



**TENNESSEE HISTORICAL COMMISSION
 TENNESSEE HERITAGE PROTECTION ACT OF 2016
 PETITION FOR WAIVER COVER SHEET**



In accordance with T.C.A. § 4-1-412, an initial hearing before the Tennessee Historical Commission on a petition for waiver shall be scheduled at any regular Commission meeting no sooner than 60 calendar days after a petition is filed. Regular meetings of the Tennessee Historical Commission are normally held on the third Friday of February, June, and October. This cover sheet is designed to aid in the review of the petition for waiver. Refer to T.C.A. § 4-1-412 for procedural and term definitions.

Petition Date: August 14, 2019

Petitioning Entity: Sam Davis Memorial Association, Trustees & Directors

Contact Name: Jenny Lamb, Executive Director

Address: 1399 Sam Davis Road
 Smyrna, TN 37167

Phone Number: 615-459-2341

Email Address: director@samdavishome.org

Memorial Owner/Managing Entity (if different): same as above

Contact Name: same as above

Address: same as above

Phone Number: same as above

Email Address: same as above

Memorial Name or Description: Sam Davis Home

Memorial Type (check all that apply):

- | | | | |
|-----------------------------------|---|---|---------------------------------|
| <input type="checkbox"/> Artwork | <input type="checkbox"/> Historic Display | <input type="checkbox"/> Plaque | <input type="checkbox"/> Statue |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Memorial | <input type="checkbox"/> Preserve | <input type="checkbox"/> Street |
| <input type="checkbox"/> Building | <input type="checkbox"/> Monument | <input checked="" type="checkbox"/> Real Property | |
| <input type="checkbox"/> Bust | <input type="checkbox"/> Nameplate | <input type="checkbox"/> Reserve | |
| <input type="checkbox"/> Flag | <input type="checkbox"/> Park | <input type="checkbox"/> School | |

001

Memorial Subject Category (check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Historic Conflict | <input checked="" type="checkbox"/> Historic Figure |
| <input checked="" type="checkbox"/> Historic Entity | <input checked="" type="checkbox"/> Historic Organization |
| <input checked="" type="checkbox"/> Historic Event | |

Memorial Subject Description:

See attached Exhibits

Memorial Location Description:

See attached Exhibits

Memorial GPS Coordinates: Lat. 35.9911746, Long. -86.5016597

Memorial Location City: Smyrna, Tennessee

Memorial Location County: Rutherford County, Tennessee

Waiver Type:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Alteration | <input type="checkbox"/> Removal |
| <input type="checkbox"/> Rededication | <input type="checkbox"/> Renaming |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Other Disturbance or Alteration |

Waiver Type Description:

A request to sell up to four (4) vacant acres at approximately the Southeast most corner of the 168 acre property.

Basis Upon Which Waiver is Sought:

To obtain the necessary funds to address the substantial, immediate, and necessary maintenance and repairs of the historic structures on the Sam Davis Home Property.

002

Required Attachments:

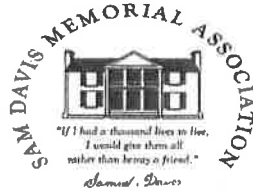
- Proof that the memorial is or is located on public property
- Proof that the petitioning entity is a public entity exercising control of the memorial
- Detailed statement of the request and the basis upon which the waiver is sought
- Report(s) showing that there is a material or substantial need for a waiver based on historical or other compelling public interest
- Excel spreadsheet listing the names and addresses of any private entities, groups, or individuals, including, but not limited to, descendants, that may have an interest in receiving notice of the petition
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity on the website of the petitioning entity
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving the area of the memorial
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving Davidson County
- Photograph(s) of the memorial

Deliver completed cover sheet and attachments to:

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37214
Patrick.McIntyre@tn.gov
615-770-1550

003

SAM DAVIS MEMORIAL ASSOCIATION



PETITION FOR WAIVER



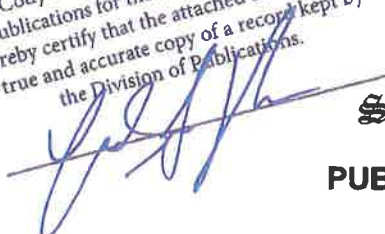
EXHIBIT 1

MEMORIAL IS PUBLIC PROPERTY



AUGUST 14, 2019

I, Cody York, Director of the Division of Publications for the Department of State, hereby certify that the attached document is a true and accurate copy of a record kept by the Division of Publications.



State of Tennessee

PUBLIC CHAPTER NO. 782

HOUSE BILL NO. 2681

By Representative Sparks

Substituted for: Senate Bill No. 2722

By Senators Ketron, Reeves

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the Sam Davis home.

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-301; and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-307, provides that the State may revoke such trust at will; and

WHEREAS, the Sam Davis Memorial Association has requested permission to sell a portion of the property to finance repairs and upkeep of the property; and

WHEREAS, it has been determined that the purpose of the trust created by Tennessee Code Annotated, § 4-13-301 can be fulfilled after the separation from the trust of the below described property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Pursuant to Tennessee Code Annotated, § 4-13-307, the trust created by Tennessee Code Annotated, § 4-13-301 is hereby revoked in part, such partial revocation to apply to the following property:

A parcel of land in the Town of Smyrna, Rutherford County, Tennessee, bounded on the north and west by the remaining land of the Sam Davis Memorial Association (map 27, parcel 6.00), on the east by the west right-of-way for Nissan Drive and on the south by the north right-of-way for Sam Davis Road, being described as follows:

Beginning at a point at the intersection of the north right-of-way for Sam Davis Drive and the west right-of-way for Nissan Drive; thence with the north right-of-way for Sam Davis Drive, westerly, 52 feet more or less; thence with a new line severing the lands of the Sam Davis Memorial Association, being parallel with the west right-of-way for Nissan Drive, northerly 678 feet more or less; thence easterly, 275 feet more or less to a point in the west right-of-way for Nissan Drive; thence with the west right-of-way of Nissan Drive, in a southerly direction, 450 feet, more or less to the beginning of a curve to the right; thence with the west right-of-way for Nissan Drive, with a curve to the right, 353 feet more or less to the point of beginning, having an area of 4 acres, more or less.

SECTION 2. Section 1 shall be effective only upon the Sam Davis Association obtaining a waiver under the Tennessee Heritage Protection Act from the Tennessee Historical Commission, pursuant to Tennessee Code Annotated, § 4-1-412. If the Sam Davis Association is granted a waiver, then the property described in Section 1 reverts to the Sam Davis Memorial Association and does not revert to this state. The Sam Davis Memorial Association may sell the property and use the proceeds to finance repairs and upkeep of the property remaining in the trust.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2681

PASSED: April 5, 2018


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY MCNALL
SPEAKER OF THE SENATE

APPROVED this 19th day of April 2018

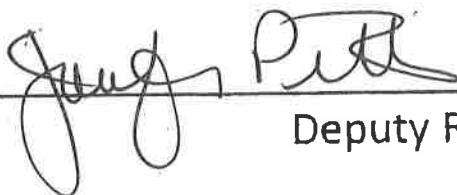

BILL HASLAM, GOVERNOR

REGISTER'S OFFICE, RUTHERFORD COUNTY, TENNESSEE

I, Heather Dawbarn, Register of Rutherford County, Tennessee, do hereby certify that the foregoing is a true and correct copy of the instrument appearing of record in said Register's Office in Book 222, Page 181.

WITNESS MY HAND AND OFFICIAL SEAL, at office in Murfreesboro, Tennessee, this 26th day of July, 2019.

HEATHER DAWBARN, REGISTER

By: 
Deputy Register

State of Tennessee



Department of State

To all to whom these Presents shall come, Greeting:

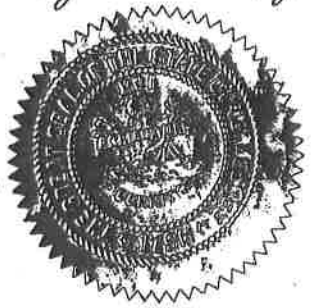
I Joe C. Carr, Secretary of State of the State of Tennessee, do hereby certify that the annexed is a true copy of

CHAPTER 91
HOUSE BILL NO. 389
PUBLIC ACTS OF 1931
HAYNES BALTIMORE
ASSESSOR OF PROPERTY
RUTHERFORD, COUNTY
FEE 50c TRANSFER DATE 7-2-73

the original, of which is now on file, and a matter of record in this office.

In Testimony Whereof, I have hereunto subscribed my Official Signature, and by order of the Governor affixed the Great Seal of the State of Tennessee, at the Department, in the City of Nashville,

this 2nd day of July
A.D. 19 73



Joe C. Carr
Secretary of State

326 Public Acts, 1931 Chapter 91

Figures \$230,000 in the second line of said Section and substitutes therefor and instead thereof, the figures \$1,200,000.

Sec. 2. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed July 1, 1931.

WARREN M. HAYNES,
Speaker of the House of Representatives.

A. B. BRADSHAW,
Speaker of the Senate.

Approved July 2, 1931.

HENRY H. HOKSON,
Governor.

CHAPTER NO. 91
HOUSE BILL NO. 389.

(By Mr. Wilson, of Van Buren)

AN ACT to authorize the Commissioner of Highways and public works to compensate Mrs. Hattie Elinore for injuries received through the negligence of an employee of the State Highway Department in the operation of a highway truck.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Commissioner of the Department of Highways and Public Works of the State of Tennessee is hereby authorized to compensate from the general highway fund Mrs. Hattie Elinore of Cumberland County, Tennessee, for injuries received by her through the negligence of a State employee in the operation of State Highway truck on the eighteenth day of June, 1927, on the public highway in said county. Pro-

Chapter 92 Public Acts, 1931 327

vided, however, that said settlement shall be subject to the approval of the Commissioner of Finance and Taxation, and not to exceed the sum of \$175.00.

Sec. 2. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 1, 1931.

WARREN M. HAYNES,
Speaker of the House of Representatives.

A. B. BRADSHAW,
Speaker of the Senate.

Approved July 2, 1931.

HENRY H. HOKSON,
Governor.

CHAPTER NO. 92.
HOUSE BILL NO. 518.

(By Mr. Zartman)

AN ACT to conditionally convey to a Board of Trustees for the Sam Davis Memorial Association a tract of land, including the home and grave of Sam Davis, and to provide for the upkeep thereof.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That a tract of land, being the same purchased from O. M. Davis, Jr., in 1927, by the Sam Davis Commission in the name of the State of Tennessee, be and is hereby conveyed in trust to the Sam Davis Memorial Association, and for said purpose the Governor shall appoint upon recommendation of the Sam Davis Memorial Association, nine discreet male white persons over the age of twenty-five years. They shall elect one of their members as president and one of

CERTIFIED COPY

COUNTY _____

BOOK NO. _____

BOOK _____

PAGE Chapter 92

TYPE RECORD Public Acts, 1931

TENNESSEE STATE
LIBRARY AND ARCHIVES

their members secretary. Five members shall constitute a quorum for the transaction of business and said Board of Trustees are hereby authorized and empowered to enforce such by-laws as may be necessary to put into operation and continual execution the objects and purposes for which this trust is created.

Sec. 2. *Be it further enacted*, That the objects for which this trust is created is to permit and encourage the Sam Davis Memorial Association to improve and beautify the Sam Davis home and other houses and grounds, in such manner as they may deem best, and to keep them in such high state of improvement and beauty, as will display to the world the respect, love and affection which should ever live in the hearts of an admiring people for their departed Boy Hero of the Confederacy.

Sec. 3. *Be it further enacted*, That in the event the Sam Davis Memorial Association should at any time fail, neglect or refuse to improve the house and grounds, and to keep them in a high state of beauty and improvement, then said houses and land and such other improvements as may be upon grounds, shall revert and to the State of Tennessee without compensation to the Trustee, Sam Davis Memorial Association or other corporation or person. And the State shall not be required to pay any money whatever for such improvements as the trustee, Sam Davis Memorial Association or other person or persons may have made upon said houses or lands, and there is hereby appropriated the sum of Eighteen Hundred (\$1,800.00) Dollars per annum for the maintenance and/or upkeep of the Sam Davis home, to be paid out of any funds in the Treasury

not otherwise appropriated, upon the warrant of the Comptroller, approved by the President of the Board of Trustees of the Sam Davis Memorial Association.

Sec. 4. *Be it further enacted*, That the Trustees appoint as provided in Section 1 of this Act shall each hold his office for four years, and until his successor shall have been appointed and qualified, and all vacancies by death, removal or expiration of term or otherwise, shall be filled by the Governor upon recommendation of the Sam Davis Memorial Association as provided in Section 1 of this Act, provided the State may revoke this trust at will.

Sec. 5. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this Act, be, and they are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed July 1, 1931

WARREN M. HAYNES,
Speaker of the House of Representatives.

Approved July 2, 1931

A. B. BONDWRIGHT,
Speaker of the Senate.
HESTER E. HENCOCK,
Governor.

RECEIVED July 2 1931 AT 2:10
CLOCK P.M. AND ENTERED IN NOTE BOOK 19
PAGE 240
HOMER JONES, Register
BY Martha E. Wright DEP. REG.

RECEIPT NO. _____

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of Chapter 92, Public Acts of 1931 (codified as TCA §4-13-301), and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931 (codified as TCA §4-13-307) provides that the State may revoke such trust at will, and

WHEREAS, it has been determined that the property described below is needed for public right-of-way purposes by the State Department of Transportation, and

WHEREAS, it has also been determined that the purpose of the trust created by TCA §4-13-301, such purpose being to maintain the Sam Davis Home and grounds in such manner as will display the respect which the people should hold for Sam Davis, can be fulfilled after the separation from the trust of the below described property for use as a public right-of-way;

NOW, THEREFORE, pursuant to Tennessee Code Annotated, Section 4-13-307, the trust created by TCA §4-13-301 is hereby revoked in part, such partial revocation to apply to the following described property:

Beginning at a point in the west margin of State Route 102, Sam Davis Road, said point being left 40.00 feet at station 348+09.35; thence with the proposed right-of-way; the following calls: (1) along a curve right having a radius of 1,949.86 feet for 135.62 feet (2) North 0 degrees 20 minutes 06 seconds West 67.73 feet (3) North 02 degrees 39 minutes 54 seconds West 1,416.62 feet to a point; thence South 88 degrees 21 minutes 06 seconds East 12 feet more or less to a point; thence with the said west margin of State Route 102 southwardly 1616 feet more or less to the point of beginning and containing 0.51 acres and being part of the same property conveyed by O. H. Davis and Wife, et al to the State of Tennessee, of record in Book 72, Page 45, Register's Office for Rutherford County, Tennessee.

In addition, said trust is also temporarily revoked in part as to the following seven parcels, such temporary partial revocation to be solely for the purpose of permitting the State, its contractors and permittees to use said seven parcels during and for the purpose of construction of the right-of-way on the above described property which is the subject of the permanent partial revocation:

PARCEL 1

Beginning at a point in the proposed right-of-way line, described above, said point being left 40.00 feet at station 349+42.18; thence with the said proposed right-of-way along a curve left having a radius of 1,949.86 feet for 135.62 feet to a point; thence the existing northwest margin southwardly 37 feet more or less to a point; thence northeastwardly 165 feet more or less along a temporary construction easement line to a point; thence eastwardly 15 feet more or less to the point of beginning.

PARCEL 2

Beginning at a point in the proposed right-of-way, described above, said point being left 41.05 feet at station 350+08.73; thence with the meander of the slope northwardly; and being at no time more than 5 feet from the said proposed right-of-way; thence 282 feet more or less to a point; thence with the said proposed right-of-way South 02 degrees 39 minutes 54 seconds West 280 feet more or less to the point of beginning.

PARCEL 3

Beginning at a point in the proposed right-of-way; described above, said point being left 40.00 feet at station 359+95; thence North 87 degrees 20 minutes 06 seconds West 20.0 feet to a point; thence North 02 degrees 39 minutes 54 seconds East 10.0 feet to a point; thence South 87 degrees 20 minutes 06 seconds East 20.0 feet to a point; thence South 02 degrees 39 minutes 54 seconds West 10.0 feet to the point of beginning.

PARCEL 4

Beginning at a point in the proposed right-of-way, described above, said point being left 40.00 feet at station 361+45; thence North 87 degrees 20 minutes 06 seconds West 20.0 feet to a point; thence North 02 degrees 39 minutes 54 seconds East 10.0 feet to a point; thence South 87 degrees 20 minutes 06 seconds East 20.0 feet to the point; thence South 02 degrees 39 minutes 54 seconds West 10.0 feet to the point of beginning.

PARCEL 5

Beginning at a point in the proposed right-of-way, described above, said point being left 40.00 feet at station 363+20; thence North 87 degrees 20 minutes 06 seconds West 20.0 feet to a point; thence North 02 degrees 39 minutes 54 seconds East 10.0 feet to a point; thence South 87 degrees 20 minutes 06 seconds East 20.0 feet to a point; thence South 02 degrees 39 minutes 54 seconds West 10.0 feet to the point of beginning.

