

**GRAVE REMOVAL PETITION**

Submit required documentation to:

Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street, Downtown Raleigh
Contact (919) 858-8335 for additional information.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

PetitionerName Richard HibbitsTelephone Number 919-714-7132 Fax Number 919-832-8375Address Suite 200, 5121 Kingdom WayCity Raleigh State NC Zip Code 27607**Subject Property Address and Parcel Identification Number (PIN):**a landlocked tract at 1116 Martin Pond Road PIN 1774113595**Reason for Petition:**

To pay off debt incurred to pay estate taxes, the tract is being sold to the developer of Wendell Falls PUD. The buyer has required Ms. Anderson to relocate the grave as a condition of the sale. The gravesite is located too far from the environmentally sensitive areas of the PUD's Open Space Plan to incorporate the site in the PUD's Open Space Plan.

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Signature] Date: 11/10/2016**Property Owner**Name M'Lou AndersonTelephone Number 919-669-9949 E-Mail greeneves1259@aol.comAddress 313 Old Battle Bridge RoadCity Wendell State NC Zip Code 27591

All property owners must sign this application (please attach separate sheet for signatures if needed) unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application. All documents and maps submitted as required become the property of Wake County.

Signature: [Signature] Date: 11-10-2016

Notes: County fee to file petition is \$300.00



50101 Governor's Drive
Suite 250
Chapel Hill, NC 27517

919.530.8446 PHONE
919.530.8525 FAX

www.TRCSolutions.com

10 November 2016

Ms. M'Lou Anderson
313 Old Battle Bridge Road
Wendell, North Carolina 27591

Re: Anderson Property Cemetery Investigation, PIN 1774113595,
1116 Martin Pond Road, Wendell, North Carolina 27591, Mark Creeks Township, Wake County

Dear Ms. Anderson:

This report presents the details of the fieldwork and research conducted by TRC Environmental Corporation (TRC) on behalf of the Anderson Family to investigate a possible cemetery in Wendell, North Carolina. The potential cemetery is located in a small stand of trees within an agricultural field south of Knightdale Eagle Rock Road (Figures 1–3). The potential cemetery is enclosed by stacked rough cut stones in a rectangular shape (Figure 4). No records indicating a cemetery at this location have been identified.

History

Late eighteenth century and nineteenth century maps show development closer to the main road (then called Tarboro) and the mill on Mark's Creek to the south, but no development in the vicinity of this site. Twentieth century maps show continued development along the main road and scattered farmsteads in the general project area. The small stand of trees containing the potential cemetery has been standing in this location since at least 1964 based on aerial imagery, however, the grave appears to be older.

A late nineteenth and twentieth century history of the property was reconstructed from deeds provided by the family and some additional research. The almost 47 acre property has been in the Anderson family since 1943 when it was purchased from Araba Rush and Ethel Blow who had obtained the property in 1918 from the Central Land and Development Company (Wake County Deed Book [WCDB] 324:537, 892:315). The project property was referred to as Farm 9 on the 1918 plat map for that transaction (WCMB 1915:89); four structures are shown on Farm 9 on this map, but there is no indication of a cemetery. The Central Land and Development Company had purchased this property and others surrounding it from the heirs of John William (J.W.) Smith in 1905 and 1906 (WCDB 203). The 1905 deed apportioning J.W. Smith's 611 acres is accompanied by a plat map also, and numerous structures are shown near Tarboro Road, but there are no indications of a cemetery (WCDB 190:583). J.W. Smith and his wife Augusta appear to have accumulated most of their property in this area in several transactions in the late 1870s through early 1880s. No mention is made of a cemetery or grave site in any of the nineteenth or twentieth century deeds for the property.

J.W. Smith was a trustee of the nearby Hephzibah Baptist Church and is named in the 1888 deed setting aside property and creating the cemetery for that church, although he and his family are not buried in that cemetery (WCDB 105:150). The Smith and Anderson family members are interred elsewhere according to research conducted by the family, although this was not confirmed during TRC's research, and Araba Rush Blow and wife Ethel are buried in the Montlawn Memorial Park in Raleigh.

