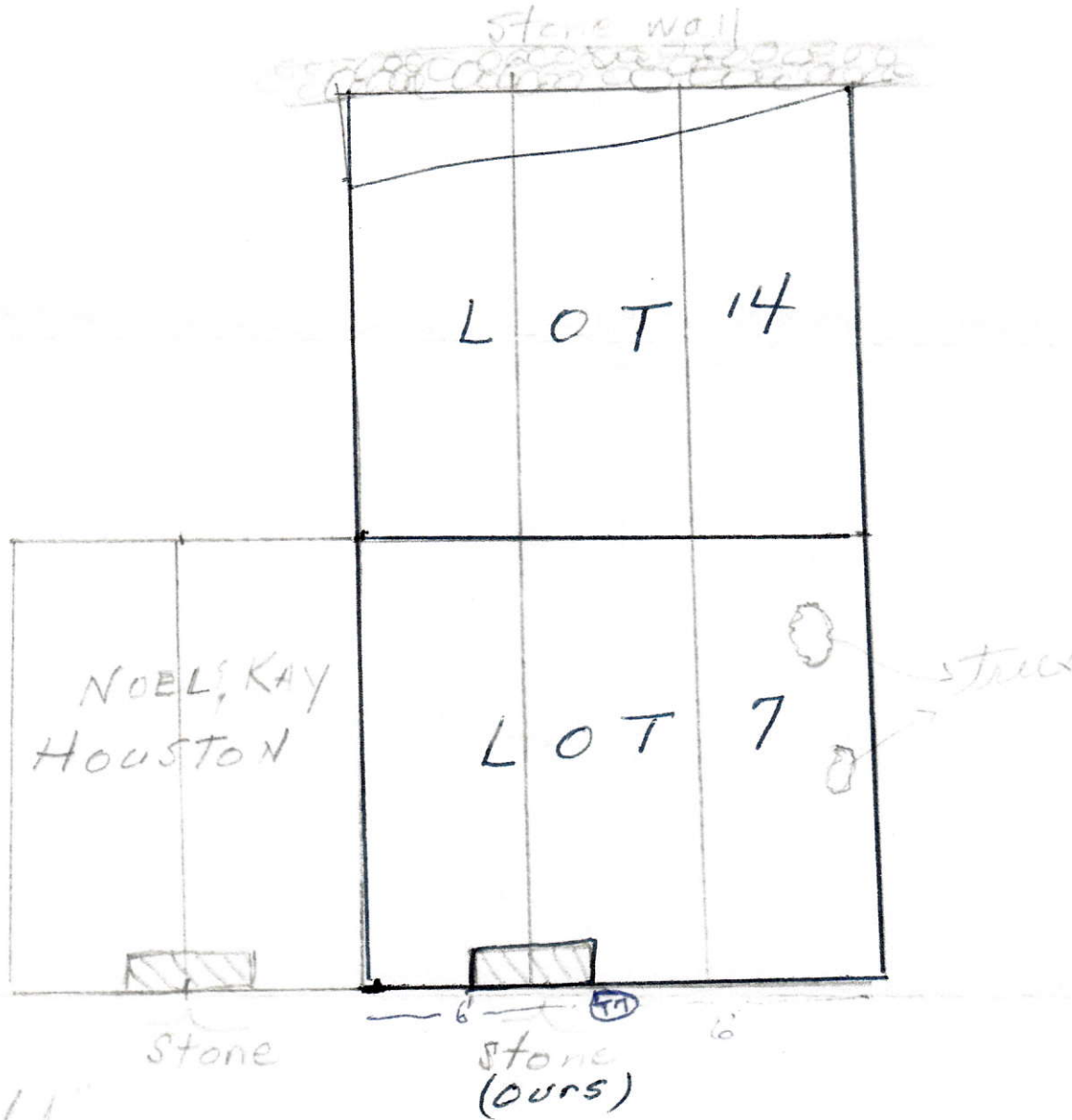
A. C. SHEARER CO.

Construction - Public Works

CHAPEL HILL, NORTH CAROLINA

Post Office Box 518

Telephone 968-5001



"Old"

Chapel Hill, N.C.