PARCEL 6


Beginning at the point of intersection of the south boundary of Mavis Olerud property and the proposed right-of-way; thence with the said proposed right-of-way South 02 degrees 39 minutes 54 seconds West 1006 feet more or less to a point; thence with the meander of the slope northwardly and being at no time more than 5 feet from the proposed right-of-way; 1010 feet more or less to the point of beginning. Included in but excluded from this description are a portion of Parcels 3, 4, and 5.

PARCEL 7

Beginning at a point on the existing north right-of-way of State Route 102 being 25 feet north of proposed baseline station 27+10 more or less on highway project 75014-2217-04; thence northeastwardly 136 feet more or less along the north edge of a temporary construction easement to a point 32 feet more or less north of baseline station 28+45 more or less; thence meandering westwardly 140 feet more or less along said existing right-of-way to the point of beginning.

This revocation of trust shall not apply to any other part of the property held in trust by the Sam Davis Memorial Association, it being the intent that the trust created by TCA §4-13-301, continue with the sole exception that the property described above be removed from the trust for use for public right-of-way purposes.

The property described above is hereby assigned to the Department of Transportation for public right-of-way purposes.



Director, Real Property Management



Hubert L. McCullough, Commissioner
Finance and Administration




Commissioner, Department of Transportation



Lamar Alexander, Governor

APPROVED As To Form And Legality:



Assistant Attorney General

This Instrument Prepared By:
State of Tennessee
Real Estate Management
William R. Snodgrass Tennessee Tower
312 Rosa Parks Avenue, 22nd Floor
Nashville, Tennessee 37243-0300

Map 27
parcel 6.02

ACCESS EASEMENT AGREEMENT

Record Book
927 Pg 1769

This Agreement made as of this 4th day of May, 2009
between State of Tennessee, Department of Finance and Administration, the
Department of Environment and Conservation and the Sam Davis Memorial
Association acting by and through its Board of Trustees under the authority of
Tennessee Code Annotated, Section 12-2-12, Section 4-13-301 through Section 4-
13-307:

WITNESSETH:

Whereas, the State of Tennessee previously held record title to the Sam Davis
Historical Site located in Rutherford County, Tennessee;

Whereas, the State of Tennessee conveyed the Sam Davis Historical Site to
the Sam Davis Memorial Association in trust pursuant to Tennessee Code Annotated,
Section 4-13-301;

Whereas the State of Tennessee has a public purpose need to utilize a portion
of the Sam Davis Historical Site for an emergency access road for the use of the
Tennessee South Smyrna Facility; and

Whereas, the State of Tennessee, Department of Finance and Administration
and the Board of Trustees of the Sam Davis Memorial Association have agreed to
certain resolutions in this regard.

Now, therefore, in consideration of this Agreement along with the mutual
promises herein contained, the parties agree as follows:

1. This access easement includes the right of the State of Tennessee, Department of
Finance and Administration, its servants and agents to construct, operate, maintain,
repair, and replace an access road and underground fiber optic conduit, cable and
manholes, and/or other utilities and/or appurtenances within the limits of the
aforedescribed access road.

2. The State of Tennessee, Department of Finance and Administration covenants to
the Sam Davis Memorial Association that said portion or parcel of land as described
below will continue to be held in trust by the Sam Davis Memorial Association. The
Department of Finance and Administration may use this access easement for the
purposes stated in covenants 3-10 below after the construction of all of the aforesaid
improvements provided said use or uses do not destroy, weaken or damage the
abovementioned improvements or interfere with the operation or maintenance thereof.
State of Tennessee Department of Finance and Administration hereby covenants that,

upon completion of construction, it will restore the hereinabove described property to its original condition, or as near thereto as reasonably possible.

3. Said access shall remain as a "back door access" to service the facility and is restricted to occasional, intermittent, and or emergency use and is not to be used for routine access or as a primary access route for the service facility herein referenced as Tennessee South Smyrna Property.

4. The Sam Davis Memorial Association, and entities associated or affiliated therewith or related thereto, shall be allowed permitted use of the access as well as occasional access for purposes consistent with the mission activities and services of the Association. Further, the Association shall be granted a key to access the locks or chains securing the gate provided for the property at the intersection of Nissan Boulevard.

5. This access, and rights associated therewith, shall automatically terminate upon material change in use of the secured State facility serviced by this access; or upon abandonment of the facility as evidenced by, but not limited to, cessation of primary operations for more than one year;

6. Excavation work, construction, or site preparation or review indicating the presence of historical artifacts shall immediately trigger notice of such indication to allow the review and evaluation of the subject site within 72 hours, with a historical artifacts report to be prepared if such evaluation is conducted;

7. Any and all blasting of any nature proposed to be conducted on the property shall require advance notice to the Executive Director of the Association, and shall comply with all state and local requirements related to such work. Such notice shall be timely and allow for preparation to protect and secure Association personalty and real properties.

8. Maintenance and routine upkeep of the access road shall be the sole responsibility of the State of Tennessee.

9. Construction equipment for the access shall be stored and utilized in a fashion calculated to minimize interference with the farming operations of the lessee of the cotton field.

10. Access shall not be blocked at anytime by the Sam Davis Memorial Association or by the parties representing the State of Tennessee or Tennessee South Smyrna Facility.

11. The State of Tennessee, Department of Finance and Administration agrees to pay consideration in the principal amount of \$38,400.00 to the Sam Davis Memorial Association as consideration for the access and rights associated therewith.

ACCESS DESCRIPTION:

Being an access running on, over and across a portion of Sam Davis Property as of record in Book 222, Page 181, Register's Office Rutherford County (RORC), Tennessee, lying 25' on either side of a proposed centerline of an access road Bounded on North, South and Westerly sides by the remainder of said Sam Davis Property, and on the East by the western Right of Way (ROW) of Nissan Drive (a 80' public ROW). Easement being described as follows:

POINT OF COMMENCEMENT being a point lying on the western ROW of Nissan Drive being a common corner of Ginny Williams and Betty Jones Mullins; thence following said ROW of Nissan Drive South 08°19'03" West 343.68 feet to the POINT OF BEGINNING; thence continuing along said ROW South 08°09'46" West 50.20 feet to a point; thence leaving said ROW with the following: North 86°54'13" West 572.89 feet; thence on a curve to the right having a length of 227.27 feet, a radius of 125.00 feet, an interior angle of 104°10'18" and having a chord bearing and distance of North

:FINAL EASEMENT AGREEMENT 6-01-08.DOC


34°49'04" West 197.23 feet to a point; thence North 17°16'05" East 37.81 feet to a point; thence on a curve to the left having a length of 30.44 feet, a radius of 175.00 feet, an interior angle of 09°58'03" and having a chord bearing and distance of North 12°17'04" East 30.41 feet to a point; thence North 07°18'02" East 219.92 feet to a point; thence along common line of said Betty Jones Mullins property South 82°41'58" East 50.00 feet to a point; thence South 07°18'02" West 219.92 feet to a point; thence along a curve to the right having a length of 39.14 feet, a radius of 225.00 feet, an interior angle of 09°58'03" and having a chord bearing and distance of South 12°17'04" West 39.09 feet to a point; thence South 17°16'05" West 37.81 feet to a point; thence along a curve to the left having a length of 136.30 feet, a radius of 75.00 feet, an interior angle of 104°10'18" and having a chord bearing and distance of South 34°49'04" East 118.34 feet to a point; thence South 88°54'13" East 577.12 feet to the point of beginning.

Containing 52,452.34 square feet or 1.20 acres.

All of which is more particularly shown by words, figures, signs and symbols on the attached exhibit, which is made a part hereof.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures as duly authorized officials of the respective parties hereto as of this the 4th day of May, 2009.

Sam Davis Memorial Association
Acting by and through its Board of Trustees:


Richard Thomas, Sam Davis Home
President, Board of Trustees

State of Tennessee:


M.D. Goetz, Commissioner
Department of Finance and
Administration


James H. Fyke, Commissioner
Department of Environment and
Conservation

APPROVED:

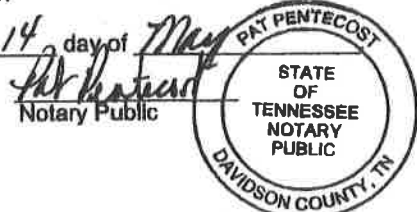

Robert E. Cooper, Jr., Attorney General


Phil Bredesen, Governor

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned Notary Public for Davidson County, M. D. Gostz, Jr., Commissioner of the Department of Finance and Administration with whom I am personally acquainted and who, upon oath, acknowledged that he is the Commissioner of the Department of Finance and Administration and that he as Commissioner, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the State of Tennessee by himself as Commissioner.

Witness my hand and seal at office, this 14 day of May, 2009.
My Commission Expires: 1-3-2011



STATE OF TENNESSEE
COUNTY OF RUTHERFORD

Before me, the undersigned, a Notary Public of the State and County, aforementioned, personally appeared Richard Thomas, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the President of the Board of Trustees for the Sam Davis Memorial Association, the within named bargainer, and that he is as such officer being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the Association by himself as such officer.

Witness my hand and seal at office, this 4th day of May, 2009.
My Commission Expires: 8/12/12



[Signature]
Notary Public

Personally appeared before me, the undersigned Notary Public for Davidson County, aforementioned, personally appeared James H. Fyke, Commissioner of the Department of Environment and Conservation with whom I am personally acquainted and who, upon oath, acknowledged that he is the Commissioner of the Department of Environment and Conservation and that he as Commissioner, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the Department of Environment and Conservation by himself as Commissioner.

Witness my hand and seal at office, this 11th day of May, 2009.
My Commission Expires: January 24, 2012

Glenda McCloud
Notary Public



Jennifer H. Berhart, Register
Rutherford County Tennessee

Rec #: 594545
Rec'd: 20.00 Instrument #: 1626481
State: 0.00
Clerk: 0.00 Recorded
EDP: 2.00 6/15/2009 at 1:01 PM
Total: 22.00 in
Record Book 927 Pgs 1769-1772

SAM DAVIS MEMORIAL ASSOCIATION



PETITION FOR WAIVER



EXHIBIT 2

PETITIONING ENTITY IS PUBLIC ENTITY



AUGUST 14, 2019



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

BYRON DAVIS
205 DOGWOOD DR.
LEBANON, TN 37087

July 26, 2019

Request Type: Certificate of Existence/Authorization
Request #: 0324328

Issuance Date: 07/26/2019
Copies Requested: 1

Document Receipt

Receipt #: 004939869
Payment-Credit Card - State Payment Center - CC #: 3762636024

Filing Fee: \$20.00
\$20.00

Regarding: SAM DAVIS MEMORIAL ASSOCIATION (THE)
Filing Type: Nonprofit Corporation - Domestic
Formation/Qualification Date: 05/16/1930
Status: Active
Duration Term: Perpetual
Business County: RUTHERFORD COUNTY

Control #: 71916
Date Formed: 05/16/1930
Formation Locale: TENNESSEE
Inactive Date:

CERTIFICATE OF EXISTENCE

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that effective as of the issuance date noted above

SAM DAVIS MEMORIAL ASSOCIATION (THE)

- * is a Corporation duly incorporated under the law of this State with a date of incorporation and duration as given above;
- * has paid all fees, interest, taxes and penalties owed to this State (as reflected in the records of the Secretary of State and the Department of Revenue) which affect the existence/authorization of the business;
- * has filed the most recent annual report required with this office;
- * has appointed a registered agent and registered office in this State;
- * has not filed Articles of Dissolution or Articles of Termination. A decree of judicial dissolution has not been filed.


Tre Hargett
Secretary of State

Processed By: Cert Web User

Verification #: 034363937

Tennessee Code Annotated

Title 4, State Government; Chapter 13, Historic Properties;

Part 3, Sam Davis Home

§ 4-13-301 - Property Conveyed In Trust -- Appointment Of Trustees.

(a) The tract of land, being the same purchased from O.M. Davis, Jr., in 1927, by the Sam Davis Commission in the name of the state of Tennessee, be and is hereby conveyed in trust to the Sam Davis Memorial Association.

(b) The governor shall appoint, upon recommendation of the Sam Davis Memorial Association, nine (9) persons over the age of eighteen (18) years, who shall constitute the board of trustees of the Sam Davis Memorial Association.

Acts 1931, ch. 92, § 1; 1980, ch. 469, § 2.

§ 4-13-302 - Object Of Trust Creation.

The object for which this trust is created is to permit and encourage the Sam Davis Memorial Association to improve and beautify the Sam Davis home and other houses and grounds, in such manner as it may deem best, and to keep them in such high state of improvement and beauty, as will display to the world the respect, love and affection that should ever live in the hearts of an admiring people for their departed boy hero of the Confederacy.

Acts 1931, ch. 92, § 2.

§ 4-13-303 - Trustees -- Officers -- Quorum.

(a) The trustees shall elect one (1) of their members as president and one (1) of their members secretary.

(b) Five (5) members shall constitute a quorum for the transaction of business, and the board of trustees is hereby authorized and empowered to enforce such bylaws as may be necessary to put into operation and continual execution the objects and purposes for which this trust is created.

Acts 1931, ch. 92, § 1.

§ 4-13-304 - Trustees' Tenure -- Vacancies.

The trustees appointed as provided in § 4-13-301 shall each hold such trustee's office for four (4) years, and until such trustee's successor is appointed and qualified, and all vacancies by death, removal or expiration of term or otherwise, shall be filled by the governor upon recommendation of the Sam Davis Memorial Association as provided in § 4-13-301.

Acts 1931, ch. 92, § 4.

§ 4-13-305 - Appropriation.

There is hereby appropriated the sum of one thousand eight hundred dollars (\$1,800) per annum for the maintenance or upkeep, or both, of the Sam Davis home, to be paid out of any funds in the treasury not otherwise appropriated, upon the warrant of the comptroller of the treasury, approved by the president of the board of trustees of the Sam Davis Memorial Association.

Acts 1931, ch. 92, § 3.

§ 4-13-306 - Reversion Of Property -- Conditions.

In the event the Sam Davis Memorial Association should at any time fail, neglect or refuse to improve the houses and grounds, and to keep them in a high state of beauty and improvement, then the houses and land and such other improvements as may be upon the grounds shall revert to the state of Tennessee without compensation to the trustees, Sam Davis Memorial Association or other corporation or person. The state shall not be required to pay any money whatever for such improvements as the trustees, Sam Davis Memorial Association or other person or persons may have made upon the houses or lands.

Acts 1931, ch. 92, § 3.

§ 4-13-307 - Revocability Of Trust.

The state may revoke this trust at will.

Acts 1931, ch. 92, § 4.

State of Tennessee



Department of State

To all to whom these Presents shall come, Greeting:

I Joe C. Carr, Secretary of State of the State of Tennessee, do hereby certify, that the annexed is a true copy of

Senate Bill No. 247
Chapter No. 32
Public Acts of 1927

the original of which is now on file, and a matter of record in this office.

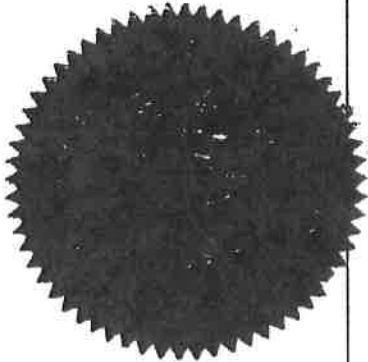
In Testimony Whereof, I have hereunto subscribed my Official Signature, and by order of the Governor, affixed the Great Seal of the State of Tennessee, at the Department, in the City of Nashville,

this 13th *day of* March

A.D. 19 62

J. Carr

Secretary of State



CHAPTER NO. 32

SENATE BILL NO. 247

(By Mr. McKnight)

AN ACT to provide for the preservation of the boyhood home of Sam Davis, the Confederate Hero; to create a commission with the power to purchase said property to be used hereafter as a memorial, and to provide for construction of a highway from said property to the Dixie Highway, and to appropriate the necessary funds to carry out the purpose of this Act.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That in order to preserve as a Memorial the boyhood home of Sam Davis, the Confederate hero, there is hereby created a Commission known as the "Sam Davis Memorial Commission" composed of the Governor, Comptroller, the Treasurer, the Commissioner of Agriculture, of the State of Tennessee; Dr. J. S. Lowry, John B. Hagar, and W. H. King, citizens of Rutherford County, Tennessee. This body, when constituted, shall constitute the first Commission, and when vacancies occur by death or resignation, the same shall be filled by a majority vote of the Commission.

Permanent
commission

SECTION 2. BE IT FURTHER ENACTED, That the said Commission shall have the power to acquire by purchase the home where Sam Davis lived at the time of his execution by the Federal Military Authorities, which property contains approximately 168 acres of land and is located in the Third Civil District of Rutherford County, Tennessee, and about two and five eighths miles northeast of the Dixie Highway. So soon as said Commission is organized, it is hereby authorized and empowered to enter into negotiations with the owner or owners of said home with

Powers of
Commission

the view to purchasing the same; and said Commission is authorized hereby to expend the sum of \$20,000.00, or so much thereof as may be necessary, for the purchase of said property. The said Commission shall have the right to refuse to pay the sum of \$20,000.00 if it deems such amount to be far in excess of the value thereof. The deed, if the Commission purchases said property, shall be made to the State of Tennessee; and the owner or owners may be required to satisfy the Commission as to the title thereto before the transfer is made.