The potential cemetery is located on archaeological site 31WA1640, which was identified during the 2007 survey for Wendell Falls Development, LLC (Postlewaite and Seibel 2007). The site was recorded as a late nineteenth to early twentieth century domestic and agricultural site with a partially collapsed wood barn, a standing log barn, the stone foundation of a tobacco barn, a large metal storage tank, and various debris piles. It was also noted that a small structure of large stone blocks was located at the southern end of the site that likely represented a small cemetery. The site was determined not eligible for the National Register of Historic Places.

Fieldwork

On 22 June 2016, TRC archaeologists conducted a field survey at the potential cemetery location that involved systematic probing of the apparent cemetery area and a 10 ft buffer around the stones with a steel tipped probe at two foot intervals. In addition, the surrounding area was examined for signs of any other origins or use of the quarried stone and none was observed. Vegetation in the area (sumac, greenbriers, and raspberry bushes), particularly within the stone enclosure, is relatively dense, in some areas inhibiting probing, however, no additional potential graves were found in this area.

The enclosure wall is made of dry stacked quarried stone with plug and feather holes present along the edges. The general size of the enclosure is 3.5 meters (11.5 ft) long by 2.5 meters (8.2 ft) wide, and the wall height varies from 0.25 to 1.0 meters (0.8 to 3.3 ft). Some of the stones have been somewhat displaced over the years, with the western end suffering the most loss. An unmarked head or foot stone is located on the western end of the shaft (Figure 5). The head/foot stone appears to be made of the same material as the enclosure. There are no marks visible on the head/foot stone, which appears to have suffered from considerable freeze spalling.

One grave shaft was confirmed within the enclosure, which runs lengthwise in an east-west direction. The shaft appears to be small, measuring approximately 1.25 to 1.5 meters (4.1 to 4.9 ft) long by 0.5 to 0.8 meters (1.6 to 2.5 ft) wide within the enclosure, and may be that of a child or juvenile. Soil cores indicated that the grave shaft contains a considerable amount of infilled organic slump (~20 cm) overlying a highly mottled sandy clay fill. The total depth of the shaft was not determined due to the amount of root intrusion within the shaft. The soils outside of the shaft and walled area are a consistent red clay, however, providing a very clear distinction between inside and outside the enclosure.

A few historic artifacts were observed within the walled area—a small machine-made blue cobalt Bromide bottle base and an embossed amethyst-tint rim from a vase or drinking glass; however, these cannot be positively associated with the interment so do not offer any indications of the age of the cemetery.

It seems clear that a grave shaft is located within the enclosure, although the date of the interment and the identity of the individual could not be determined. Considering the expense and investment in time and resources involved in the construction of the enclosure, however, it does seem more likely that the individual was a family member (rather than a slave, servant, or pet) of one of the property owners.

We appreciate the opportunity to work with you on this project. Please do not hesitate to contact me at (919) 475-5507 or hmillis@trcsolutions.com if you have any questions about this report.

Sincerely,



Heather Millis

Office Practice Leader, Cultural Resources

References

Postlewaite, Matt, and Scott Seibel

2007 *An Intensive Archaeological Investigation: Wendell Falls Development, Wake County, North Carolina*. Environmental Services, Inc., Raleigh, submitted to Wendell Falls Development, LLC, Raleigh.

Wake County Deed Books

Various Wake County Deed Books, electronic documents, accessed 24 June 2016,
<http://www.wakegov.com/rod/Pages/default.aspx>

Wake County Map Books

Various Wake County Deed Books, electronic documents, accessed 24 June 2016,
<http://www.wakegov.com/rod/Pages/default.aspx>

