

Hamilton County Cemetery Commission

384 North 11th Street, Noblesville, IN 46060-2146

10 December 2005

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To: Board of Commissioners
Hamilton County, Indiana.

First I must apologize for being late in submitting this report. The undersigned, on 25 November 2005 had what has been termed, a "mini-stroke" and has been hospitalized since that date. I trust that the delay will not cause any difficulty that taking of any action required by the contents herein.

As a follow-up on last years report as to the Burke Cemetery in Fall Creek Township and the Taylor Cemetery in Jackson Township, we reported a year ago that we had replaced the gate and padlock leading back to Burke Cemetery. In early 2005 the undersigned did testify as to our costs in making this expenditure in the trial of the person responsible for the destruction of the previous barrier we understand that our costs have been added to costs rendered by the Court. So far we have heard nothing about any reimbursement to the commission and are not sure that anything further will coming as a result of this suit.

As to Taylor Cemetery, this cemetery because of its remote location has been frequently been visited by vandals. We caused a locked gate to be installed near the end of the lane in order to prevent the driving of automobiles back to the cemetery and knocking over tombstones. In both instances we have provided for a walkway entrance for legitimate person to have access to the cemetery.

In McCarty and Kaufman Cemeteries in Jackson Township vandals had overturned tombstones. We have reset 14 stones in McCarty and have 2 more to reset there. We have also reset 2 tombstones in Kaufman located northeast of Arcadia. Two trees that had fallen in McCarty Cemetery and took down two sides of the fence, the trees have been removed by the Trustee of Jackson Township and the fence repaired.

As noted in last years report, we have been in contact with officials of Washington Township regarding the attempt by the Trustee to turn over a portion of Pleasant View Cemetery on 203rd Street to the Township's Park Department for a park and we have recently received a letter from the law firm of Baker & Daniels stating that the Representative of Washington Township at our meeting held in September 2004 did not agree to remove the sign stating that this cemetery was in fact "Pleasant View Park". This not true as evidenced by the minutes of our meeting, as well as the recollections of the members of our commission present at that meeting. We have conducted research on the title of this cemetery and found that in 1890 it had been conveyed to t

the Methodist Episcopal Church of Hamilton County, Indiana for the purpose of providing a burial place for members of the Methodist Episcopal Church of Hortonville. In as much as the care and maintenance of this cemetery has long ago been abandoned, this commission on its formation in 1975 had removed brush and weeds and determined that from the remaining tombstones that the maintenance and care of this cemetery properly belonged to the township trustee. Later, the trustee asked for our assistance in resetting tombstone, which we did. Still later, a story in the "North" Section of the Indianapolis Star indicated that in three cemeteries in the Westfield area were losing at least one tombstone each year. We checked these cemeteries and found that in comparing to listing made in the early 1970's there were no stones missing. We did, however, erect fencing in all three of these cemeteries but due to the lateness in the year and our part time help being no longer available to us, we erected these fences around the existing tombstones and not necessarily on the cemetery property lines. We contacted the proper authorities of the present day Methodist Church and in January 2005 received a letter saying they would convey this cemetery to the County. Not receiving a deed, we wrote them on two different occasions and received no reply. Finally realizing that in this church pastors are assigned by the higher levels of the church, which was the case in question. Starting over, we found out that the United Methodist South Indiana Conference, Inc. was that proper organization and that they meet twice a year and they would bring up the matter of a deed. I received a deed and took it to the transfer office before recording. I was surprised that the transfer office refused to transfer this deed because one week, to the day, prior to my presenting our deed, this cemetery land was transferred to the Trustee of Washington Township by a decree quieting title t this land. Fred Swift, the Commissioners Assistant, directed me to Darren J. Murphy, Assistant Hamilton County Attorney, and I have met with him and left with him copies of our minutes and various other documents. I have received a letter dated 6 December 2005 from Mr. Murphy indicating that he had talked to David Gill and I interpret his letter to mean that he is accepting the quiet title of the Trustee among other statements including the promise of the trustee to next year conduct a survey of the land to see if the remaining portion of the described cemetery land actually contains graves. I know of people who can testify that the entire land was covered with graves although at the present time many of the tombstones are either buried or removed from this cemetery. I am sorry, but my previous experience with this particular trustee does not lead me to give much credence to what he is saying. I wish Mr. Murphy would consider asking the court to vacate its order quieting title in the Trustee primarily because the persons this title was rendered against was not and had never was the owner of this land. (Note: the decree quieting title verifies this fact.) I have not been able to see that the Methodist Church the legitimate owner of this land was ever made a party this action. In fact the only interest in this land that the trustee has is under IC 23-14-68-1 thru 5 and I fail to see this law giving any title to the trustee. The county commission does have a monetary interest in this cemetery as follows: 1. Original clean up. 2. resetting and re-assembling of tombstone and erection of the present fence on this cemetery land plus a present deed from the Methodists to Hamilton County (not yet recorded because of the quiet title decree. I do not feel that title can be quieted when the present owner is still in existence.

