



DATE: January 22, 2019

TO: Guilford County Board of Commissioners
Alan Branson, Chairman
Justin Conrad, Vice Chair
Jeff Phillips
Carolyn Q. Coleman
Katie S. Cashion
J. Carlvena Foster
Hank Henning
Alan Perdue
Melvin "Skip" Alston

CC: Marty Lawing, County Manager
Mark Payne, County Attorney

FROM: JoAnne L. Carlyle, City Attorney

RE: Removal of Grave pursuant to N.C.G.S. §65-106, Oakwood Memorial Park,
City of High Point, North Carolina

The City of High Point is the owner of the Oakwood Memorial Park Cemetery, located at 312 Montlieu Ave., High Point, 27626 ("Oakwood"). This letter intends to serve as certification to the Board of Commissioners, required by N.C. Gen. Stat. § 65-106, that disinterment and reinterment of an unknown decedent buried in a plot within Oakwood is reasonably necessary for the City to perform its governmental functions and the duties delegated to it by law.

Previously, a large section of Oakwood was owned and operated as a cemetery by Charlie C. Dye doing business as The Park Cemetery Company ("Mr. Dye's Property"). The other section of Oakwood was owned by the City. Located within Oakwood is a plot deeded by the City of High Point to a Mr. Joe Williard on July 8th, 1987 [Guilford Parcel Number 0189757] (the "Plot").

Due to an unclear reference in the City's deed to a portion of Oakwood that it previously owned adjacent to Mr. Dye's Property, the City and Mr. Dye both claimed ownership to what is now Mr. Williard's Plot. The City has maintained records showing the Plot in question was

PPAB 4631978v1

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA

Phone: 336.822.4745 Fax: 336.883.2129

E-mail: joanne.carlyle@highpointnc.gov

deeded to Mr. Williard. Mr. Dye did not keep or did not transfer to the City any records from which the City reasonably could determine that he had deeded any of the Plot to another individual.

However, by letter, Mr. Williard brought to my attention that he had been working with Mr. Dye since 2011 to disinter and reinter three graves determined to have been wrongfully placed on the Plot deeded by the City to Mr. Williard. As of the date of this letter, one grave relocation remains unresolved (the “Unknown Decedent”).

On May 26, 2015, the City took fee simple to the section of Oakwood previously owned by Mr. Dye. This transfer resolved any dispute that the City owns the section of Oakwood in which the Plot is located. However, the City cannot be certain that Mr. Dye did not at some point prior to 2015 deed the plot in question to another individual, including the Unknown Decedent.

Since the initial notification provided by Mr. Williard, the City has diligently worked to identify the Unknown Decedent, identify any next of kin, determine whether any records show that Mr. Dye deeded the plot in question to any individual, and find a suitable cemetery for reinterment of the grave. The Unknown Decedent has no grave marking, headstone, or other method of identification. No records obtained by the City during the purchase of Oakwood contain a record of the burial of the Unknown Decedent. A map of the location of the Williard Plot and grave of the Unknown Decedent is included here as an attachment for your reference.

Statutory Requirements for Disinterment

Pursuant to N.C. Gen. Stat. § 65-106(a)(1), the City of High Point seeks to effect the disinterment, removal, and reinterment of the Unknown Decedent as such disinterment and reinterment is necessary for the City to perform its governmental functions.

By this letter, the City intends to demonstrate to the Board its adherence to statutory requirements prior to disinterment and its intent to perform additional requirements after reinterment.

Notice of intention to disinter, remove, and reinter the Unknown Decedent has been published at least once per week for four successive weeks in the *High Point Enterprise*. The first publication was Friday, November 2, 2018. The final publication was November 23, 2018. Because Mr. Dye did not keep adequate records of the plot in question, the City is presenting this certification to the Board only after a diligent review of the records available, discussions with persons who might have known the identity of the Unknown Decedent, and notice provided in the *High Point Enterprise* for four consecutive weeks. As of the date of this letter, the City has received no response to the notices. As required by statute, disinterment will occur more than 30 days after the first date notice was published.

The plan of disinterment, removal, and reinterment is attached along with the map of the Unknown Decedent’s current location and proposed reinterment location. The plan is to be performed by Mr. Larry Wright of Wright Cremation & Funeral Service, a funeral director duly licensed as a “funeral director” or a “funeral service licensee,” as required under N.C. Gen. Stat. § 65-106(f). Additionally, pursuant to N.C. Gen. Stat. 65-106(g), the disinterment, removal, and

reinterment “shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county where the disinterment, removal, and reinterment take place.”

In accordance with G.S. § 65-106(f), the site of reinterment is a suitable grave also located within the Oakwood Memorial Park, owned by the City, and is reasonably accessible to any and all relatives of the Unknown Decedent who may become known in the future as it is only 30 feet from its original location.

Enclosed please find a copy of the relevant statute for your reference, a copy of the notice that was published in the *High Point Enterprise*, a map and description of the Williard Plot in Oakwood Cemetery, and a map of the new location for the Unknown Decedent.

Sincerely,



JoAnne L. Carlyle

Attachments