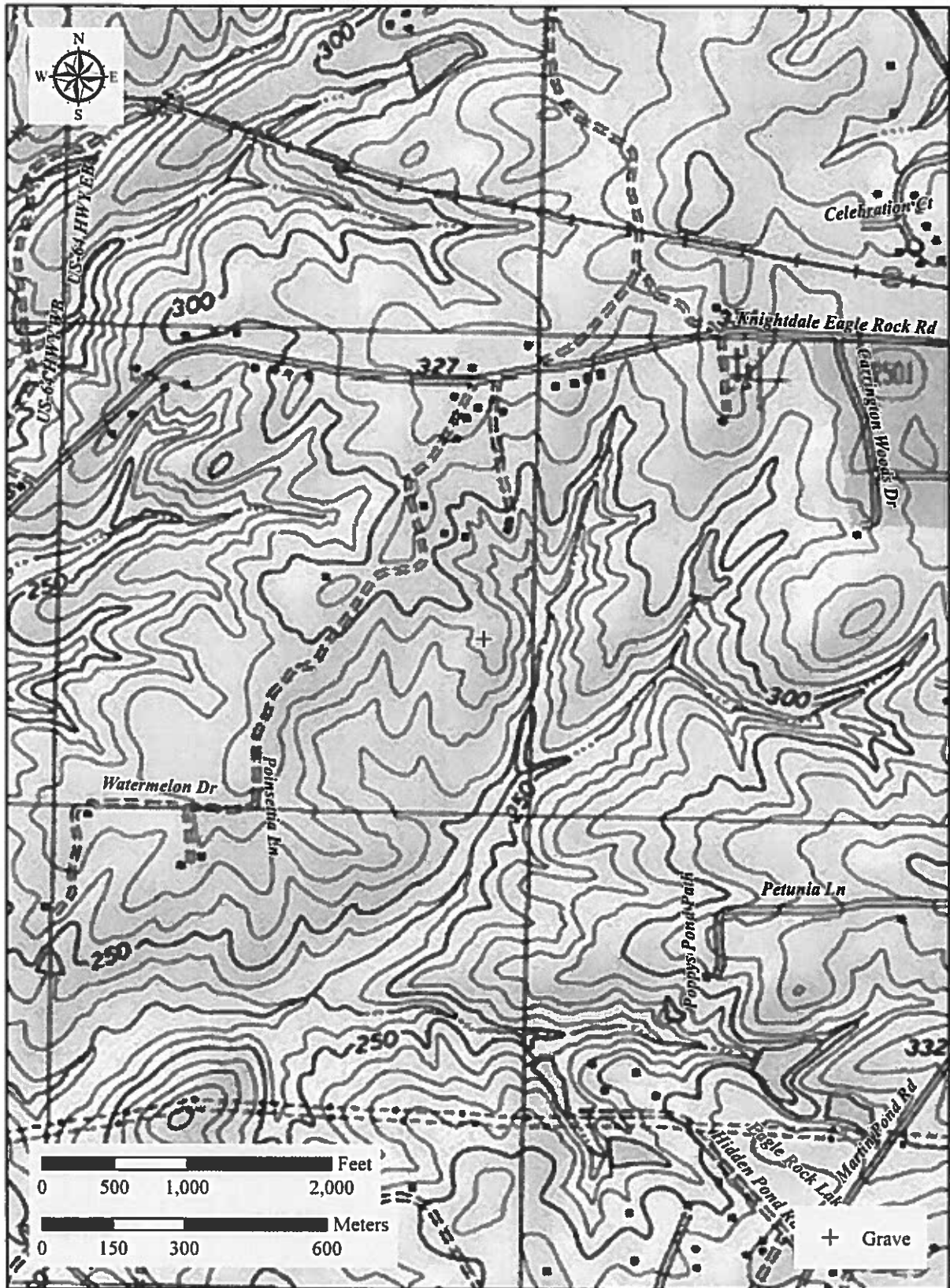


Figure 1. USGS Knightdale (1982) quadrangle map showing grave location on Anderson Property.



Figure 2. Aerial photograph (2013) with topography showing grave location on Anderson Property.



Figure 3. View of tree cluster containing Anderson Property cemetery, facing north.



Figure 4. View of grave enclosure on Anderson Property after vegetation clearing, facing northeast.



Figure 5. View of unmarked head or foot stone within grave enclosure on Anderson Property, facing east.

Mr. Keith Lankford
Wake County Planning Department
Suite 500
336 Fayetteville Street
Raleigh, NC 27601

November 28, 2016

Re: Supplemental material - Anderson tract gravesite relocation
PIN 1774113595 – 47 acre landlock tract off 1116 Martin Pond Road, Wendell

Dear Mr. Langford:

This letter provides additional information pertaining to the disinterment, removal, and re-interment of an unmarked gravesite on the above tract.

