

**COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT**

RESOLUTION NO. 2023-125

WHEREAS, KRS 381.755 permits a property owner upon which an abandoned grave or cemetery is located to petition the Fiscal Court to order that remains be allowed to be moved;

WHEREAS, Shamrock Properties XXII LLC is the owner of property located at 426 Hutcherson Lane, Elizabethtown KY, identified as Tract 1 in Deed Book 1541, Page 265 in the office of the Hardin County Court Clerk, and the owner has petitioned the Hardin Fiscal Court by letter dated April 13 to allow the remains located there to be removed to a more suitable location on the same property;

WHEREAS, it is presumed that a grave has been abandoned if it has been untended for 10 or more years, and the property owner has testified to such through sworn affidavit of the majority owner of Shamrock Properties XXII LLC, Ellen Weinstein, as well as the testimony of their agent Larry Phillips of Phillips Brothers Construction Inc.;

WHEREAS, the property owner has advertised a Public Notice published in the News Enterprise on April 14 notifying the public of the desire to remove and relocate remains located on their property and of the date and time of this matter being heard by Fiscal Court today;

WHEREAS, the property owner now having testified through affidavit and through their contractor that all evidence indicates that the remains have been abandoned and that Shamrock Properties XXII LLC will pay all expenses associated with the removal and relocation of the remains; and

WHEREAS, no one else having appeared to speak on the matter before Hardin Fiscal Court;

NOW THEREFORE BE IT RESOLVED as follows:

1. That the remains found at the property located at 426 Hutcherson Lane, Elizabethtown KY, are abandoned;
2. That it is in the best interests of the property owner to remove and relocate the remains to a more suitable location on the property;
3. That the property owner, Shamrock Properties XXII LLC, is hereby authorized to remove and relocate the remains and shall pay all expenses associated with such.

This Resolution duly made, adopted and effective on this 13 day of June, 2023.



Keith L. Taul
Hardin County Judge/Executive

Attest:



Brian D. Smith
Hardin County Clerk

Prepared:



Jennifer B. Oldham
Hardin County Attorney

COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT

AFFIDAVIT OF MOUSER HOLDINGS, LLC and SKI PARTNERSHIP, LLC

The Affiant, J. Stephen Mouser, Authorized Agent of Mouser Holdings, LLC and SKI Partnership, LLC, being duly sworn, deposes and states:

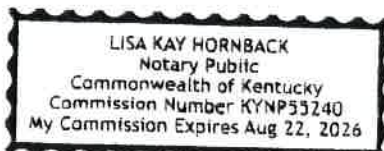
1. I have personal knowledge of the matters upon which I am testifying.
2. I am an adult individual of sound mind.
3. On or about September 15, 2022, property owned by Mouser Holdings, LLC and SKI Partnership, LLC, was sold to Shamrock Properties XXII, LLC, more specifically identified in a deed recorded in Deed Book 1541, page 265 in the office of the Hardin County Court Clerk.
4. I was the Authorized Agent signing on behalf of Mouser Holdings, LLC and SKI Partnership, LLC, in the above transaction of property.
5. I was aware of the presence of a burial site located at the edge of the 426 Hutcherson Lane property, but I have no personal knowledge of its origin. To my knowledge, there was never any visitation, upkeep, or maintenance of the graves by any persons purporting to be next of kin during my fifteen-year ownership of the property.
6. Further Affiant sayeth not.



J. Stephen Mouser

Authorized Agent
Mouser Holdings, LLC and SKI Partnership, LLC

STATE OF KENTUCKY
COUNTY OF HARDIN

The foregoing instrument was this 19th day of May, 2023, acknowledged before me by J. Stephen Mouser, to be his free act and deed, and the free and act and deed of Mouser Holdings, LLC and SKI Partnership, LLC.




Notary Public, Kentucky State at Large
My commission expires: 8/22/2026
Notary ID: KYNP55240

April 13, 2023

Keith Taul, Hardin County Judge/Executive
100 Public Square
Elizabethtown, Kentucky 42701

RE: Cemetery Removal

Dear Judge Taul:

It has come to the attention of Ellen Weinstein, on behalf of Shamrock Properties XXII LLC, that an unmarked and unnamed grave or cemetery exists on property located near 426 Hutcherson Lane, Elizabethtown. Specifically, the grave or cemetery is located on that property formerly owned by Ski Partnership, LLC and Mouser Holdings, LLC, which was acquired by Shamrock Properties XXII LLC by deed recorded in Deed Book 1541, page 265 in the office of the Hardin County Court Clerk, identified as Tract 1 in the above recorded deed.

The grave or cemetery should be removed and relocated in order to utilize the subject property for building of apartments and to best preserve and maintain the graves. Therefore, Ellen Weinstein, as majority owner of Shamrock Properties XXII LLC, respectfully requests the Hardin County Fiscal Court to authorize removal and relocation as provided in KRS 381.755 through .760. Shamrock Properties XXII LLC fully understands and accepts responsibility, including the financial responsibility for removing and relocating the abandoned grave or cemetery as provided for by law. Phillips Brothers Construction Inc. has been retained to contract all required removing and relocating in a professional and workmanlike manner. The graves will be relocated on the same property as they have been found.

Please contact me should you have any questions concerning this matter.

Sincerely,



Ellen Weinstein, Member
Shamrock Properties XXII LLC