SECTION 3. BE IT FURTHER ENACTED, That the Commission created hereby shall have the power to provide for the maintenance of the said property, and to delegate a person or persons as its custodian, to adopt such rules and regulations as it may deem necessary for its preservation, and to do all acts in connection therewith as may be done by individual owners of property. Provided, the Commission is hereby empowered to sell so much of said property as it deems advisable, upon such terms as proper, to make deed or deeds thereto, the purchase price to be paid into the general fund of the State; provided, further, that any surplus derived from the operation of the property shall likewise go to the State general fund, when not necessary for improvements.

Road to be
built.

SECTION 4. BE IT FURTHER ENACTED, That in order to make said property accessible to the public, the said Commission is authorized hereby to enter into contract for the construction of a road or highway over the old road leading from the Dixie Highway opposite the property of W. D. Carter to the Village of Smyrna, and on and over Division Street of said Village to the property herein authorized to be purchased, this being the nearest route from the said Dixie Highway to the old Davis homestead, and in length approximately two and five-eighths miles.

SECTION 5. BE IT FURTHER ENACTED, That there is hereby appropriated out of the Treasury the sum of Twenty-five Thousand (\$25,000.00) Dollars, \$20,000.00 of which the said Commission may use in purchasing the aforesaid property; \$5,000.00 of which may be used to improve, repair, and beautify the said property, and the State Highway Department is hereby authorized and directed to construct and build a road or highway along the route heretofore indicated. The manner of construction of said road or highway shall be left with the State Highway Department except said road or highway shall be a first-class road and shall be built and completed as early as practicable, said completion to be not later than January 1, 1948. The Comptroller is hereby empowered to draw a warrant on the Treasurer for the payment of the sums aforesaid upon the certificate or certificates of the said Commission.

Appropriation

SECTION 6. BE IT FURTHER ENACTED, That in case the said Commission should fail to purchase the property authorized hereby, no road or highway shall be constructed to the said property under the provisions of this Act.

SECTION 7. BE IT FURTHER ENACTED, That this Act take effect from and after its passage, the public welfare requiring it.

PASSED April 14, 1927.

HENRY H. HORTON
SPEAKER OF THE SENATE

SHELDON MALDEN
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED:

April 18, 1927.

AUSTIN PRAY

GOVERNOR

ORGANIZATION MINUTES

Sam Davis Memorial Assoc Collection
Ac. # 973, 1731 111-D-2
Box 1, Folder 1 (a, b, +c)

THE INCORPORATORS OF THE SAM DAVIS MEMORICAL ASSOCIATION met at the home of Mrs. W. H. King on the 23 day of May 1930 at 2 o'clock P. M. The following named persons met and organized Mrs. Media Davis Sinnott, Mrs. Willie B. McMurray, Mrs. Walter H. King, Mrs. Walter C. Hibbett, Mrs. Henry Edmondson, Mrs. E. C. King and Mrs. Newton Ford Molloy. In addition to the incorporator Mrs. Jarman Edwards, Mrs. A. B. Gooch, Mrs. James E. Cannon, Mrs. Roy Rascoe and Mrs. Eleanor Molloy Gillespie were present.

On motion of Mrs. Media Davis Sinnott, Mrs. Eleanor Molloy Gillespie was elected temporary chairman and upon motion of Mrs. Walter H. King seconded by Mrs. James E. Cannon, Mrs. E. E. King was duly elected secretary. The chairman stated that the object of the meeting was to organize a corporation under the name of the Sam Davis Memorial Association. She directed the secretary to read the charter, which had been obtained for that purpose, which was done and is in words and figures as follows:

"STATE OF TENNESSEE

TO

SAM DAVIS MEMORIAL ASS'N.

STATE OF TENNESSEE CHARTER OF INCORPORATION

BE IT KNOWN, That Mrs. Media Davis Sinnott, Mrs. Willie B. McMurray, Mrs. Walter H. King, Mrs. Walter C. Hibbett, Mrs. Henry Edmondson, Mrs. E. E. King and Mrs. NewtonFord Molloy are hereby constituted a body politic and corporate by the name and style of The Sam Davis Memorial Association .

The object of this corporation is to acquire from the State of Tennessee the property or portion thereof containing 168 acres of land located in the Third Civil District of Rutherford County, Tennessee, and about two and five-eighths miles northeast of the Dixie Highway, upon which is located the boyhood home of Sam Davis, the Confederate hero, who was executed by the Federal Military authorities; and to beautify, preserve and adorn the same through all coming years in a manner most befitting the memory of that great soldier and hero, and commensurate with the gratitude of his countrymen, and to acquire, own and display all historic or literary productions, relics, mementoes relating to, and otherwise memorializing his life and character.

The general powers of said corporation shall be to sue and be sued by the corporate name, to have and use a common seal which it may alter at pleasure; if no common seal, then the signature of the name of the corporation by and duly authorized officer shall be legal and binding; to purchase and hold or receive by gift, bequest or devise, in addition to the personal property owned by the corporation real estate necessary for the transaction of the corporate business, and also to purchase or accept any real estate in payment or in part payment of any debt due the corporation and sell the same, to establish bylaws, and make all rules and regulations not inconsistent with the laws and constitution deemed expedient for the management of corporate affairs; and to appoint such subordinate officers and agents in addition to a president and secretary or treasurer, as the business of the corporation may require, designate the name of the office and fix the compensation of the officers.

The said five or more incorporators, shall, within a convenient time after the registration of this charter in the office of Secretary of State, elect from their number, a president, secretary and treasurer, or the two last officers may be combined into one; said officers and the other incorporators to constitute the first board of directors. In all elections each member to be entitled to one vote, either in person or by proxy, and the result to be determined by the majority of the votes cast. Due notice of any election must be given by advertisement in a news paper, personal notice to the members, or a date stated on the minutes of the board six months preceeding the election.

The Board of Directors shall keep a record of all their proceedings, which shall be at all times subject to the inspection of any member. The corporation may establish brances in any other county in the state.

The Board of directors may have the power to increase the number of directors to seven or ten if they deem the interest of the corporation requires such increase. And the first or any subsequent board of directors may have the power to elect other members who on acceptance of membership, shall become corporators equally with the original corporators. The Board of directors shall have the right to determine what amount of money paid into the treasurer shall be a pre-requisite for membership, or if necessary shall thus be a pre-requisite for membership, or if necessary shall thus be annually paid, and if failure thus to pay, shall in the discretion of the directors justify the expulsion of said defaulting members. The term of all officers may be fixed by the by laws, the said term not, however, to exceed three years.

All officers hold over until their successors are duly elected and qualified. The general welfare society, not individual property, is the object for which this charter is granted, and hence the members are not stockholders in the legal sense of the term and no dividends or profits shall be divided among the members. The members may at any time voluntarily dissolve the corporation by a conveyance of its assets and property to any other corporation holding a charter, from the State for the purpose not of individual property, first providing for corporate debts.

A violation of any of the provisions of this charter, shall subject the corporation to dissolution of the instance of the State.

This charter is subject to modification or amendment; and in case said modification or amendment is not accepted corporate business is to cease, and the assets and property, after the payment of debts, are to be conveyed as aforesaid, to some other corporation holding a charter for purposes not connected with individual property, acquiescence in any modification thus declared shall be determined in a meeting especially called for that purpose and only those voting in favor of the modification shall thereafter compose the corporation.

The means, assets, income or other property of the corporation shall not be employed directly or indirectly for any other purpose whatever than to accomplish the legitimate objects of this creation and by no implication shall it possess the power to issue notes or currency, deal in currency, notes or coins, buy or sell products or engage in any kind of trading operation, nor hold any more real estate than is necessary for its legitimate purpose.

Expulsion shall be the only remedy for the nonpayment of dues by the members, and there shall be no individual liability against the members for corporate debts, but the entire corporate property shall be liable for the claims of creditors.

We the undersigned, apply to the State of Tennessee, by virtue of the laws of the land, for a charter of incorporation for the purposes and with the powers, etc., declared in the foregoing instrument. This the 23rd day of April 1930.

Media Davis Sinnott, (Signed) Mrs. Media Davis Sinnott
J. R. Miller Mrs. Willie B. McMurray
Witnesses to the above signatures Mrs. Walter H. King
Mrs. Walter C. Hibbett
Mrs. Henry Edmondson
Mrs. E. E. King
Mrs. Newton Ford Molloy

STATE OF TENNESSEE, RUTHERFORD COUNTY

Personally appeared before me, Mrs. J..O. Abernaty,, Deputy Clerk of the County Court of said County, Mrs. Media Sinnott with whom I am personally acquainted and who acknowledged that she executed the foregoing application for charter and for the purposes therein contained, and the said Mrs. Media Davis Sinnott being sworn states that Mrs. Willie B. McMurry, Mrs. Henry Edmondson, Mrs. E. E. King, Mrs. Walter H. King, Mrs. Walter C. Hibbett and Mrs. Newton Ford Molloy, with whom I am personally acquainted, in her presence signed and executed said instrument and acknowledged the execution thereof to have been done by them for the purposes therein contained.

Subscribed and sworn to before me, this 24th day of April 1930.
Mrs. J. O. Abernaty, Deputy Clerk.
Noted May 2, 1930 8 o'clock A. M. Registered May 2, 1930.

STATE OF TENNESSEE DEPARTMENT OF STATE.

I, Ernest N. Haston, Secretary of the State of Tennessee, do hereby certify that the annexed instrument with certificate of acknowledgment and registration were filed in my office and recorded on the 16th day of May 1930 in Corporation Record Book O-11page 90.

IN TESTIMONY WHEREOF, I hereunto subscribe my official signature and by order of the Governor affix the Great Seal (SEAL) of the State of Tennessee, at the department in the city of Nashville, this 16th day of May A. D. 1930.

(Signed) Ernest N. Haston,
Secretary of State.

Noted May 17th, 1930. 9 A. M. Registered May 19th, 1930.
Recorded in Trust Deed Book A-7 page 560 in the office of the County Register for Rutherford County, Tenn.

WILLIAM'S TENNESSEE CODE ANNOTATED

ARTICLE V

SAM DAVIS MEMORIAL

Conveyance in trust authorized; appointment of trustees.

SECTION.
1034.2. Purpose of trust.

SECTION.
1034.3. Improvement of house and grounds; duty of Sam Davis Memorial Association; annual appropriation.

SECTION.
1034.4. Term of office of trustee; trust revocable at will of state.

1034.1. Conveyance in trust authorized; appointment of trustees.—A tract of land, being the same purchased from O. M. Davis, Jr. in 1927, by the Sam Davis commission in the name of the State of Tennessee, be and is hereby conveyed in trust to the Sam Davis Memorial Association, and for said purpose the governor shall appoint upon recommendation of the Sam Davis Memorial Association, nine (9) discreet male white persons over the age of twenty-five (25) years. They shall elect one (1) of their members as president and one of their members secretary. Five (5) members shall constitute a quorum for the transaction of business and said board of trustees are hereby authorized and empowered to enforce such by-laws as may be necessary to put into operation and continual execution the objects and purposes for which this trust is created. (1931, ch. 92, sec. 1.)

Section to Section Reference. Section
1034.4 refers to this section.

1034.2. Purpose of trust.—The objects for which this trust is created is to permit and encourage the Sam Davis Memorial Association to improve and beautify the Sam Davis home and other houses and grounds, in such manner as they may deem best, and to keep them in such high state of improvement and beauty, as will display to the world the respect, love and affection which should ever live in the hearts of an admiring people for their departed boy hero of the confederacy. (1931, ch. 92, sec. 2.)

1034.3. Improvement of house and grounds; duty of Sam Davis Memorial Association; annual appropriation.—In the event the Sam Davis Memorial Association should at any time fail, neglect or refuse to improve the house and grounds, and to keep them in a high state of beauty and improvement, then said houses and land and such other improvements as may be upon grounds, shall revert (and) to the State of Tennessee without compensation to the trustees, Sam Davis Memorial Association or other corporation or person. And the state shall not be required to pay any money whatever for such improvements as the trustees, Sam Davis Memorial Association or other person or persons may have made upon said houses or lands, and there is hereby appropriated the sum of eighteen hundred (\$1,800.00) dollars per annum for the maintenance and/or upkeep of the Sam Davis home, to be paid out of any funds in the treasury not otherwise appropriated, upon the warrant of the comptroller, approved by the president of the board of trustees of the Sam Davis Memorial Association. (1931, ch. 92, sec. 3.)

Compiler's Note. The word "and" in the fifth line from the top apparently should be omitted. For this reason it is enclosed in parentheses.

1034.4. Term of office of trustee; trust revocable at will of state.
—The trustees appointed as provided in section 1 of this act shall each hold his office for four (4) years, and until his successor shall have been appointed and qualified, and all vacancies by death, removal or expiration of term or otherwise, shall be filled by the governor upon recommendation of the Sam Davis Memorial Association as provided in section 1 of this act, provided the state may revoke this trust at will. (1931, ch. 92, sec. 4.)

Cross-Reference. Section 1 referred to above is § 1034.1.
Repealing and Emergency Clauses. Section 5 of Acts 1931, ch. 92, repealed all laws or

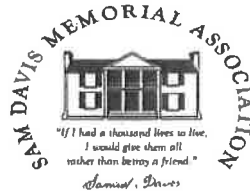
parts of laws in conflict therewith and provided that the act should take effect from and after its passage.