The property owner, M'Lou Anderson, is a widow living at 313 Old Battle Bridge Road in Wendell. Her husband died suddenly of a heart attack in 2002. Ms. Anderson has been trying to sell the 47 acre landlocked tract since 2004 to pay off the loans she took out to pay inheritance taxes. She finally has a buyer, Newland Company, the developer of Wendell Falls PUD, who planned to close in July, 2016. Newland's surveyor noted a potential gravesite. Researchers hired by Ms. Anderson confirmed it was an unmarked grave. The site is not located in a place that could be incorporated into the Open Space Plan of the 1,000+ acre Wendell Falls PUD or its Greenways. Newland will not close until the grave is relocated.

1. Why did the owners not move the grave before?

They did not know it was there. The property was optioned to Mercury Development, the original developer of Wendell Falls PUD in 2006. Mercury found the grave but never informed the owners about it. During the recession beginning in 2008, Wendell Falls failed before opening. It was sold by the lender to its current developer, Newland, in 2013. In getting the stalled project back on its feet, Newland did not dig into Mercury's report on the property since they were not going to buy the Anderson tract or develop it for years. In May, 2016, Newland entered into a contract to buy the land and surveyed the tract. The new survey noted a potential gravesite. The owners hired a consultant to investigate, who determined that the area appeared to be a child's gravesite. Newland's preliminary lot layout put the gravesite in the yard of a single-family house. Newland refused to buy the land with the grave in that location.

2. How did the owners not notice the gravesite before?

The 47 acre tract is a landlocked farm field miles from the owner's home. The tract came to the family by will, just before Mr. Anderson died of a heart attack in 2002. His widow and 2 daughters have leased the field since Mr. Anderson's death; they never farmed it themselves. The gravesite is located in a small clump of trees. It had no inscribed tombstone. A heavily eroded flat stone about a foot high and 9 inches wide was located on the west end. The 5 foot by 3 foot area was bounded by long, narrow, quarried blocks of granite. When the low rectangle of long,

dry-stacked blocks was pointed out to me by the surveyor, I took it to be the foundation of a building that was never constructed.

3. Why did Newland not include the gravesite in the required open space of the PUD?

The gravesite could not be connected in any logical or harmonious way with the environmentally sensitive areas of the tract incorporated into the approved Open Space Plan for the PUD. The amount of open space generated by stream buffers and greenways required by the Master Plan exceeded the amount of required open space. The site is in the center of a flat, otherwise treeless, farm field which did not permit an appropriate transition or insulation from the homes to be built there.

4. Were any next of kin located to ask them about the gravesite or moving the remains?

Only three families are on record as owning the land in the Wake County Registry. The land owner, Mrs. Anderson, knew the location of all those in her family buried since the land was acquired in 1943. A trained genealogist, Susan Fulton with NAI Carolantic Realty, Inc., was engaged to locate relatives of the other two families. Her findings are summarized below. The tract was briefly owned by the Central Land Company from 1915 to 1918. There was no record of any gravesite on any of the recorded deeds or maps. No family member was found to supply any information about the deceased of the Smith family or to show an interest in the relocation of the grave.

From 1943 to the present, the tract was owned by the Anderson family. The Anderson family's private graveyard is adjacent to Mrs. Anderson's home on Old Battle Bridge Road in Wendell, several miles from the 47 acre tract. Mrs. Anderson confirmed that none of her relatives were buried on the 47 acre tract.

From 1918 to 1943, the Blowe family owned the tract. The Blowe family lived in Craven County, NC and apparently bought the land for farming, not to live on. Census and voter registration data confirm that no one was living on the land. None of the graves of the Blowe family members found in genealogical research were located in Wake County.

From 1915 to 1918, the tract was owned by the Central Land Company. Census and voter registration data confirm that no one was living on the land during its ownership.

Before 1915, the land was owned by the John Smith family. The 1915 survey by the Central Land Company notes a house and several farm buildings but no gravesites. The grave was unmarked by any inscriptions and delineated by long, cut granite blocks. Only an eroded rock, possibly a headstone or footstone, remained. We could not determine if the Smith family was related to the person buried in the grave. To try to locate someone who would know the deceased or who we could inform about the pending application to move the grave, we researched the John Smith family. The only John Smith family members found in Ms. Fulton's genealogical research were located in northeast North Carolina and southeast Virginia. A family tree and summary of the genealogical research is attached. The only living descendant Ms. Fulton located in this area was Betsy N. Dixon in Butner, NC. Her personal genealogy is attached. The petitioner, Richard Hibbits, called Ms. Dixon June 2, 2016 and again July 7, 2016. On both

occasions, a machine answered the phone call and a message was left. The message identified the caller and the purpose of the call: to locate a descendant of the Smith family to inquire about an unmarked grave located in the Wendell area. Ms. Dixon did not return either call.