We are still in the process of obtaining deeds for Weaver Cemetery. Title of which rests with William Winship Conner who took title in 1842 and still had title at the time of his death in 1890.

We feel that it is important to have title for this cemetery in the name of Hamilton County because of the proximity of a gravel mining operation adjacent to this cemetery.

Due to the state of my health and also the fact that I have served 30 years as the Chairman of the Hamilton County Cemetery Commission, I feel that I should not accept another regular appointment to this commission but if the Honorable Board of Commissioners could see fit to make an appointment of me as a Member Emeritus I could then feel free to advise and continue to work for the solution of the Pleasant View and Weaver Cemeteries problems. If this possible, then I would like to recommend that Marion Hensley, presently Trustee of Fall Creek Township to replace me on the Hamilton County Cemetery Commission. The remainder of the present commission members wanted me to continue on this commission, but I feel if the above arrangement could be made that it would be best the for the commission and myself.

I have enjoyed the commissions work during the past thirty years and honestly feel that this commission has performed very well during that time. The many words of thanks concerning the condition of many of Hamilton Counties pioneer cemeteries has been most gratifying.

Respectfully,

Joe H. Burgess

JHB/jb

Copies to:
Hamilton County Board of Commissioners
Hamilton County Counsel
Indiana Historical Board
File

Financial Report

Balance forward November 30, 2004 \$16,424.24

Receipts:

Annual Appropriation \$19,000.00

Interest on Account \$ 129.80

Sub-Total \$35,554.04

Disbursements:

Labor	\$12,992.00	
Trips	\$ 1,000.00	
Reimbursements	\$ 351.35	
Title and Lien Search	\$ 175.00	
Bureau of Motor Vehicles	\$ 24.75	
Postage	\$ 74.00	
Farm Plan Repairs	\$ 427.23	
Barn Rental	\$ 120.00	
Ditch Assessment	\$ 10.00	
Glidden Fence Company	\$ 840.00	
Administrative Expenses (Staples)	\$ 24.99	
Search for Heirs (Weaver Cemetery)	\$ 146.88	
McCarty Cemetery Clean-up	\$ 240.00	
Noblesville Monuments	\$ 635.00	
Martha Gascho, Attorney Fees	\$ 19.00	
Pleasant View Cemetery Fees	\$ 23.00	<u>\$17,103.20</u>

Balance forward November 30, 2005 \$18,450.84

Balance forward on Savings Account November 30, 2004 \$ 1,847.08

Receipts: Interest \$ 27.92

Disbursements: \$ 0.00

Balance forwarded on Savings Account December 4, 2005 \$ 1,875.00

Checking Account is broken down as follows:

Operating Account \$ 15,112.91

Reserve Account \$ 3,338.09

Name of Cemetery	Mowed (No.)	Tree & Shrubs	Fenced	Stone Work
Strawtown	X (19)	X		
Buscher	X (19)	X		
Hurlock	X (19)	X		
Hammack (Lamong)	X (16)	X		
Philips	X (16)	X		
Greenwood	X (14)	X		
Thos. B. Moore	X (14)	X		
Burke	X (11)	X		
Teter	X (8)	X		
Lennen	X (11)	X		
Bradley	X (10)	X		
Finch	X (10)	X		
Henry Gasho	X (10)	X		
Moppis	X(11)	X		
Burris	X (8)	X		
Faucett	X (8)	X		
Little Carey	X (6)	X		
Taylor		X		
Helms		X		
McKay		X		
McCarty		X	X (Repair)	X
Kaufman				X