Walter M. Hagner
Speaker House Rep.
A B Broadbent
Speaker Senate

Approved July 2, 1931

Henry H. Winton
Governor

SAM DAVIS MEMORIAL ASSOCIATION



PETITION FOR WAIVER



EXHIBIT 3

STATEMENT OF REQUEST BASIS UPON WHICH WAIVER IS SOUGHT REPORT: MATERIAL OR SUBSTANTIAL NEED COMPELLING PUBLIC INTEREST



AUGUST 14, 2019

This Petition for waiver to sell four (4) acres of land is being filed in order to (1) obtain the necessary funds to address the substantial, immediate, and necessary maintenance and repairs of the historic structures on the Sam Davis property, and (2) to set the Sam Davis Memorial Association on a trajectory of future financial stability with regard to meeting the ongoing maintenance and restoration needs of the Site.

~~~~~

The duty of the Trustees and Directors of The Sam Davis Memorial Association (hereafter referred to as "SDMA") is set forth at T.C.A. 4-13-302 wherein the Legislature, in creating the Sam Davis Home Trust, states in part,

"The object for which this trust is created is to permit and encourage the Sam Davis Memorial Association to improve and beautify the Sam Davis home and other houses and grounds, in such manner as it may deem best, and to keep them in such high state of improvement and beauty, as will display to the world the respect, love and affection that should ever live in the hearts of an admiring people....."

Thus the Statutory Trustees are charged with the specific responsibility of overseeing the internal activities of the SDMA and the operations of the Trust including but not limited to any proposed permanent changes to the Sam Davis Property. By-Laws, Board of Trustees, Article IV.

In furtherance of the obligation placed on the SDMA by Statute and by the Trustees, the SDMA By-laws provide in part,

"The SDMA preserves the Historic Sam Davis Home and Plantation to keep alive the story of Sam Davis, his family, and the People who labored on this Middle Tennessee farm before, during, and after the Civil War. Through Visitor Center exhibits, the historic home, preserved farm land, and quality education programs, the SDMA imparts to its visitors the importance of learning about their past and its relevance to their present."

By-Laws, SDMA, Article II, Mission

In carrying out this Mission, subject to the approval by The Board of Trustees, the SDMA is charged with,

“...the physical development of the Historic Sam Davis Home and Plantation property including major maintenance, restoration, or other capital development taking place on the property.”

By-Laws, SDMA, Article XII, Board of Trustees, .2

The focal structure on the grounds is the Sam Davis Home. It was originally constructed in 1810. While the construction at the time was “standard”, when compared to modern construction, it is now considered unique and rare, requiring specialist to address its many maintenance and repair needs.

Given the structure’s age and uniqueness, its maintenance and repairs needs are multiple and substantial, as evidenced by the attached analysis submitted by J. Terry Bates & Associates, Inc. Just one of the pressing needs is installation of a central HVAC system to help in prolonging the life of the structure and the artifacts in it. Further, the system must be installed in a manner that preserves the structure’s integrity. The costs of these needs are under review and evaluation. Obviously they will be estimated at a substantial amount. See SDMA Petition Exhibit 3a.

The Sam Davis Home comprises only one of many structures on the property. Each structure has a different date of origin, serves a different purpose, and has different maintenance and repair needs.

The remaining structures on the Sam Davis Memorial Association property are:

- Enslaved Persons Cabins (4)
- The White Barn
- The Creek House
- The Education House & Extension
- The Boyhood Home
- The Visitor Center & Offices
- Overseer Cabin

Smokehouse

Red Barn

Kitchen

Privy

See SDMA Petition Exhibit 3b.

The present day SDMA has endeavored over the past many years to expand within the fullest context of its mission and legislative charge to document the role and lives of the enslaved persons at the Sam Davis Home and Property. In doing so, it has partnered with Middle Tennessee State University for archaeological assistance, actively pursued available records of those persons, proffered numerous exhibits regarding them in the onsite Visitor Center, and maintains four (4) cabins, including the dogtrot cabin, relocated to the property in the 1970's and 1980's from Maury County that are intended to educate and foster interest in their lives.

The cabins, as with any structure, necessarily come with ongoing maintenance and repair issues. The structures and some of the present repair issues and needs are documented in SDMA Petition Exhibit 3c.

The White Barn, while not an original structure, is still aged as it was constructed on the property circa 1920. It serves the property as a storage area for grounds keeping machinery and other uses, as well as being a focal point for various events and gatherings. It is also the main entrance to the property from the rear of the property. As such, and as evidenced by the attached photographs, it is need of many repairs and upgrades. See Exhibit 3c.

The Creek House was constructed around 1930. It serves primarily as a meeting facility for small and family sized gatherings. It is one of the most often rented structures on the premises. It is equipped with multiple bathrooms and a full kitchen. Given its age, it has multiple maintenance needs as well. See Exhibit 3c.

The Education House was constructed around 1940 and its Cabin extension built around 1950. Originally, it served as the Site's first Gift Shop. Its primary use now is for living history events, a small classroom space, storage and is also a convening location for the groom and groomsmen for most of the weddings that take place on the property. Given the two structures age they have several repair and maintenance needs. The structure and some of the present repair issues and needs are documented in See Exhibit 3c.

The Boyhood Home was discovered in the Almadale Road area in Rutherford County. It was procured by the SDMA for a nominal price of moving costs. It was disassembled and moved to the SDMA property in Smyrna for assembly and restoration. It was felt that this structure, in time, would add depth to the unique vivid historical context now presented to visitors of this early 19<sup>th</sup> Century farm. A visit to the Property provides visitors with one of the rarest and most unique experiences available in the United States. Adding the Boyhood Home further extends the visitor's travel back into early beginnings and farm life of our Nation. As is evidenced in the attached Exhibit, it is still in need of substantial repair and restoration. See Exhibit 3c.

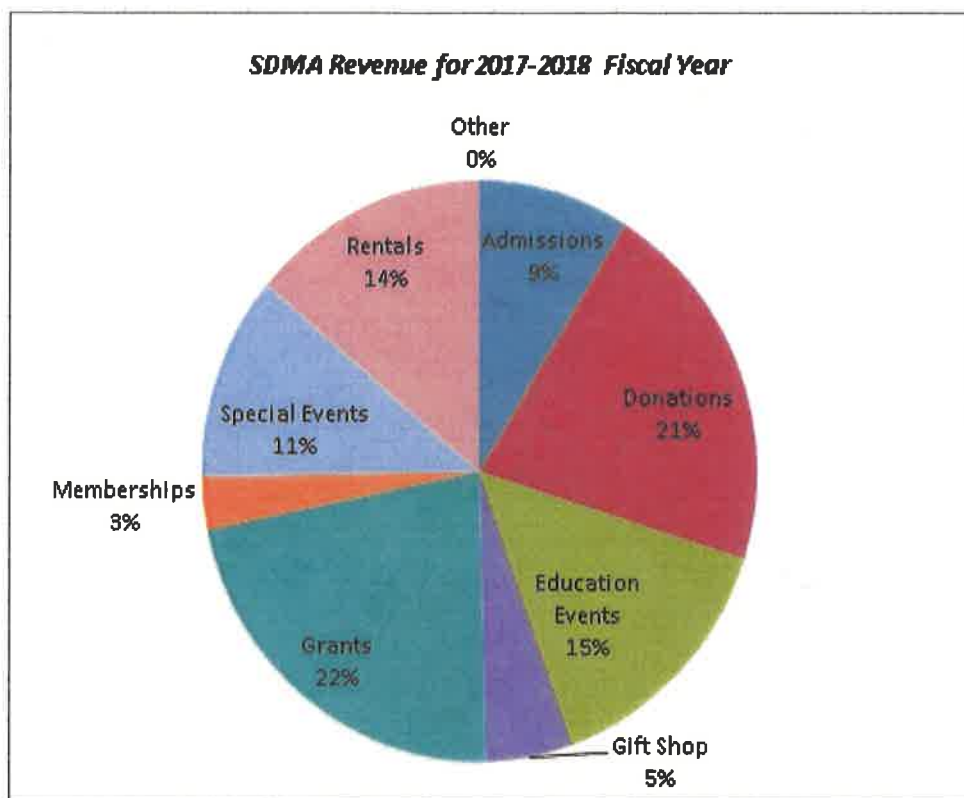
The Visitor Center is one of the newest structures in the complex. It was built in 2001. It houses an impressive exhibit area utilizing artifact displays, film, and interactive displays to walk the visitor back in time to educate them about the role of such a farm before, during and after the War Between the States era. It also boasts a gift shop area, a small formal meeting facility, and an outdoor social gathering and event area known as the "Veranda". It also serves the very important role of housing the site's artifacts collections storage facility.

It is connected to the site's Offices by a breezeway. The Offices were constructed circa 1920. These buildings, in large measure, are the nerve center of the site and they too are in need of routine and specific maintenance issues. See Exhibit 3c.

The remaining structures on the property are in a state of similar and varying need. They are each either original structures, e.g., the smokehouse, kitchen and privy, or they are aged buildings placed or built on the property to help flesh out the Middle Tennessee early 19<sup>th</sup> Century era to visitors, e.g., the dogtrot and the overseer cabin. See Exhibit 3c.

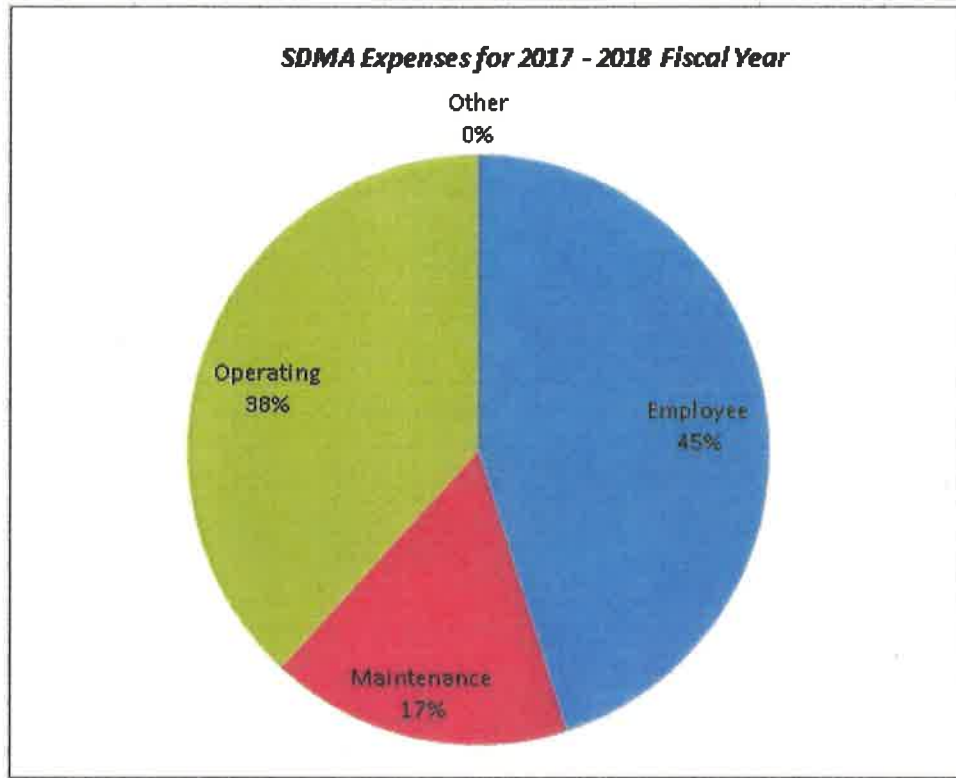
In summary, the photographic evidence of the many repair issues, as well as the present and ongoing maintenance needs, of these historic structures presents the SDMA with a substantial financial outlay in order to maintain the viability of the Historic Sam Davis Home site.

The SDMA is a 501(c)(3) not for profit corporation. Revenues are typically generated from grants, donations, education events, rentals, special events, and memberships. The revenue make-up is best seen in the following chart representing those generated in the 2017-2018 fiscal year.

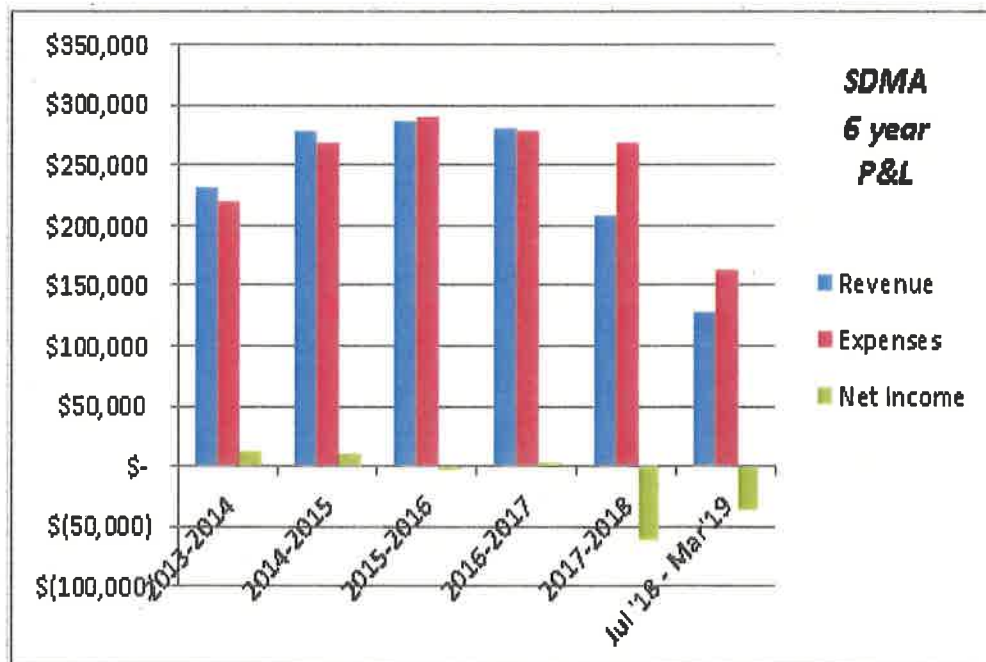


In addition, in 2018 the SDMA launched a Capital Campaign aimed alleviating the shortfall in necessary capital to address the mounting repair, restoration and maintenance needs of the aging and historic structures. See SDMA Petition Exhibit 3d. To date\* total pledges are \$79,499 and actual monies received are \$39,125. *All funds received have been utilized to assist in the HVAC system and roof repairs to the Visitor Center. The \$39,125 did not cover the entire costs. (\*as of May 9, 2019)*

Over the past five years budgeted and necessary non-budgeted expenditures have, on average, been operating costs, staff salaries, and maintenance costs. The typical fiscal year breakdown of these expenditures are best seen in the following chart representing expenditures for the 2017-2018 fiscal year.



A comparison of actual revenue and actual expenditures for the last five operating years and this year is reflected in the following chart:



The obvious and opposite trends are concerning and unsustainable. When coupled with the previously described repair and maintenance needs, the opposite trajectories worsen and are even more alarming and demanding of unprecedented action. It is in view of these trends that the Trustees and Directors have come to the collective decision to pursue this critical course of action and pursue this land sale.

The land the Trustees and Directors have identified for sale are approximately four (4) acres (hereafter referred to as "sale parcel") located at approximately the Southeastern most corner of the Sam Davis Memorial Property and grounds. It occupies a portion of the land located at the Northeastern corner of the intersection of Sam Davis Road and Nissan Drive (State Route 102). See SDMA Petition Exhibit 3e. A partial revocation of the Trust with regards to these four (4) acres has already been enacted by the General Assembly and was signed into Law by Governor Haslam. Act of April 5, 2018 ch.782, 2018 Tenn. Pub. Acts.

The distance the sale parcel is from the Sam Davis Home primary grounds is significant. It is approximately 624.4 yards or 1,872.2 feet or more than one third (1/3) mile from the main campus and is not readily visible from the main grounds closest perimeter. Further, there are natural barriers and/or tree lines that further obscure the sale parcel from the Home's primary grounds and connected structures. See Exhibit 3e.

Given that the sale parcel occupies a prominent location at the intersection of Sam Davis Road and Nissan Drive, it is reasonably anticipated the potential buyer or buyers will be commercial. The positives to this is of course an increased revenue over a similarly sized parcel purchased for private use. Distance and natural barriers will go far in insulating the Home Property from any real influence from the potential commercial buyer. Even so, out of an abundance of caution, the SDMA will insist that appropriate covenants become a part of the sale contract and deeds to further insure that future use of the sale parcel will be commensurate with the area and the Sam Davis Memorial Property.