The legal notice required by the General Statutes ran in the Raleigh News & Observer on June 30, July 7, July 14, and July 21. No one responded to the notices with their affiliation to the family or their concern for moving the grave.

Neighbors surrounding the property were asked by members of the Anderson family if they had any knowledge of the grave. None did.

None of these good faith efforts to identify the deceased, to locate next of kin, and to inform any interested people of the application to move the grave, resulted in finding anyone.

To disinter, remove, and re-inter any remains, Ms. Anderson has contracted with:

Massey Funeral Home
George Rigby Massey III
913 North Arendell Avenue
Zebulon, NC 27597
919-269-6600

Oakwood Cemetery
Robin Siminton
701 Oakwood Avenue
Raleigh, NC 27601
919-832-6077

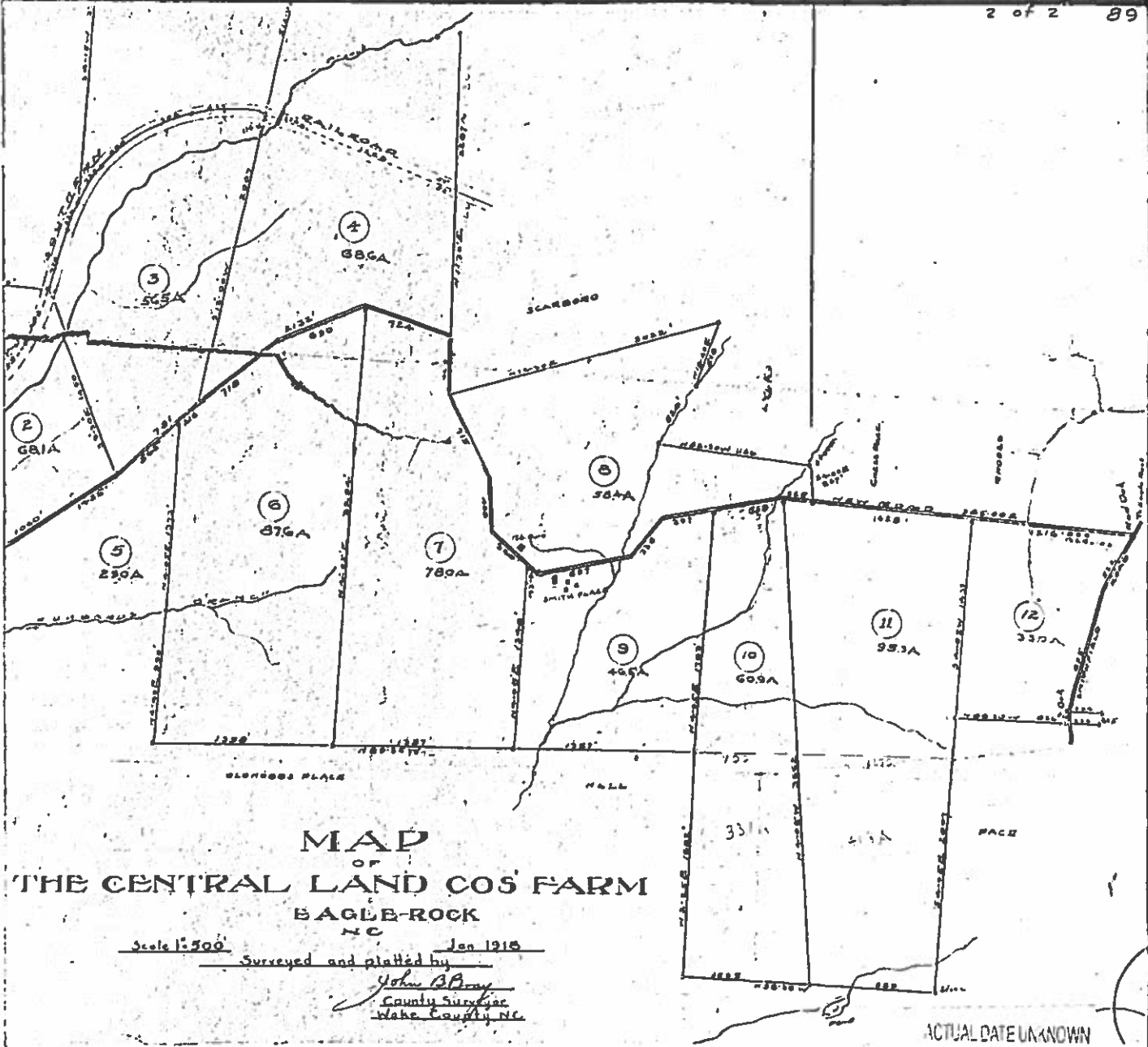
Ms. Anderson will schedule an appointment with the Wake County Environmental Services Staff to direct and supervise the actions.

