

**In the Circuit Court of Tucker County, West Virginia**

**Department of Transportation,**  
Plaintiff,

v.

Case No. CC-47-2023-P-2  
Judge Lynn A. Nelson

Defendants

**Order Allowing the Disinterment, Relocation and Reinterment of Human Remains**

This day came the Petitioner, the West Virginia Department of Transportation, Division of Highways, on its Petition for Entry of an Order Allowing the Disinterment, Relocation and Reinterment of Human Remains. Following a review of the Petition and documents filed in support of the Petition, the Court does GRANT the same and does ORDER as follows:

The Petitioner shall retain the services of a local funeral home to excavate on said property, to the necessary depth and dimensions, to properly remove any existing remains of William H. Parsons and Hester Parsons. If other unknown graves or remains are located during the excavation process, the Petitioner may also have the funeral home remove said remains. Upon the removal of all known graves, the Petitioner shall trench to search for any additional graves, so as to insure that all remains have been removed. In lieu of trenching, the Petitioner may use the open pit method to remove the earth in the burial are to no less than 3 feet and then probe the area to determine if additional burial plots are present.

All of the body, or last remains located during said excavation, including such jewelry, identification marks, and such other items, shall be removed from each grave and be transferred to the new grave site designated by the Petitioner.

The grave site(s) designated by the Petitioner shall be dug to a depth specified per the regulations of the perpetual cemetery where the remains shall be reintered. The remains shall be placed in a vault or grave liner per the requirements of the perpetual care cemetery. Each grave space shall be marked with a wood stake prior to reinterment and the grave identification marked on the stake for grave identification by the inspector in charge of the funeral home retained to perform the service. Stakes that protrude above the ground service shall be removed prior to completion of the work. The funeral home trained by the Petitioner shall furnish marble or

granite markers for all unknown graves and for those graves identified which had no identifying marker.

Any other actions needed in the disinterment, relocation and reinterment process shall be conducted in compliance with the Specifications for Disinterring and Reinterring the Remains of Decedents published by the West Virginia Department of Transportation, Division of Highways, Right of Way Division.

**/s/ Lynn A. Nelson**  
Circuit Court Judge  
21st Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtswv.gov/e-file/](http://www.courtswv.gov/e-file/) for more details.