We have not obtained a formal appraisal of the sale parcel which is simply raw unimproved land. However, a review of the Rutherford County Property Assessors records reveals the following regarding similarly situated parcels:

| Parcel No. | Location                               | Size       | Value          |
|------------|----------------------------------------|------------|----------------|
| 00202      | SE corner Nissan Drive & Sam Davis Rd. | 1.03 acres | \$665,000*     |
| 03200      | NE corner Nissan Drive & Sam Davis Rd. | 1.33 acres | \$350,000**    |
| 00201      | SW corner Nissan Drive & Sam Davis Rd. | .69 acres  | \$3,300,000*** |

\*sale price May 2009

\*\*sale price Nov. 2004

\*\*\*sale price Oct. 2017 (improved)

The Trustees and Directors feel strongly that conveyance of this sale parcel, in particular, will provide a maximum and substantial infusion of needed funding. Such an infusion will allow not only for the previously discussed repairs, restoration and maintenance of the onsite structures, but it has the potential to provide for the construction of an appropriate, all weather, multi-use Education/Event Center, which is becoming common to modernized historic sites and is a realistic source of needed ongoing capital through enhanced year round rental, educational, and event generated revenues. See SDMA Petition Exhibit 3f.

As Exhibit 3f reflects and should sale proceeds allow, we would anticipate an approximate 3,400 square foot multi-use facility with a fully functional commercial kitchen, equipped so as to be all weather ready, and capable of a 200 person plus indoor gathering or event. Such a structure transforms the entire grounds into an attractive and unique venue for such functions as large weddings, *year round* SDMA sponsored fund raising events, *year round* civic group gatherings and meetings ...etc., all of which are real potential sources of revenue benefiting the entire Sam Davis Home Site.

The Sam Davis Home site and Sam Davis Home Memorial Association has a long history of Community support and involvement. For decades it has been a constant on the Rutherford County tourism list of places to visit. It has long demonstrated an inclination toward community education and has hosted hundreds of school and SDMA sponsored field trips and camps for students and adults from across the State. It has hosted multitudes of community gatherings and events from Church Sunrise Services to a Memorial dedication for the late Captain Jeff Kuss,



USMC, Blue Angel #6. In short, The Sam Davis Home site has been an integral part of the Rutherford County and Tennessee Community, and further, has provided visitors from across the Nation and the world the rare opportunity to tangibly connect with our Nation's earliest agrarian beginnings. It is a rare and valuable treasure and clearly in the public and community interest to preserve it.

In summary, the Trustees and Directors, are of the opinion that the site's repair, restoration, and maintenance needs are of an extreme and compelling nature. The waiver sought herein, in their opinion, will have a significant economic impact in realizing those needs and at the same time minimizes any actual change to the property as a whole or its purpose in serving the Rutherford County, the Tennessee or the National Communities. Accordingly, the Trustees and Directors are in agreement and make this recommendation, in the form of this Petition for Waiver, for the sale of this parcel of land in order to meet the present and ongoing needs.

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 3a

## SAM DAVIS HOME ASSESSMENT J. TERRY BATES & ASSOC.



**AUGUST 14, 2019**

# The Historic Sam Davis Home And Plantation



## Repair and Restoration Analysis 2019

**J. TERRY BATES & ASSOCIATES, INC**  
ARCHITECTS • PLANNERS

1705 19th Avenue South Nashville, Tennessee 37212 615-298-2288 [tbates@jtbates.com](mailto:tbates@jtbates.com)

# General Overview

## EXTERIOR

Roofing on the main house and historic dependencies appears to be in generally good condition. There are a few sections of flashing under the second floor windows on the east elevation of the main house that show signs of possible leaks. A roof inspection by a roofing expert / company is recommended.

Trim and siding sections have rotted or become damaged by the elements and need to be repaired / replaced. After repairs are made, clean all existing wood surfaces for repainting. Scrape, fill, sand, and caulk as needed to achieve smooth surfaces and joints. Repaint all façades to match existing.

Porch and step decking needs to be repaired or replaced. It is my recommendation that they be replaced with indigenous wood similar to what might have been original. Clear Red Cedar or equal is suggested. Stain and seal to match existing.

Chimney brick shows signs of wicking moisture through to the interior walls, causing discoloration, blistering and peeling of the wall paint. It is recommended that the chimney brick be cleaned, re-pointed as needed and coated with a clear matte waterproofing sealer. Inspect flashing alongside chimneys where the brick is flashed into the wood siding and chimney cap flashing for possible leaks. Repair as needed.

*The handicap ramp on the west side of the main house is visually obtrusive to the original character of the main house. I recommend a different configuration more sympathetic to the original structure.*

## INTERIOR

Wall covering in several rooms has minor sections in need of repair. Restore and re-glue as needed

Textile fading due to direct light infiltration at some of the windows is of concern. Particularly the carpet in the Formal Parlor. UV / light filtering screens/ shades are recommended for selected window locations.

Moisture damage is evident in several locations, particularly at chimney locations.

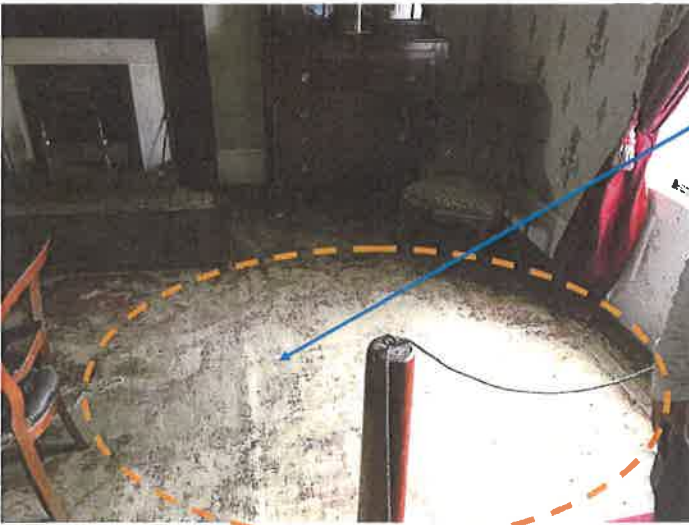
Electrical service to the main house has been turned off due to possible faulty wiring concerns. A full and thorough inspection by an electrical engineer is recommended. Repair and or replace per the electrical engineer's recommendations.

Temperature control is of concern. No heat or cooling has been installed in the house. Ability to maintain more steady temperatures and humidity within the house would be helpful in preserving interior finishes and furnishings. It is recommended that a central heating and cooling system be installed with humidity control.

Structural movement in the center of the main house is causing cracking of wall and ceiling plaster. A walk-through did not show obvious signs of settlement issues, although a thorough investigation was not made. From location of cracks, it appears pedestrian traffic may be causing stress to the aging structure. Cracks are developing along the walls in the Entry/Stair Hall and Formal Parlor particularly at connection points of the stair landings. Additional cracks are occurring on walls common to the Entry, in the Informal Parlor, Older Girls' Bedroom and Guest Bedroom. The cracks seem to be originating on the first floor from the ceiling down, suggesting movement from above as a cause. On the second floor, the cracks run from the floor to the ceiling, again suggesting movement of the floor as a source. It is recommended that the house be thoroughly investigated by a structural engineer to accurately determine the cause of the movement and cracking, and provide instructions for repair and correction. *Note cracks on the following photos have been highlighted for better clarity.*

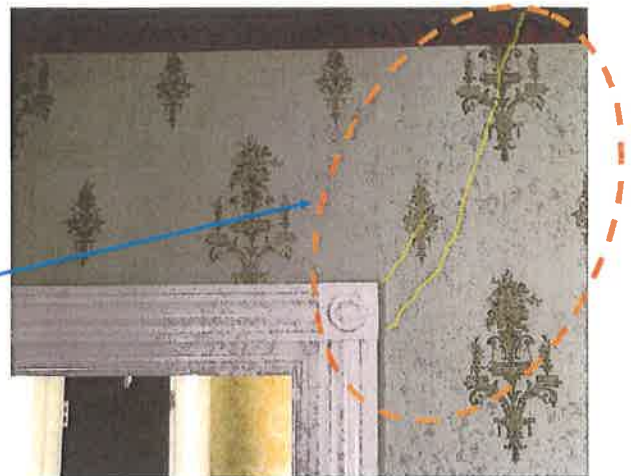


# FORMAL PARLOR



Sunlight from the front window is fading the rug. Install a light diffusing panel or film to the window to prevent additional fading.

Diagonal cracks are evident above the doorway common to the Entry / Stair Hall. It appears to be a stress crack caused by movement, however, structural investigation should be made to determine the exact cause and to provide recommendations to stabilize the movement and avoid / minimize further cracking.





## INFORMAL PARLOR

Cracks are evident across the ceiling and sagging appears to be occurring. It is common for plaster ceilings to sag over time from their own weight. This is likely causing/contributing to the cracking. However, structural investigation is needed to determine exact cause and recommend stabilization options. Stabilize, repaire and repaint ceiling.

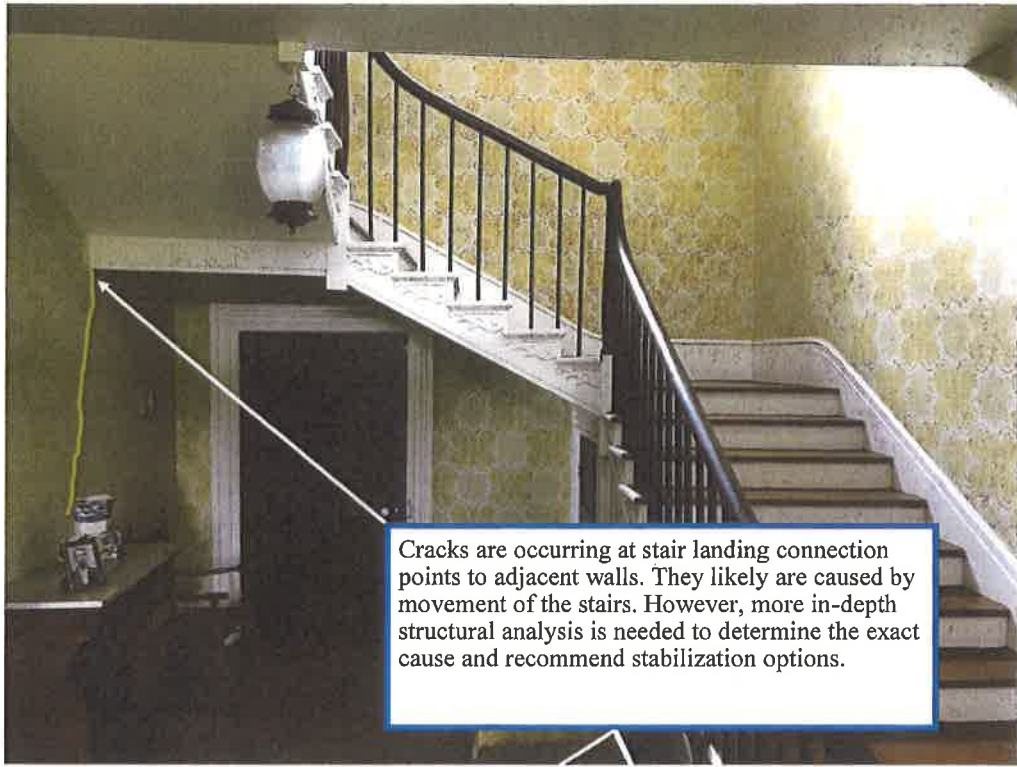




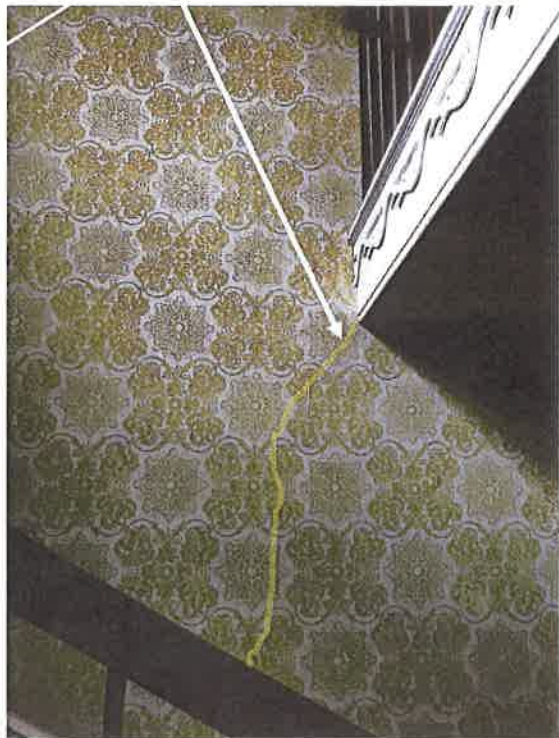
Ceiling paint is blistering / peeling. Investigate attic and roof for possible water infiltration. Repair any leaks. Repair and re-paint ceiling.



## FORMAL ENTRY—STAIR HALL



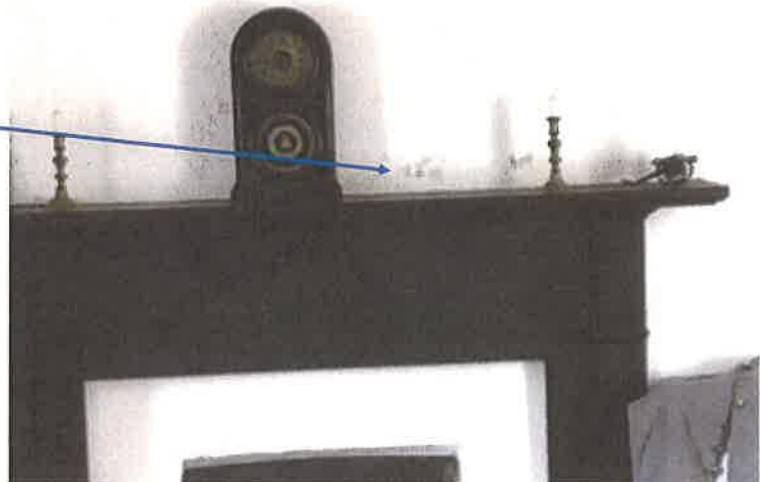
Cracks are occurring at stair landing connection points to adjacent walls. They likely are caused by movement of the stairs. However, more in-depth structural analysis is needed to determine the exact cause and recommend stabilization options.



## Boy's Room



Blistering / peeling of the paint around the mantel, suggest moisture infiltration. It is likely the adjacent brick chimney is wicking moisture through to the interior wall. Re-point chimney brick as needed and coat entire chimney with clear matte waterproofing sealer. Repair and repaint the interior wall.

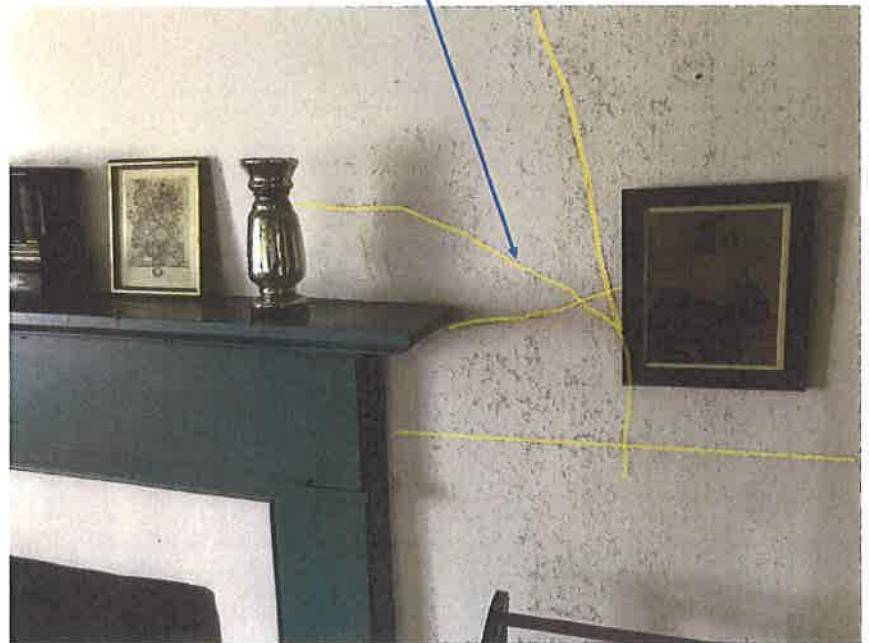
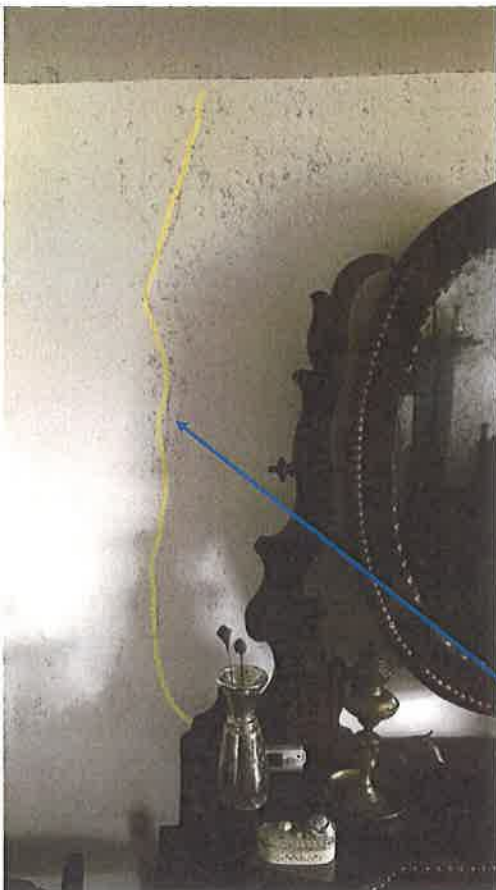




## Older Girl's Room



Discoloration and blistering of the paint around the mantel suggests possible moisture infiltration. Re-point adjacent brick chimney structure and coat with clear matte waterproofing sealer. Cracks around the mantel suggest movement. Structural analysis is needed to determine cause and stabilization options. Repair and repaint interior wall.



Cracks are appearing along the wall common to the stair hall. Structural investigation is need to determine cause and recommended stabilization options. Stabilize as required, repair and repaint wall.

# Grandmother's Room



The wall covering in various areas has released from the wall. Scan the room for problem areas, re-glue and repair as needed.



Water infiltration



## Little Girl's Room



The wall covering in various areas has released from the wall. Scan the room for problem areas, re-glue and repair as needed.

## Parent's Room



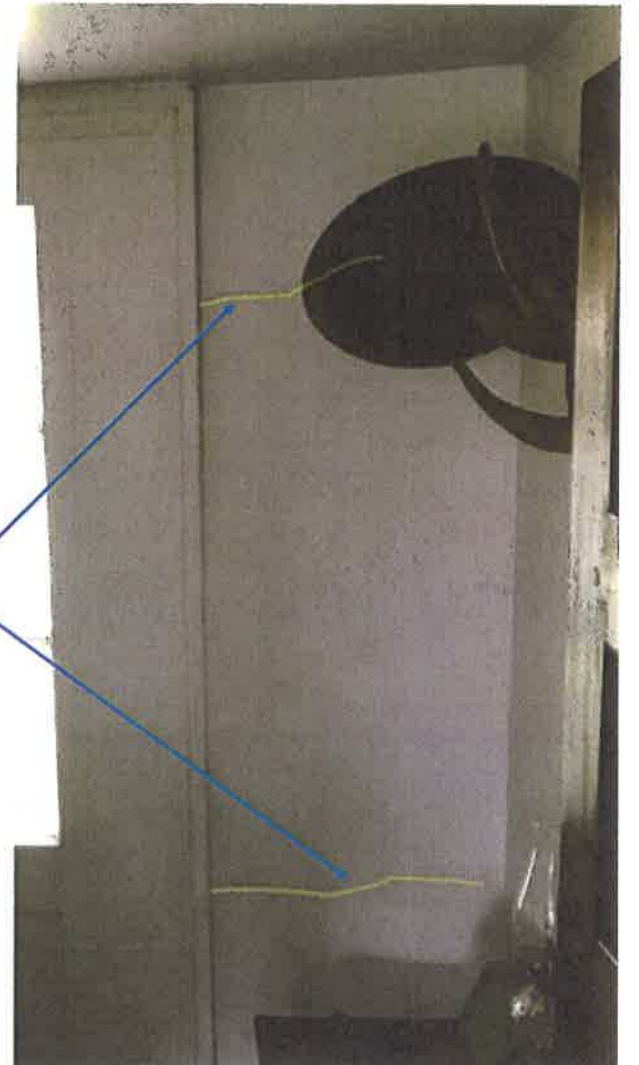
The wall covering in various areas has released from the wall. Scan the room for problem areas, re-glue and repair as needed.

Ceiling paint is blistering / peeling. Investigate for possible water infiltration. Repair any leaks. Repair and re-paint ceiling.



Repair the hole in the floor. Investigate condition of subfloor, repair as needed and splice new floor boards into existing to cover area of hole. Stain and finish to match existing.

## Guest's Room



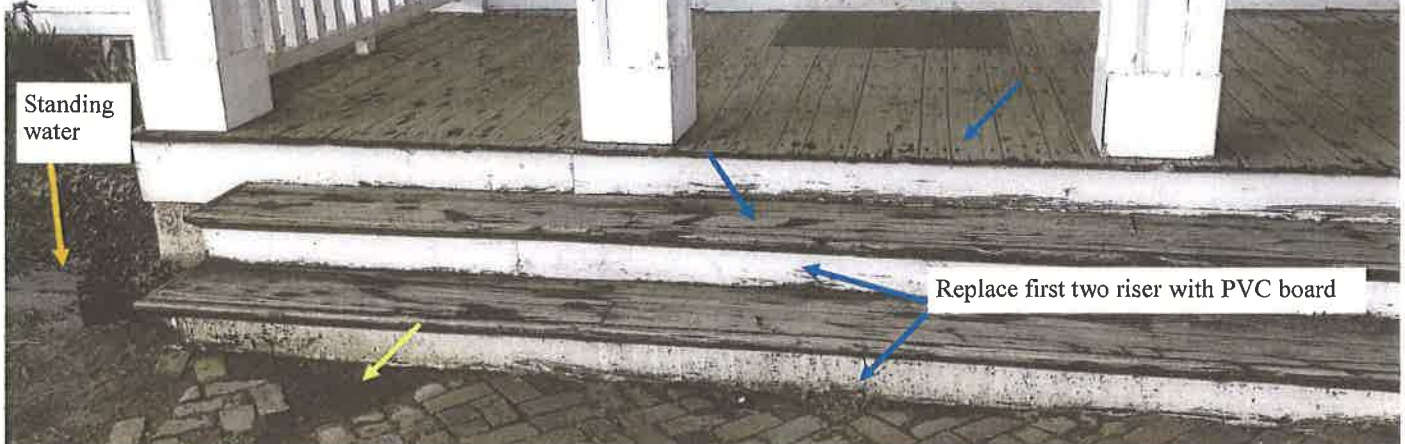
Various cracks are occurring in the plaster walls. Structural analysis is needed to determine cause and recommended stabilization options. Stabilize as needed and repair and repaint walls.



# FRONT SOUTH FACADE

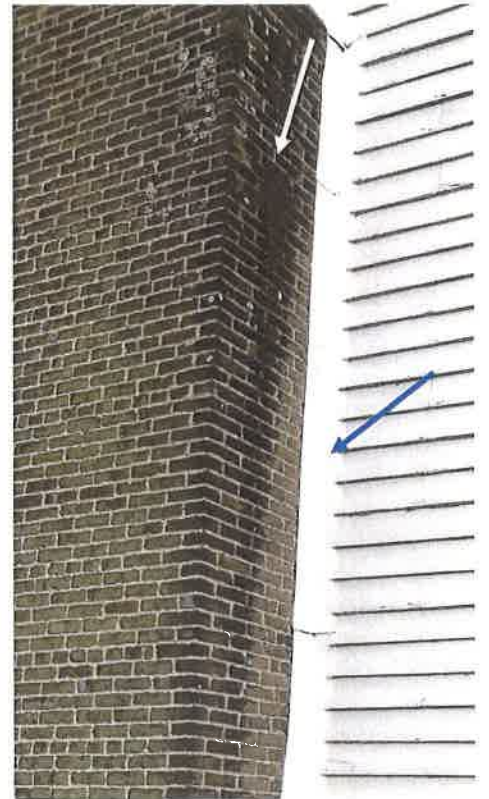


- Replace rotted and or damaged portions of wood trim and siding with exterior grade hardwood. Replace only damaged portions, leaving as much of existing as possible. Match existing profiles exactly. Splice / miter, fill, and sand joints smooth to disguise joint repairs. Prime and paint.