Cemetery

Grave Search

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

Last Name:

Last Name	First Name	Year Deceased	Section	Lot
Sadler	Evelyn	1999	3	B12
Sadler	Alton Guy	1975	3	B12
Sanders	Shipp Gillespie	1944	4	F08
Sanders	Kate Graham	1980	4	F08
Sapikowski	Alison	2005	3	B04
Sapikowski	James	2005	3	B04
Savery	William Woodward	1957	4	P11
Saville	Thorndike	1969	1	008
Saville	Edith Wilson	1980	1	008
Schnidt	Olive G. Basile	1940	4	H08
Schwenning	Carrie May Heath	1949	4	G19
Schwenning	Emily G.	1994	4	G19
Schwenning	G.T.	1980	4	G19
Scott	William Coleman	1984	2	127
Scott	Constance Patten	1999	2	127
Selden	Priscilla Lambeth	1997	4	H15
Selden	Samuel	1979	4	H15
Selden	Emily Crow	1991	4	H15
Selden	Wautell Lambeth	1948	4	H15
Sessions	Dr. John T. Jr	2005	3	M08
Sessoms	Alexander	2002	3	E19
Sessoms	David James	1940	3	E19
Sessoms	Lena T.	1996	3	E19
Sessoms	Faison	2012	3	E19
Sessoms	David James, Jr.	1978	3	E19
Sessoms	Betty	2012	3	E19
Sessoms	Annie Laurie Thomson	1947	3	E19
Shadrach	Lawrence T.	2006	1	QQ13
Shaffer	Charles Milton Sr.	2004	4	S11
Shaffer	Charlotte	2005	4	S12
Shaft	Robert H. Bell	1991	4	F03
Shaft	Bobbetta Bell	1954	4	F03

Shaft	Elizabeth B. Weaver	1993	4	F03
Shanks	Anne Graham	1990	4	G08
Shanks	Henry Thomas	1959	4	G08
Sharkey	Josephine	1970	3	N18
Shaw	Mae Tenney	1961	1	BB02
Shearer	Edna Starrett	2006	4	T07
Shearer	(Empty)	?	4	T14
Shearer	Andrew Clyde	1992	4	T07
Shephard	Mary Louise Hoffman	1981	3	M12
Shephard	George Edward	1983	3	M12
Sherrill	Robert H.	1947	3	O02
Shores	Mary Frances Burch	1938	3	B07
Shuford	Alonzo Craig	1933	3	D20
Shuford	Willie Lowe	1954	3	D20
Simmons	Virginia Groves	1969	3	C05
Simmons	Claudia McC.	1967	4	F09
Simmons	Raymond	1997	3	C05
Simpson	Rachel Lynch	1970	3	O15
Simpson	Margaret Lynch	2006	3	O15
Simpson	Eugene	1956	3	O15
Sims	Mary Edna	1965	4	P10
Sims	Marvin O.	1938	4	P10
Sims	Mack Arthur	1986	4	P10
Singletary	Alta	2007	4	S01
Sirvis	Genrik S.	2005	2	014
Skaggs	Alma Stone	1973	2	082
Skaggs	Marvin	1994	2	082
Smith	Jacklyn	2007	1	MM30
Smith	Albert John	1988	3	D06
Smith	Blanche Lee	1959	3	L03
Smith	Cornelia H. Barbee	1879	1	JJ21
Smith	David J.	1948	3	J01
Smith	Infant	1926	2	095
Smith	Josephine S.	1974	3	J01
Smith	Marguerite Ghent	1973	2	095
Smith	Nannie, Mrs.	?	3	A07
Smith	William Thomas	1953	3	K13
Smith	Young B.	1960	1	007
Smith	E. Carrington	1977	3	O11
Smith	Frances P.	2000	3	J01

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7.73.1A
RECEIVED TB

STATE OF NORTH CAROLINA

QUITCLAIM DEED 1989 MAR 21 AM 11: 27

COUNTY OF ORANGE

ORANGE CITY LAND RECORDS

THIS QUITCLAIM DEED, made this the 22 day of February, 1989, by the STATE OF NORTH CAROLINA, party of the first part, to the TOWN OF CHAPEL HILL, party of the second part;

W I T N E S S E T H:

THAT the party of the first part, in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, paid by the party of the second part to the party of the first part, the receipt of which is hereby acknowledged, has given, granted, quitclaimed and released, and by these presents does hereby bargain, sell quitclaim and release unto the party of the second part, its heirs and assigns, all of its right, title or interest in and to that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe on the outside corner of a stone wall having N.C. Grid Coordinates of N 786,602.38 E 1,987,212.96 and with the outside of a stone wall around the cemetery the following 11 calls: (1) S 28° 23' 24" E, 258.49 feet to an iron pipe, (2) S 76° 34' 57" W, 312.22 feet to an iron pipe, (3) S 54° 15' 39" W, 21.80 feet to an iron pipe, (4) S 89° 18' 18" W, 104.17 feet to an iron pipe, (5) S 48° 47' 42" W, 23.85 feet to an iron pipe, (6) S 76° 48' 09" W, 504.04 feet to an iron pipe, (7) N 14° 36' 44" W 138.57 feet to an iron pipe, (8) N 01° 33' 52" E, 288.45 feet to an iron pipe, (9) S 89° 57' 07" E, 644.08 feet to an iron pipe, (10) S 62° 48' 17" E, 20.66 feet to an iron pipe and (11) N 79° 37' 52" E, 178.87 feet to the BEGINNING iron pipe.