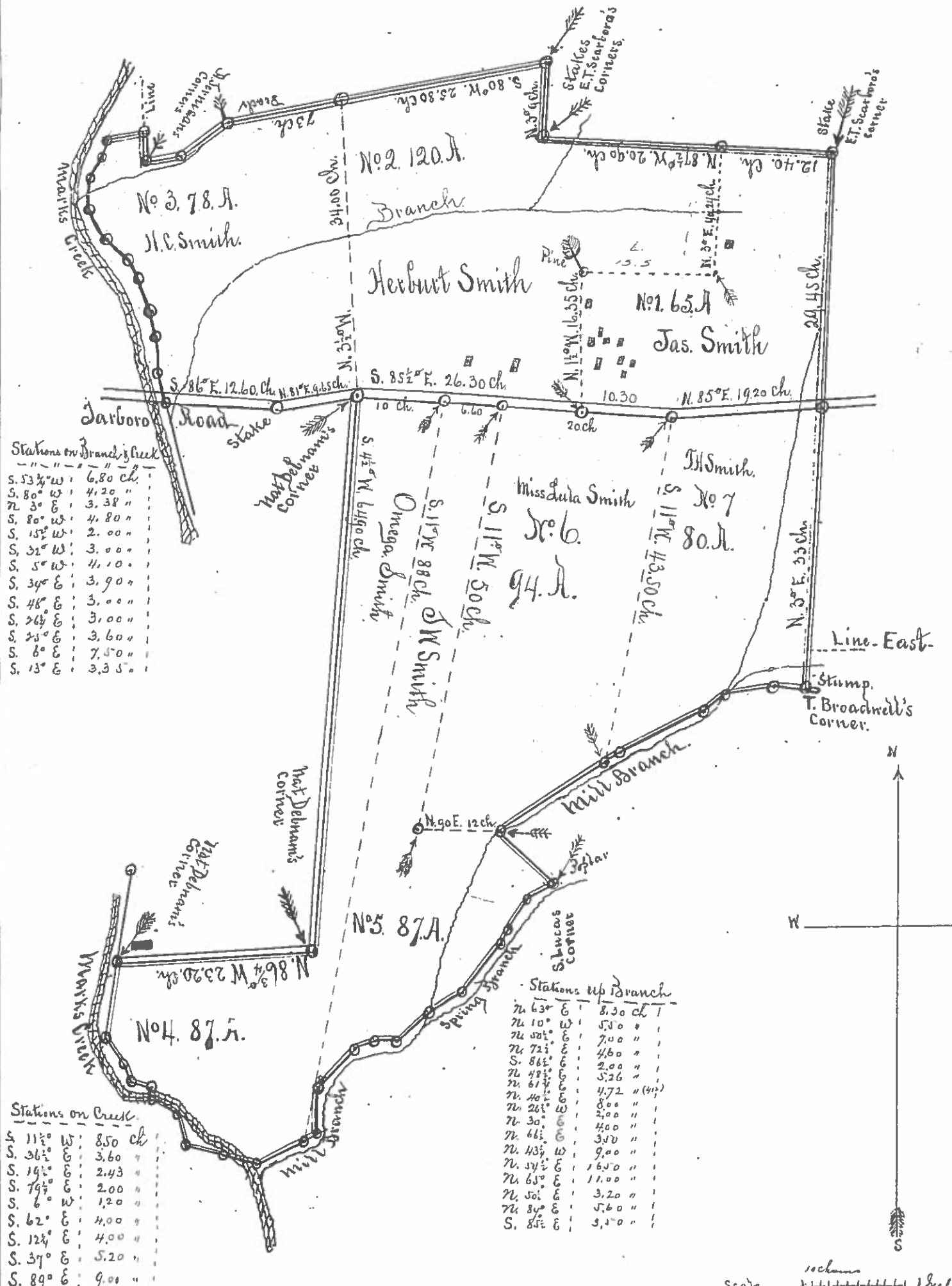
Sincerely,



Richard Hibbits
NAI Carolantic Realty, Inc.
Suite 200
5121 Kingdom Way
Raleigh, NC 27607