- Replace porch and step decking with clear Red Cedar (or equal exterior grade indigenous wood) planks in random widths to match existing to be removed. Stain and seal to match existing to be removed.
- Repair shutters and shutter hardware as needed. Repaint to match existing.
- Clean all existing wood surfaces for repainting. Scrape, fill, sand, and caulk as needed to achieve smooth surfaces and joints. Repaint entire façade to match existing.
- Re-grade yard to the sides of the front porch to eliminate pounding.
- Replace missing walk bricks.





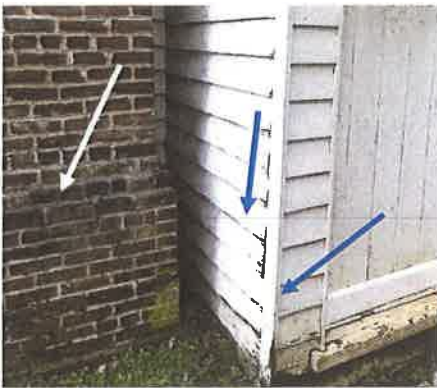
## WEST FACADE



- Replace rotted and or damaged portions of wood trim and siding with exterior grade hardwood. Replace only damaged portions, leaving as much of existing as possible. Match existing profiles exactly. Splice / miter, fill, and sand joints smooth to disguise joint repairs. Prime and paint.
- Repair shutters and shutter hardware as needed. Repaint to match existing.
- Clean all existing wood surfaces for repainting. Scrape, fill, sand, and caulk as needed to achieve smooth surfaces and joints. Repaint entire façade to match existing.
- Clean chimney brick, re-point as needed and coat with a clear matte waterproofing sealer. Inspect chimney caps for possible leaks. Repair as necessary.
- Inspect flashing along side of chimney for leaks. Repair as needed.



## EAST & NORTH FACADE

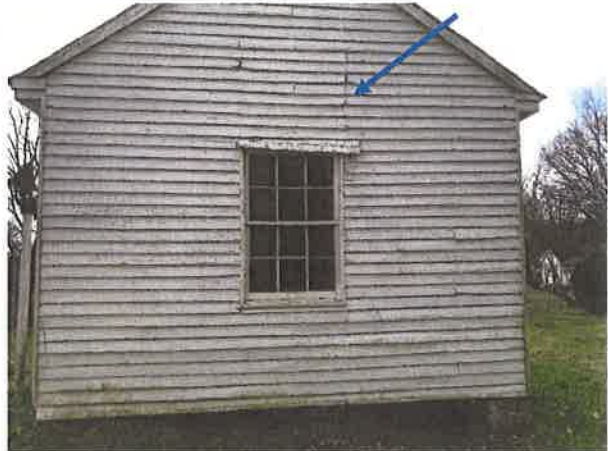


- Replace rotted and or damaged portions of wood trim and siding with exterior grade hardwood. Replace only damaged portions, leaving as much of existing as possible. Match existing profiles exactly. Splice / miter, fill, and sand joints smooth to disguise joint repairs. Prime and paint.
- Repair shutters and shutter hardware as needed. Repaint to match existing.
- Clean all existing wood surfaces for repainting. Scrape, fill, sand, and caulk as needed to achieve smooth surfaces and joints. Repaint entire façade to match existing.
- Clean chimney brick, re-point as needed and coat with a clear matte waterproofing sealer. Inspect chimney caps for possible leaks. Repair as necessary.
- Inspect flashing along side of chimney for leaks. Repair as needed.
- Inspect flashing under second floor windows for leaks. Repair as needed.





# SCHOOLHOUSE, SMOKEHOUSE AND ORIGINAL DEPENDENCIES



- Replace rotted and or damaged portions of wood trim and siding with exterior grade hardwood. Replace only damaged portions, leaving as much of existing as possible. Match existing profiles exactly. Splice / miter, fill, and sand joints smooth to disguise joint repairs. Prime and paint.
- Repair shutters and shutter hardware as needed. Repaint to match existing.
- Clean all existing wood surfaces for repainting. Scrape, fill, sand, and caulk as needed to achieve smooth surfaces and joints. Repaint entire façade to match existing.

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 3b

### SITE MAP



**AUGUST 14, 2019**

SITE MAP



# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 3c

## OTHER STRUCTURES ASSESSMENT Staff



**AUGUST 14, 2019**

# SAM DAVIS MEMORIAL ASSOCIATION

## Photographic Assessment of Historic and Other Structures

By Staff

June 2019





Enslaved Persons Cabins





First Cabin Exterior



First Cabin Interior



Second Cabin Exterior



Second Cabin Interior





Third Cabin Exterior



Third Cabin Interior



The White Barn



The White Barn Interior - Roof



The Creek House - Exterior 1



The Creek House - Exterior 2





The Creek House - Interior 1



The Creek House - Interior 2



Education Building - Exterior 1



Education Building - Exterior 2



Education Building - Interior 1



Education Building - Interior 2





Education Building - Interior 3



Education Building - Interior 4





Boyhood Home - Front



Boyhood Home - Rear



Overseer Cabin - Exterior



Overseer Cabin - Interior



Smokehouse - Exterior



Smokehouse - Interior





Privy - Exterior



Privy - Interior roof



Kitchen - Exterior



Kitchen - Interior - Roof 1





Kitchen - Interior - Roof 2



Visitor Center & Offices - Exterior 1



Visitors Center & Offices - Exterior 2



Visitor Center & Offices - Exterior 3





Visitor Center & Offices - Exterior 4



Visitor Center & Offices - Exterior 5





Visitor Center & Office - Exterior 6

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 3d

## 2018 CAPITAL CAMPAIGN BROCHURE



**AUGUST 14, 2019**





THE HISTORIC

# SAM DAVIS HOME

AND PLANTATION

085 BUILDING ON THE PAST FOR THE FUTURE





Museum exhibits from the Sam Davis Home and Plantation. The non-profit historical site is governed by the Sam Davis Memorial Association.

*Samuel Davis*

# “If I had a thousand lives to give, I would do so rather than betray a friend.”

— Sam Davis

## Do You Know Sam?

The story of Sam Davis is filled with character and honor, traits we value as highly today as we have since the founding of this nation. Rutherford County native Sam Davis sacrificed his life to protect his fellow soldiers and correspondence critical to the mission. Sam was captured and sentenced to death unless he gave up secret information. Unwilling to compromise his integrity, his response was, “If I had a thousand lives to give, I would do so rather than betray a friend.” Sam was executed at age 21 on November 27, 1863. His legacy as the “Boy Hero of the Confederacy” continues today through the living history programs at the Sam Davis Home in Smyrna, Tennessee.

## Sam Davis Memorial Association

The Sam Davis Memorial Association (SDMA) was created by state charter in 1930 to maintain the property and oversee operation of the site. Today, SDMA preserves the heritage of Sam Davis, his family, and the enslaved people who labored at the mid-19<sup>th</sup> century plantation. The 168-acre site includes the historic home built between 1810 and 1820, preserved farmlands, a modern museum and visitors’ center, slave cabins, and Sam’s boyhood home.

## Impact of the Historic Landmark

The second most-visited historic site in Rutherford County, the historic Sam Davis Home and Plantation hosts more than 20,000 guests each year. Visitors enjoy the living history lesson featuring interpretive tours of the house and grounds. Annual education events include Days on the Farm and Heritage Days, with each two-day event

bringing approximately 5000 school children, parents, and teachers for learning activities and demonstrations. Field trips and summer day camps are designed to meet current state educational standards with experiential activities. The facilities and grounds are also available as an event venue and provide a unique setting for our annual fundraiser, Wine on the Veranda.

Smyrna Mayor Mary Esther Reed states, “The Sam Davis Home is Smyrna’s most historic landmark. Besides being an essential part of the town’s history, the plantation plays a vital role in the town today, enhancing the local economy as a tourist destination, a wedding venue, and contributing to the culture and identity of the town. The Sam Davis home serves as the backdrop for the official town of Smyrna seal.”

## Now Is the Time

The SDMA needs your support. Our trustees and board are charged with preservation and oversight of this unique historic site. With no guaranteed support from any government entity, financial resources come from memberships, admissions, grants, donations, rentals, and special events. These cover operating costs but do not provide funds for necessary maintenance of facilities or expansion of educational outreach programs.

The following needs have been identified and prioritized as essential to delivering a quality experience to visitors and educational programs.

## CURRENT NEEDS AND ESTIMATED COST

- **Historic Home Renovations** (about \$350,000)
  - Exterior painting
  - Repair/restoration of exterior wood damage
  - Window shutter repair/restoration
  - Gutter/downspout repair/restoration
  - Interior repair and restoration of walls, seals, floors, etc.
  - Temperature control throughout
- **Boyhood Home Restoration** (about \$150,000)
  - Replace/restore roof of home and covered porch
  - Rebuild back porch and deck
  - Clean and restore interior to period
  - Repair chinking and seal from elements

## Visitor Center and Museum Restoration

- (about \$50,000)
  - Roof repair and replacement (including eaves and gutters)
  - General updating and repair

## PROPOSED LONG-TERM EXPANSION

- **Education, Cultural Heritage, and Arts Facility** (estimated at about \$1 million)
  - 5,000 square foot facility with open concept to expand educational programs to include:
    - Summer camps
    - Day camps
    - Educational events (Days on the Farm, Heritage Days)
    - Field trips
    - Cultural arts exhibits and performances



## EXECUTIVE BOARD

Dr. Steve Murphree – *President*  
Dr. John Lee – *1st Vice President*  
Brittany Stevens – *2nd Vice President*  
Tony Hicks – *Treasurer*  
Marilla Dodd – *Secretary*

## BOARD MEMBERS

Debria Beatey  
Jason Boshers  
Linda Boshers  
Thomas Bucher  
Lisa Crowell  
Byron Davis  
DeLann Harris Dunlap  
James (Toby) Francis  
Marrin Frost  
Peyton Hall  
Bill Harris  
Carlene Henderson  
Mary Luffinan  
William Moore  
James Patterson  
Jeff Peach  
Crystal Routon  
Sonia Sain  
Dr. Doug Timmons  
James Turner  
Barbara Vincion  
Tom Wood

## TRUSTEES

Joi Sherrill – *President*  
Beth Binkley  
Dr. Michael Bradley  
Carol Davis  
John Harney  
Jerry Oxsher  
Pettus Read  
Ginny Williams  
Margie Weatherford



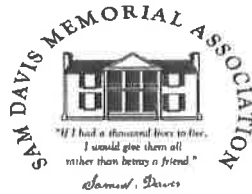
Slave cabins on the grounds of the Sam Davis Home

## MISSION STATEMENT

The Sam Davis Memorial Association preserves the Sam Davis Home to keep alive the story of Sam Davis, his family, and the people who labored on this Middle Tennessee farm before, during, and after the Civil War. Through museum exhibits, the historic home, preserved farm land, and quality education programs, the SDMA imparts to its visitors the importance of learning about their past and its relevance to their present.

Historic Sam Davis Home, 1399 Sam Davis Rd., Smyrna, TN, 37167 • 615-459-2341 • [director@samdavishome.org](mailto:director@samdavishome.org)

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



**EXHIBIT 3e**

**SALE PARCEL**



**AUGUST 14, 2019**

I, Cody York, Director of the Division of Publications for the Department of State, hereby certify that the attached document is a true and accurate copy of a record kept by the Division of Publications.



**State of Tennessee**

**PUBLIC CHAPTER NO. 782**

**HOUSE BILL NO. 2681**

**By Representative Sparks**

**Substituted for: Senate Bill No. 2722**

**By Senators Ketron, Reeves**

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the Sam Davis home.

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-301; and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-307, provides that the State may revoke such trust at will; and

WHEREAS, the Sam Davis Memorial Association has requested permission to sell a portion of the property to finance repairs and upkeep of the property; and

WHEREAS, it has been determined that the purpose of the trust created by Tennessee Code Annotated, § 4-13-301 can be fulfilled after the separation from the trust of the below described property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Pursuant to Tennessee Code Annotated, § 4-13-307, the trust created by Tennessee Code Annotated, § 4-13-301 is hereby revoked in part, such partial revocation to apply to the following property:

A parcel of land in the Town of Smyrna, Rutherford County, Tennessee, bounded on the north and west by the remaining land of the Sam Davis Memorial Association (map 27, parcel 6.00), on the east by the west right-of-way for Nissan Drive and on the south by the north right-of-way for Sam Davis Road, being described as follows:

Beginning at a point at the intersection of the north right-of-way for Sam Davis Drive and the west right-of-way for Nissan Drive; thence with the north right-of-way for Sam Davis Drive, westerly, 52 feet more or less; thence with a new line severing the lands of the Sam Davis Memorial Association, being parallel with the west right-of-way for Nissan Drive, northerly 678 feet more or less; thence easterly, 275 feet more or less to a point in the west right-of-way for Nissan Drive; thence with the west right-of-way of Nissan Drive, in a southerly direction, 450 feet, more or less to the beginning of a curve to the right; thence with the west right-of-way for Nissan Drive, with a curve to the right, 353 feet more or less to the point of beginning, having an area of 4 acres, more or less.

SECTION 2. Section 1 shall be effective only upon the Sam Davis Association obtaining a waiver under the Tennessee Heritage Protection Act from the Tennessee Historical Commission, pursuant to Tennessee Code Annotated, § 4-1-412. If the Sam Davis Association is granted a waiver, then the property described in Section 1 reverts to the Sam Davis Memorial Association and does not revert to this state. The Sam Davis Memorial Association may sell the property and use the proceeds to finance repairs and upkeep of the property remaining in the trust.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2681

PASSED: April 5, 2018

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 19<sup>th</sup> day of April 2018

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR









Current View  
NE Corner  
Intersection of Sam Davis Rd. / Nissan Drive



Current View  
SE Corner  
Intersection of Sam Davis Rd. / Nissan Drive



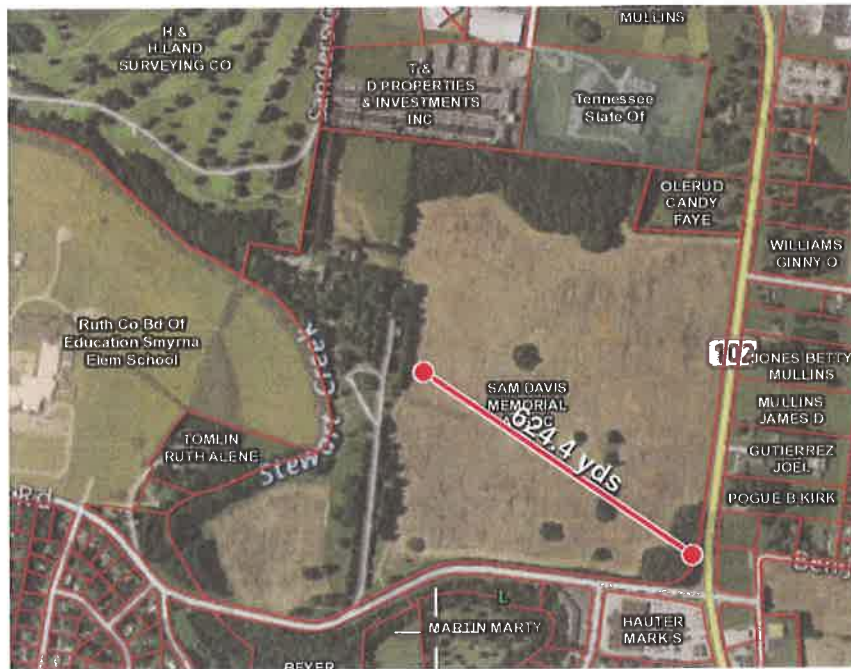
Current View  
SW Corner - Photo 1  
Intersection of Sam Davis Rd. / Nissan Drive



Current View  
SW Corner - Photo 2  
Intersection of Sam Davis Rd. / Nissan Drive



Satellite view of SDMA Property  
(Sale Parcel in green circle)



Distance from Sam Davis Home and Main Grounds to Sale Parcel  
624.4 yards (1,872.2 feet) 1/3+Miles





View Looking Toward Sale Parcel From Eastern Edge of Main Home Grounds  
Photo 1  
Behind Enslaved Persons Cabins



View Looking Toward Sale Parcel From Eastern Edge of Main Home Grounds  
Photo 2  
Along Eastern Edge of Main Drive

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



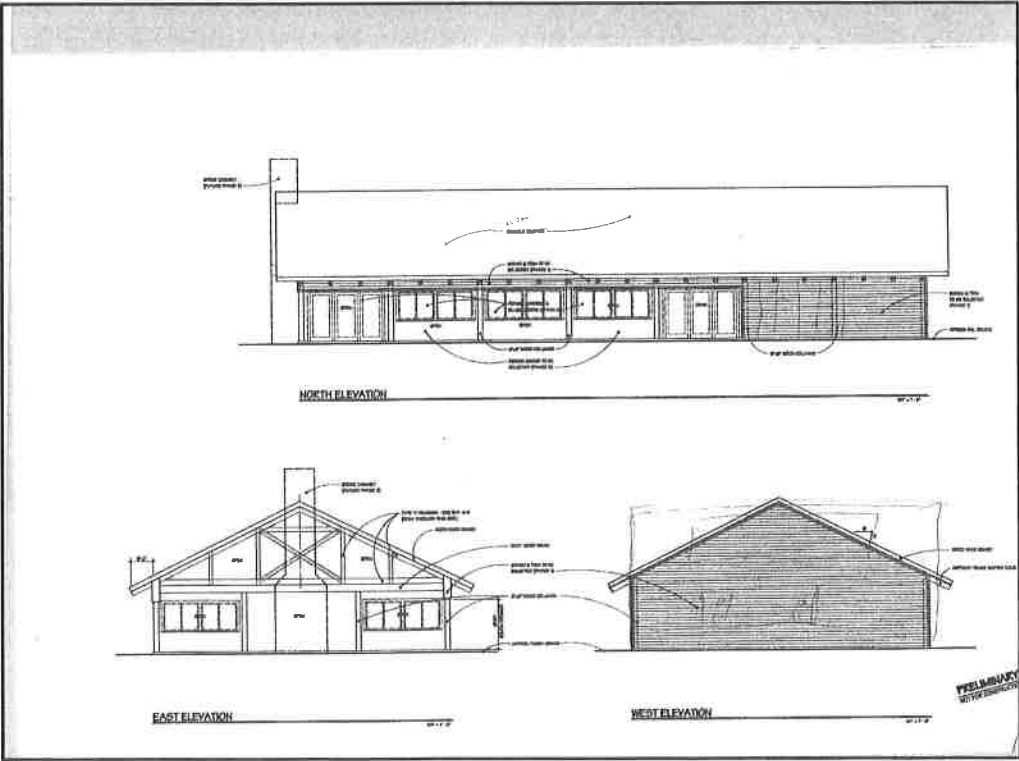
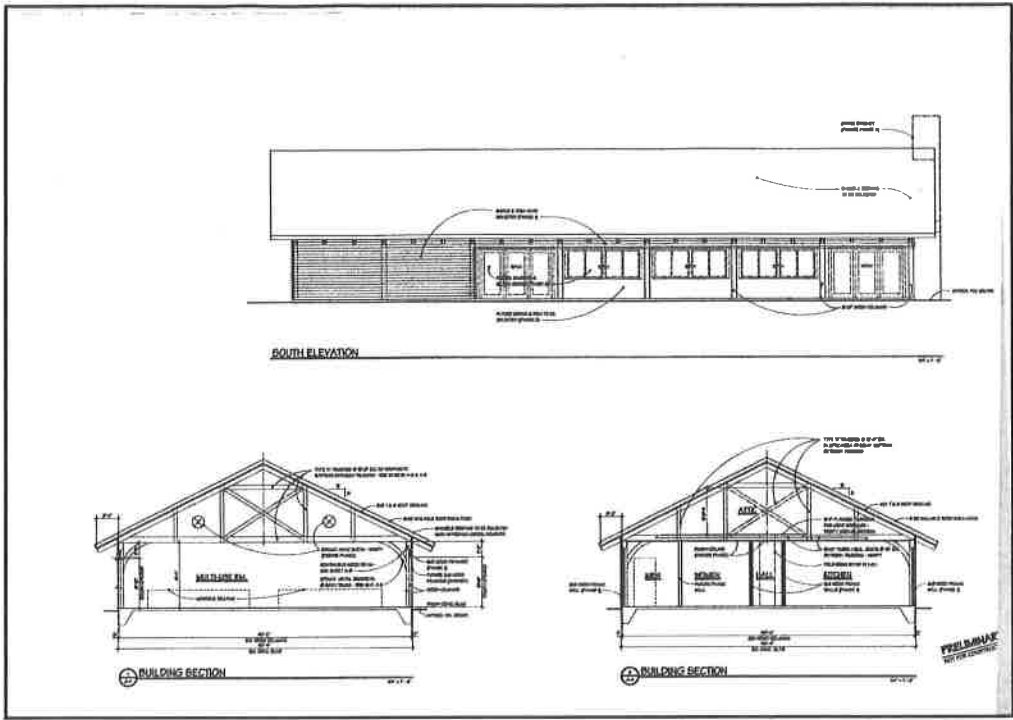
### EXHIBIT 3f

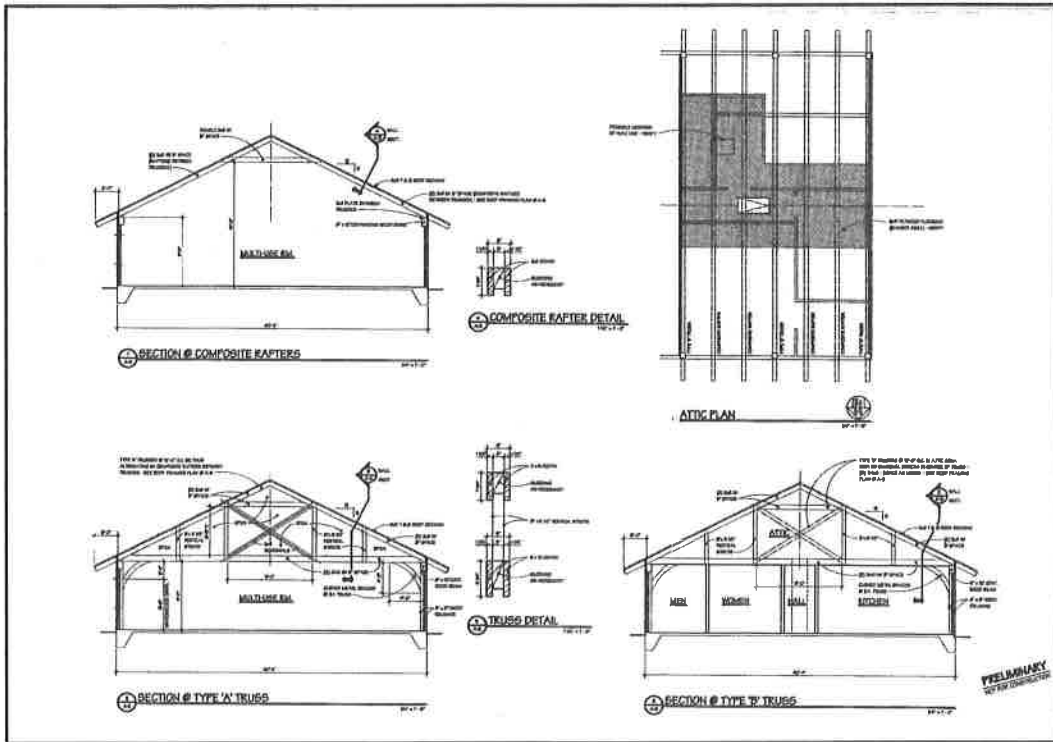
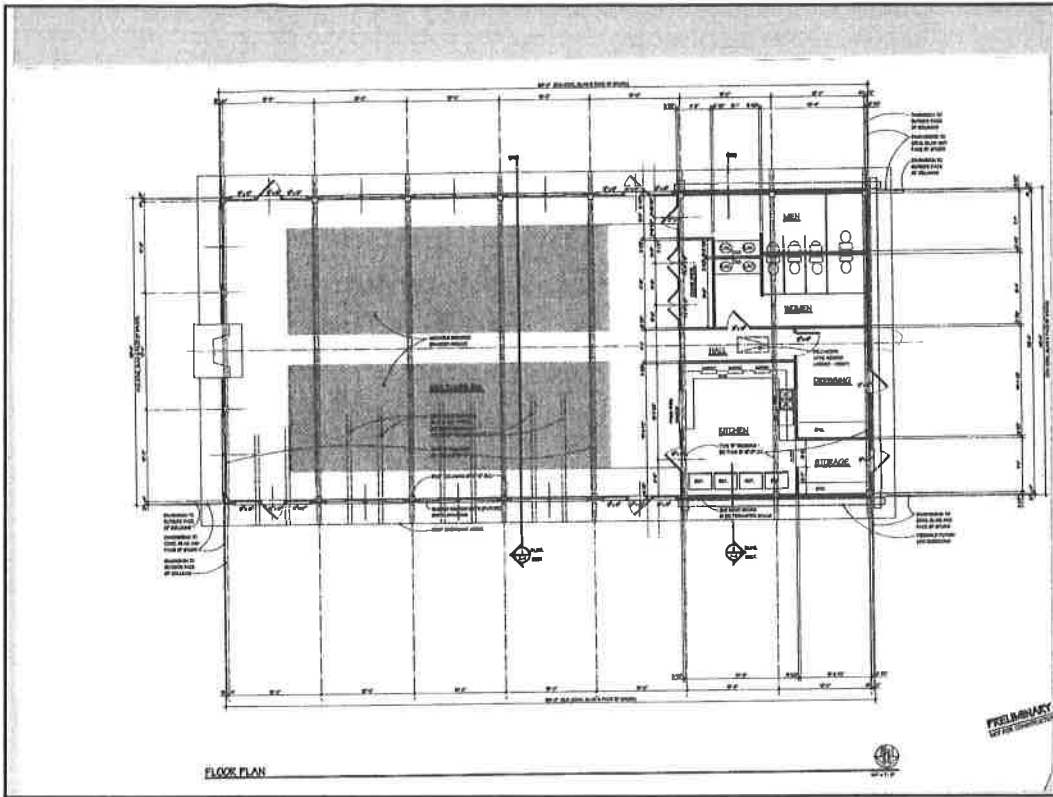
## EDUCATION / EVENT BUILDING (CONCEPT)



**AUGUST 14, 2019**

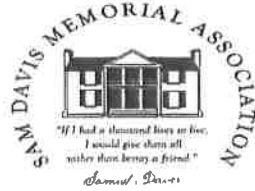






CONCEPT PLANS - SDMA EDUCATION/EVENT BUILDING

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 4

## AFFIDAVIT OF JENNY LAMB, EXEC. DIRECTOR NAMES OF THOSE HAVING POTENTIAL INTEREST



**AUGUST 14, 2019**



Further the affiant sayeth not.

For The Sam Davis Memorial Association

Jenny Lamb  
Jenny Lamb

Sworn to and subscribed before me this 9<sup>th</sup> day of July 2018.

[Signature]  
Notary Public

My commission expires: 8-11-2020





# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 5

## PUBLISHED NOTICES



**AUGUST 14, 2019**

# Cost of Publication

\$

73.50

### PUBLIC NOTICE SAM DAVIS MEMORIAL ASSOCIATION REQUEST FOR WAIVER

The Sam Davis Memorial Association, hereinafter referred to as the "SDMA", hereby gives public notice of the intention to petition the Tennessee Historical Commission for a waiver that would allow it to sell approximately four (4) acres of property presently controlled, administered and managed by the SDMA. At present the SDMA property and grounds consist of approximately 168 total acres. The four (4) acres proposed for sale are located approximately at the Southeastern most corner of the Sam Davis Memorial Association property and grounds. Further, the proposed acreage occupies a portion of the land located at the Northwestern corner of the intersection of Sam Davis Road and Nissan Drive (State Route 102). A legal description of the proposed property is to be contained in the SDMA's petition. The SDMA's planning efforts as conducted through its various Committees, as well as, Member meetings has determined the sale of said acreage would be in the best interest of the Sam Davis Memorial Association property and grounds. Once the SDMA's Petition for Waiver is filed, a copy of the petition and supporting documentation will be available at no cost upon written request to the Sam Davis Memorial Association, 1399 Sam Davis Road, Smyrna, TN 37167. These materials will also be available at [www.smdmtn.com](http://www.smdmtn.com).

## STATE OF TENNESSEE County of Rutherford

Personally appeared before me,

Shelley K. Satterfield

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Murfreesboro Post* a newspaper, and that the hereto attached publication appeared in the same on the following

dates:

8/7/2018

*Dave Gould*

Dave Gould, President

Subscribed and sworn to before me  
on the date of:

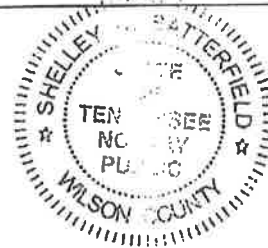
8/7/2018

*Shelley K. Satterfield*

Notary Public, Shelley K. Satterfield

My commission expires

December 26, 2020



Gould Enterprises Inc.  
P.O. Box 8156  
Gallatin, TN 37066 US  
(615) 444-6008  
accounting@wilsonpost.com

**BILL TO**

Sam Davis Home  
Attn: Harley A. Davis  
1399 Sam Davis Road  
Smyrna TN 37167

**INVOICE 70664**

DATE 08/06/2018 TERMS Due on receipt

DUE DATE 08/08/2018

**P.O. NUMBER**  
PD CC002824

**SALES REP**  
LP

| ACTIVITY                                                                    | QTY | RATE  | AMOUNT |
|-----------------------------------------------------------------------------|-----|-------|--------|
| MP-Legals<br>Murfreesboro Post Legal Ad PUBLIC NOTICE<br>REQUEST FOR WAIVER | 1   | 73.50 | 73.50  |

MainStreet Media of TN is the publisher of The Wilson Post, The Gallatin News, The Hendersonville Standard, The House Connection, The Robertson County Connection, The Bargain Browser, The Portland Sun, The Murfreesboro Post and Mature Lifestyles Magazine. PAYMENT 73.50

Please note new remit address is PO Box 8156, Gallatin, TN 37066, Thank You!

**TOTAL DUE \$0.00**

Please make your check payable to Main Street Media of Tennessee and include your invoice number.

# AFFIDAVIT OF PUBLICATION

0003067797

Newspaper The Tennessean

State of Tennessee

Account Number 6154606221STEV

Advertiser SAM DAVIS MEMORIAL FUND

SAM DAVIS MEMORIAL FUND  
1399 SAM DAVIS RD  
SMYRNA, TN  
37167

TEAR SHEET  
ATTACHED

Jackie Cooper

Sales Assistant for the above mentioned newspaper,

hereby certify that the attached advertisement appeared in said newspaper on the following dates:

08/02/18

Jackie Cooper

Subscribed and sworn to before me this 2nd day of August 2018

Donna Walker

Notary Public



Affidavits Requested:

1

0003067797PUBLICNOTICESAMDAVISMEMORIALASSO

es « merch « announce « jobs

ce an ad online 24/7 at Tennessee.com/classifieds | call 615-242-SALE

**Hot**  
**ince**  
& notices...

ions

born is a blessing,  
home w/unconditional  
chelle 1-800-679-5904  
lopyou.com

ouncements

Flex VIN  
203383, SUV will be  
8/11/2018 @noon located  
Pike

2 Hwy 96N Fairview TN  
2008 Ford Focus, 1998  
2001 Volvo S80, 1986  
98 Ford Winstar, 2008  
7 Freightliner CST, 2005  
olier, 1994 Toyota Taco-  
Astro Van, 2003 Ford  
Cadillac CTS, 2004 Chevy  
Kia Optima, 2001 Volvo

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election and  
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is, please visit  
JobDetails.

**Announcements**

**HELP WANTED!!!**  
FULL TIME POSITIONS AVAILABLE  
\$500/WEEK per agreement

**Hunting Property 1 Year Lease**  
144 Acres, Mostly Timber with a Creek,  
Lots of Turkey & Deer; 731-363-0582

Johnny Paycheck Lost Recordings, To  
all, this may pertain to, Family, Pub-  
lishing etc. I am in possession and own-  
ership thru legal purchase of the last  
masters collection during the Little  
Darling Years from one Johnny Pay-  
check. If for any reason anybody has  
any objections, to my releasing with all  
rights pertaining to these master re-  
cordings please contact me at 5590 Hwy  
9 N Comp, Ark 72520.



Mothers Needed - If you have a neg-  
ative blood type, 2 or more pregnancies  
or a blood transfusion or told you have  
an antibody. You may qualify to pro-  
duce a life-saving medicine. You may  
be compensated \$500+ per month www.  
southernbloodservices.com / 615-342-0180

**Great Buys**  
**Yard Sale**  
neighborly deals...

**Cheatham County**

ASHLAND CITY, 1001 Williamsburg Rd  
Friday & Saturday - 7am-4pm.  
Men & Women's Clothes, Scrub's, etc...

**Davidson Northeast**

Goodlettsville, Yard Sale, 108 Mavella  
Ct, Fri and Sat Aug 3rd & 4th, 7 am - 2  
pm, household items and nick nacks

**Davidson Southeast**

Nashville, ESTATE SALE, 931  
Curry Rd, Friday, August 3rd, Satur-  
day, August 4th, 8:00AM - 4:00PM, 40  
year collection of household goods  
and vintage items. (615)351-2248

**General**

**Davidson Southwest**

Berencie Denton Estate Sales  
615-292-5765 / 615-579-5765

Dickson Sale  
Aug. 2-4/9am to 4pm  
118 Shady Oak Dr., 37055

For pics go to  
www.berenicedenton.com

**Davidson West**

Bellevue, 7592 Old Charlotte Pike., 37209  
Thurs, Fri, & Sat., 8/2-8/4, 8-5pm.  
**HUGE TEN FAMILY SALE!**

Nashville, Huge Sale Inside & Outside  
654 Vernon Ave. Aug 1st-4th 8a-4p  
Dolls, Avon, vintage tables, silverplate,  
figurines, collectibles, dishes, glasses,  
clothes, framed art & mirrors, more

**Madison North**

MADISON FLEA MARKET/  
Friday, August 3rd, 9 am - 2 pm  
301 Madison Street  
FiftyForward, Behind Madison  
Square Shopping Center.  
All kinds of items + B-B-Q & baked  
goods for sale! 615-669-7100

**Rutherford County**

Rockvale- 102 Sentras Ct. Fri 8/3 &  
Sat 8/4 7a-7 Huge Yard Sale! pool cov-  
er, tools, plumbing, electronics, bike,  
furn, fishing equip, jewelry, misc, etc

**Sumner County**

Gallatin, 1451 Harrington Dr., Fri., 8/3  
8-5pm & Sat., 8/4, 8-2pm, H/H Items and  
something for everyone! Priced to Sell!

Gallatin: Thurs 8/2, Fri 8/3 & Sat 8/4;  
7a-7 914 Morris Dr & 912 Ramsey Dr  
off Lock 4 Rd. Furn, toys, books,  
dishes, clothing, shoes & more!

**Williamson County**

Estate Sale  
Fri 8/3 & Sat 8/4 from 9am - 4pm  
1000 Ridgcrest Drive Franklin, TN  
Home Decor, Furniture, Art, Books,  
Jewelry, Desk, Couches, Sewing &  
Crafts, Light Fixtures, Scientific Equip-  
ment, Tools and more.  
For more information visit  
NationalEstateCompany.com

Find what you want in  
The Classifieds everyday, or  
search online anytime at  
www.tennessee.com.

**General**

**HELP WANTED!**  
UNDERGROUND/AERIAL COMPANY LOOKING FOR  
Directional Drillers,  
Locators, Aerial laborers  
for in-house workers.  
Please email resume or interest to  
acct@globalcommppsinc.com.  
Include your name, experience & contact information so  
we may get back to you ASAP. Must have a valid drivers  
license, be able to pass a background check & drug  
screen & we are looking to start as soon as possible.

**Assorted**  
**Merch**  
all kinds of things...

**General Merchandise**

400 SPORTS CARDS: Low #  
No Beckett Pricing, \$16ea for all...  