Prepared by: D. David Steinbock, Assistant Attorney General

Mail deed to: Ralph D. Karpinos, Town Attorney
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, NC 27516

19890321000031990 QCD
Bk: RB782 Pg: 238
3/21/1989 1/4



782 238 1/4



782 239 2/4

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This land is conveyed subject to certain conditions which are expressly assented to by the party of the second part in accepting their deed, said conditions being as follows:

1. The Town of Chapel Hill shall maintain the cemetery in a suitable condition in perpetuity.

2. The Town of Chapel Hill grant some indicia of ownership (cemetery deed or other) of grave plots assigned to or belonging to individuals, families, and certain organizations such as the proper members of the Dialectic and Philanthropic Literary Society of the University of North Carolina at Chapel Hill as same are reflected on "the old Chapel Hill cemetery plot" prepared by Hunter, Reynolds, Jewell, P.A., Landscape Architects, Raleigh, North Carolina, and dated September, 1987;

3. The Administration of the University of North Carolina at Chapel Hill shall be presented with, and shall concur in, the master plan of improvements and restoration prepared by the Town of Chapel Hill prior to commencement of any work in the cemetery.

4. The Town of Chapel Hill shall now and forever more be sensitive to preservation issues in its restoration, improvement, and maintenance of the cemetery.

5. Should the Town of Chapel Hill fail to perform any of the above-mentioned conditions, the subject land herein shall revert to the State of North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging, unto the party of the second part, and its successors and assigns, free and discharged

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from all right, title, claim or interest of the party of the first part, or any one claiming by, through or under it.

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by JAMES G. MARTIN, Governor, attested by RUFUS L. EDMISTEN, Secretary of State, and the Great Seal of the State of North Carolina hereto affixed, by virtue of the power and authority aforesaid.

STATE OF NORTH CAROLINA

James G. Martin
Governor



APPROVED AS TO FORM:

LACY H. THORNBURG
Attorney General

D. David Steinbock
Assistant Attorney General



782 240 3/4

CONTEXTUAL INFORMATION

- OCHC established 1798.
- 1922 – UNC & TCH agree that TCH shall maintain OCHC and administer sale of plots.
- 1989 - State of North Carolina grants quit claim deed of OCHC to TCH for purpose of landscape improvements, stone wall repairs, grave marker repairs, walkway improvements and signage. The land is conveyed subject to certain conditions which are expressly assented to by the second party (TCH) in accepting their deed, said conditions being as follows:
 - 1) TCH will maintain the OCHC in suitable condition in perpetuity.
 - 2) TCH will grant some indicia of **ownership (cemetery deed** or other) of grave plots assigned to or **belonging to individuals, families,** and certain organizations. . . .
 - 3) UNC shall be presented with, and shall concur in, the master plan of improvements and restoration prepared by the TCH prior to commencement of any work in the cemetery.
 - 4) The TCH shall now and forever more be sensitive to preservation issues in its restoration, improvement, and maintenance of the cemetery.
 - 5) Should the TCH fail to perform any of these conditions, the land shall revert to the State of North Carolina.
- The quitclaim deed provides **modern precedence supporting original precedence of fee simple ownership** of all grave plots within OCHC.
- OCHC is regulated by TCH, a governmental agency, and **is exempt** from NC Cemetery Act. Ref: Section 65-47. A. Scope.
- **OCHC is not mentioned or named in the TCH Code of Ordinances.**
- OCHC may be included in TCH within Chapter 6, Article I. – In General. This section refers to **below ground** graves, grave liners and vaults, peace and good order, traffic, animals, hours of operation, disturbing/defacing of graves, and artificial flowers.
- **Above ground** interments are dealt with **only** in Article II. – regarding Chapel Hill Memorial Cemetery (CHMC). Further, the code states “No conveyance of title of grave space. Fee simple title for property in CHMC shall remain vested in the TCH.
- This statement clearly is intended to delineate free flowing Fee Simple rights of private ownership in OCHC from restricted ownership rights in favor of the TCH in the CHMC.
- Article III pertains to West Chapel Hill Cemetery and concludes the extent of Chapter 6. – Cemeteries of the Town Code of Ordinances.
- **Research reveals the presence of two above ground level columbaria and one mausoleum in the OCHC.**

END