Wendell gravesite – genealogical study July, 2016

The objective of this genealogical project was to determine the living descendants of John William Smith and his wife Augusta Avery Smith. The online genealogical databases used for this project included: Google.com, Ancestry.com, FamilySearch.org, Findagrave.com, BillionGraves.com, Fold3.com, and FindMyPast.com*. Emphasis was placed on locating living descendants in the state of North Carolina. United States Federal Census records were used to establish the names and ages of the children of John William Smith and his wife Augusta. Those children were: Thomas H. Smith, James Smith, John W. Smith, Jr., Augusta A. Smith, Henry C. Smith, Alpha Smith, Omega Smith, Herbert Smith and Lula Smith.

- Two of the children could only be found in the 1880 and/or 1900 Federal Census. Those children included: Augusta A Smith (1873-) and Alpha Smith (1879-). No further genealogical information could be obtained for them.
- Three of the children left the state of North Carolina to live in Virginia. They included: Henry C. Smith (1876-), Omega Smith (1879-), and Thomas H. Smith (1867-).
- Four of the children continued to reside in North Carolina. They included: James Smith, John William Smith, Jr., Herbert Smith, and Lula Smith Pruett. North Carolina Certificates of Death are available for all of these children except James and that document includes the place of internment for each. Finding any living descendants of these family members was the primary objective of the research.

Of the children who remained in North Carolina, these are the findings:

- **James Smith (b. 1868-).** No death date could be found for James. James' daughter Sudie appeared in the 1900 & 1910 US Federal Censuses living with her father James in the Marks Creek Area. According to the 1905 property deed, James was married to Margaret H. Records for Margaret were not found. James was listed as widowed in the 1900 & 1910 US Federal Censuses.
 - Sudie Smith (b. 1894-) may have been Sudie Florence Martin. US Federal Census records for 1930 & 1940 show Sudie living with husband Adolphus in Rutherford, NC with children Mary W. Martin and S. Carson Martin. Further research revealed no additional records for either of Sudie's daughters. Sudie Martin died in 1991, so the death certificate is only available to direct line descendants, but the online index indicates her father's last name was Smith. She is buried in Knightdale United Methodist Cemetery with her husband Adolphus Carson Martin.
- **John William Smith, Jr. (b. 1872/d. 1945).** A North Carolina Death Certificate is available for John William Smith, Jr. He was living in Norlina, Warren County, NC at the time of his death but was interred in Buckwood-Boykins Cemetery, Boykins, VA on Feb. 27, 1945. His wife is listed as Frances Hodge Smith on the death certificate. In the Virginia, Select Marriages, 1785-1940 index, John Wm. Smith is listed as widowed and a spouse Harriot Badger Williams is listed for a marriage on June 25, 1932 in Richmond, VA. The 1940 Federal Census records for the Norlina area were searched page by page (note: name was mistakenly indexed as Jean William Smith) and John William Smith and his wife Harriet were living together with no other family members. The residence listed as of April 1, 1935 was St. Petersburg, Florida on the 1940 Census. A search of the 1930 Federal Census did not locate John William in St. Petersburg.

- **Herbert Smith (b. 1882/d. 1927)** A North Carolina Death Certificate indicates that Herbert Smith died in 1927 in Roanoke Rapids at the age of 44. The North Carolina Wills and Probate Records for Herbert Smith lists heirs as Eula Agnes Smith, Herbert Smith, and John William Smith. A record for John W. Smith, son of H. & E.A. Smith (b. 21 May 1925 and d. 4 Feb. 1928), was located in the FindAGrave.com website in the same cemetery as Herbert Smith, the Sunset Hill Cemetery in Littleton, NC. An index for North Carolina, Deaths, 1906-1930 reveals John William Smith born in Littleton May 1925 and died 4 Feb 1928 with father Herbert Smith and mother Agnes Crawley. Records were unable to be found for son Herbert Smith, Jr.
- **Lula Smith Pruitt (b. 1887/d. 1922)** Lula Smith Pruitt married William G. Pruett on Oct. 25, 1910 and had four children: Alpha Pauline Smith, Omega Josephine Pruitt, William G. Pruitt, Jr., and Helen M. Pruitt.
 - **Alpha Pauline Pruitt (b. 1915/d. 1999)** Alpha Pauline never married per the North Carolina, Death Indexes, 1908-2004 record. She is buried in Creedmoor Cemetery in Granville County, NC. In her obituary, her survivors include her sister Helen P. Read of Newport News, VA and 3 surviving nieces: Betsy N. Dixon of Butner, Roberta Griffin of Newport News, VA, and Barbara Pruitt of Petersburg, VA.
 - **Omega Josephine Pruitt (b. 1915/d. 1991)** Omega married Almous Allen "Jerry" Chappell and appeared in the 1940 US Federal Census as married and living with A A Chappell in the Dutchville Township in Creedmoor, NC. No other residents are listed in the same dwelling. It is unknown whether Omega Josephine and Almous Allen had any children.
 - **William G. Pruitt, Jr. (b. 1918/d. 1985)** William Graham Pruitt, Jr. is listed in a US City Directories, 1822-1995 living in St. Petersburg, VA in 1952 with wife Freeda Pruitt. He is buried in Enon, Chesterfield County, VA. No children were found.
 - **Helen M. Pruitt (b. 1920/d. 2006)** Helen Pruitt married Robert F. Read and per the 1940 Census had one daughter, Roberta H. Read who was under a year old. Roberta Griffin of Newport News, VA, was listed in Alpha Pruitt's obituary. According to the obituary, Helen moved to Newport News in 1996. Her daughter Roberta appears to be Helen's only child.

Notes:

*Of the online databases used for searching, FamilySearch.org, BillionGraves.com and FindAGrave.com are free database that anyone from the public can view. The remainder of database require a subscription. Supporting documents can be made available if needed. Some URLs are included in the attached spreadsheet for source documents.

[illegible]

The only Smith descendant still living in the vicinity of Wendell:

Alpha Pauline Pruitt: 1915-1999 (Daughter of Lula Smith and William G. Pruitt)
Below is an obituary identifying the only Smith descendant still living in the area:

CREEDMOOR -- ALPHA Pauline PRUITT, 83, a former resident of Dogwood Avenue, died Wednesday, March 3rd at Brantwood Nursing Home Center.

A native of Mecklenburg Co., VA. the daughter of the late W. Graham and Lula Smith PRUITT. A member of the First Baptist Church and was retired as a nursing supervisor at John Umstead Hospital.

Funeral services will be conducted at 11:00 a.m. Friday at Eakes Funeral Chapel in Creedmoor by Rev. Don Brown. Burial will be in Creedmoor Cemetery.

Surviving are one sister, Helen P. Read of Newport News, VA.; three nieces, Betsy N. Dixon of Butner, Roberta Griffith of Newport News, VA., and Barbara PRUITT of Petersburg, VA.

On June 2, 2016 and July 7, 2016 Ms. Betsy N. Dixon was called by Richard Hibbits of NAI Carolantic Realty.

On both occasions, a machine answered the phone call and a message was left. The message identified the caller and the purpose of the call: to locate a descendant of the Smith family to inquire about an unmarked grave located in the Wendell area. Ms. Dixon did not return either call.

AFFIDAVIT OF PUBLICATION

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Ad Number
0002540333

Advertiser Name: ANDERSON
Address: 313 OLD BATTLE BRIDGE ROAD
WENDELL, NC 27591



Before the undersigned, a Notary Public of Wake County North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared R. C. Brooks, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of The News & Observer Publishing Company a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, in the City of Raleigh, Wake County and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for ANDERSON was inserted in the aforesaid newspaper on dates as follows:

06/30/2016, 07/07/2016, 07/14/2016, 07/21/2016



R. C. Brooks
R. C. Brooks, Accounts Receivable Specialist
Wake County, North Carolina

Sworn to and subscribed before me
This 21st day of July, 2016

My Commission Expires:

FEB 17 2020

Wendy D. Hakem
Notary Signature