Call Bill in Columbia 931-381-4192.

AMF Pool Table, Professional size,  
newly refinished with new top and  
rail cloth. Includes six pool sticks,  
new pool stick rack, and new balls.  
Beautiful table!! \$400.00 firm.  
(615)268-2147 /whitaker684@gmail.com

Charcoal, 20# bags, Kingsford, new, 4  
available, Murfreesboro, price each,  
\$10. (615)890-3174

Harley Racing Jacket, Ladies, large,  
white with black & orange, thick cloth,  
lined, M'boro, \$75. (615)890-3174

NASCAR drivers-PETTY, GORDDON,  
LABONTE, others, on front of cereal  
boxes, \$10 each. (615)298-4572

Nashville Sports Bar and Grill, Been in  
business for 20 years, Owner retiring  
Only serious inquires will be consid-  
ered. Email only please., \$150,000.  
(615)478-2352 nipc@bellsouth.net

NATIONAL PARKS QUARTERS, first  
38 quarters issued, in album, \$22, sin-  
gles \$5.00 each. (615)298-4572

Pillowtop Queen Mattress and  
Boxspring, Brand new still in factory  
plastic, \$150. (615)920-3132

PRESIDENTIAL DOLLARS, complete  
set of all 39 presidents on dollar coins,  
in album, \$45, singles \$2. (615)298-4572

Professional Denver beveling machine  
w/ stones, priced to sell \$500 OBO,  
931-249-5571

**Wanted to Buy**

ELVIS PRESLEY MEMORABILIA  
WANTED! Autographs, personal  
items, clothes. Will pay \$250 to \$50,000  
depending on item. Please no decon-  
ters, baseball cards, records. \$250.  
(702)545-6404 EParchives@aol.com

FREON R12 WANTED, Cert. buyer  
pays CASH for R12 cylinders + cans  
(312)291-9169 Refrigeraantfinders.com

I BUY WATCHES, I BUY VINTAGE  
MEN'S WATCHES, ROLEX OMEGA  
HEUER LECOULTRE & MANY OTHERS  
WORKING OR NOT! CHRONO-  
GRAPHS DIVERS PILOTS  
WATCHES ESPECIALLY: I DON'T  
BUY BATTERY (QUARTZ)  
WATCHES, \$\* Call for info \*  
(615)305-2818

RECORDS & CDs WANTED-1P+45c/7bs

**Wanted to Buy**

We Thin &/or Remove Your Overgrown/  
or Unwanted Monkey Grass/Liriope  
We Pay For Most Varieties  
There is no charge for this service!  
Call Dave at - 234-703-7122

**Your Source**

**Public Notices**  
for the latest...

**Public Notices**

0003068243  
**PUBLIC NOTICE**  
Nashville Electric Service  
(NES) is inviting proposals for  
Utility Printing and Mailing  
Services, as described in Specifi-  
cation 8270PRINT18. Bonding  
will be required. Bid docu-  
ments for V1781 are located at  
nespower.com > NES Bid Op-  
portunities.

A pre-bid conference will be  
held on Friday, August 10, 2018,  
at 10:00 AM CST in Room 121  
at NES.

Proposals must be received  
no later than 2:00 PM CST,  
Friday, August 31, 2018 in RM  
305.

For further information, con-  
tact:  
NES  
1214 CHURCH ST., RM 305  
NASHVILLE, TN 37246  
615-747-3821

0003067797

**PUBLIC NOTICE**  
SAM DAVIS MEMORIAL  
ASSOCIATION  
REQUEST FOR WAIVER

The Sam Davis Memorial Associ-  
ation, hereinafter referred to as  
the "SDMA", hereby gives public  
notice of the intention to peti-  
tion the Tennessee Historical  
Commission for a waiver that  
would allow it to sell approxi-  
mately four (4) acres of prop-  
erty presently controlled, admin-  
istered and managed by the  
SDMA. At present the SDMA  
property and grounds consist of  
approximately 168 total acres.  
The four (4) acres proposed for  
sale are located approximately at  
the Southeastern most cor-  
ner of the Sam Davis Memorial  
Association property and  
grounds. Further, the proposed  
acreage occupies a portion of  
the land located at the North-  
western corner of the intersec-  
tion of Sam Davis Road and  
Nissan Drive (State Route 102).  
A legal description of the pro-  
posed property is to be con-  
tained in the SDMA's petition.  
The SDMA's planning efforts as  
conducted through its various  
Committees, as well as, Mem-  
ber meetings has determined  
the sale of said acreage would  
be in the best interest of the  
Sam Davis Memorial Association  
property and grounds.  
Once the SDMA's Petition for  
Waiver is filed, a copy of the  
petition and supporting docu-  
mentation will be available at  
no cost upon written request to  
the Sam Davis Memorial Associ-  
ation, 1399 Sam Davis Road,  
Smyrna, TN 37167. These mate-  
rials will also be available at:  
www.samdavishome.org.

One call delivers your classified  
ad all over Middle Tennessee.  
Call 242-SALE, tnadv1





Order Confirmation for Ad #: 0003067797

**Customer:** SAM DAVIS MEMORIAL FUND  
**Address:** 1399 SAM DAVIS RD  
 SMYRNA TN 37167 USA  
**Acct. #:** 6154606221STEV  
**Phone:** 6154606221  
 SAM DAVIS MEMORIAL FUND  
**Ordered By:** STEVE MURPHT

Order Start Date: 08/02/2018      Order End Date: 08/02/2018

| <u>Tear Sheets</u> | <u>Affidavits</u> | <u>Blind Box</u>    | <u>Promo Type</u>     | <u>Materials</u>  | <u>Special Pricing</u> | <u>Size</u> |
|--------------------|-------------------|---------------------|-----------------------|-------------------|------------------------|-------------|
| 0                  | 0                 |                     |                       |                   |                        | 1 X 44.00   |
| <u>Net Amount</u>  | <u>Tax Amount</u> | <u>Total Amount</u> | <u>Payment Amount</u> | <u>Amount Due</u> |                        |             |
| \$530.00           | \$0.00            | \$530.00            | \$0.00                | \$530.00          |                        |             |

Ad Order Notes:

Sales Rep: sbeckel

Order Taker: sbeckel

Order Created 07/30/2018

INVOICE TEXT: 0003067797PUBLICNOTICESAMDAVISMEMORIALASSOCIATIONREQUESTFORWAIVERTHESAMDAVISMEMORIA

| <u>Product</u>     | <u># Ins</u> | <u>Start Date</u> | <u>End Date</u> |
|--------------------|--------------|-------------------|-----------------|
| NAS-Tennessean.com | 1            | 08/02/2018        | 08/02/2018      |
| NAS-The Tennessean | 1            | 08/02/2018        | 08/02/2018      |

\* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

**Text of Ad:** 07/30/2018  
 0003067797  
 PUBLIC NOTICE  
 SAM DAVIS MEMORIAL  
 ASSOCIATION  
 REQUEST FOR WAIVER

The Sam Davis Memorial Association, hereinafter referred to as the "SDMA", hereby gives public notice of the intention to petition the Tennessee Historical Commission for a waiver that would allow it to sell approximately four (4) acres of property presently controlled, administered and managed by the SDMA. At present the SDMA property and grounds consist of approximately 168 total acres. The four (4) acres proposed for sale are located approximately at the Southeastern most corner of the Sam Davis Memorial Association property and grounds. Further, the proposed acreage occupies a portion of the land located at the North-western corner of the intersection of Sam Davis Road and Nissan Drive (State Route 102). A legal description of the proposed property is to be contained in the SDMA's petition. The SDMA's planning efforts as conducted through its various Committees, as well as, Member meetings has determined the sale of said acreage would be in the best interest of the Sam Davis Memorial Association property and grounds. Once the SDMA's Petition for Waiver is filed, a copy of the petition and supporting documentation will be available at no cost upon written request to the Sam Davis Memorial Association, 1399 Sam Davis Road, Smyrna, TN 37167. These materials will also be available at: [www.samdavishome.org](http://www.samdavishome.org).



**PUBLIC NOTICE  
SAM DAVIS MEMORIAL ASSOCIATION REQUEST FOR  
WAIVER**

The Sam Davis Memorial Association, hereinafter referred to as the "SDMA", hereby gives public notice of the intention to petition the Tennessee Historical Commission for a waiver that would allow it to sell approximately four (4) acres of property presently controlled, administered and managed by SDMA. At present the SDMA property and grounds consist of approximately 168 total acres. The four (4) acres proposed for sale are located approximately at the Southeastern most corner of the Sam Davis Memorial Association property and grounds. Further, the proposed acreage occupies a portion of the land and located at the Northeastern corner of the intersection of Sam Davis Road and Nissan Drive (State Route 102). A legal description of the proposed property is to be contained in the SDMA's planning efforts as conducted through its various Committees, as well as, Member meetings has determined the sale of said acreage would be in the best interest of the Sam Davis Memorial Association property and grounds.

Once the SDMA's Petition for Waiver is filed, a copy of the petition and supporting documentation will be available at no cost upon written request to the Sam Davis Memorial Association, 1399 Sam Davis Road, Smyrna, TN 37167. These materials will also be available at:

[www.samdavishome.org](http://www.samdavishome.org)

# SAM DAVIS MEMORIAL ASSOCIATION



## PETITION FOR WAIVER



### EXHIBIT 6

### SUPPORT



**AUGUST 14, 2019**

I, Cody York, Director of the Division of Publications for the Department of State, hereby certify that the attached document is a true and accurate copy of a record kept by the Division of Publications.



**State of Tennessee**

**PUBLIC CHAPTER NO. 782**

**HOUSE BILL NO. 2681**

**By Representative Sparks**

**Substituted for: Senate Bill No. 2722**

**By Senators Ketron, Reeves**

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the Sam Davis home.

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-301; and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-307, provides that the State may revoke such trust at will; and

WHEREAS, the Sam Davis Memorial Association has requested permission to sell a portion of the property to finance repairs and upkeep of the property; and

WHEREAS, it has been determined that the purpose of the trust created by Tennessee Code Annotated, § 4-13-301 can be fulfilled after the separation from the trust of the below described property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Pursuant to Tennessee Code Annotated, § 4-13-307, the trust created by Tennessee Code Annotated, § 4-13-301 is hereby revoked in part, such partial revocation to apply to the following property:

A parcel of land in the Town of Smyrna, Rutherford County, Tennessee, bounded on the north and west by the remaining land of the Sam Davis Memorial Association (map 27, parcel 6.00), on the east by the west right-of-way for Nissan Drive and on the south by the north right-of-way for Sam Davis Road, being described as follows:

Beginning at a point at the intersection of the north right-of-way for Sam Davis Drive and the west right-of-way for Nissan Drive; thence with the north right-of-way for Sam Davis Drive, westerly, 52 feet more or less; thence with a new line severing the lands of the Sam Davis Memorial Association, being parallel with the west right-of-way for Nissan Drive, northerly 678 feet more or less; thence easterly, 275 feet more or less to a point in the west right-of-way for Nissan Drive; thence with the west right-of-way of Nissan Drive, in a southerly direction, 450 feet, more or less to the beginning of a curve to the right; thence with the west right-of-way for Nissan Drive, with a curve to the right, 353 feet more or less to the point of beginning, having an area of 4 acres, more or less.

SECTION 2. Section 1 shall be effective only upon the Sam Davis Association obtaining a waiver under the Tennessee Heritage Protection Act from the Tennessee Historical Commission, pursuant to Tennessee Code Annotated, § 4-1-412. If the Sam Davis Association is granted a waiver, then the property described in Section 1 reverts to the Sam Davis Memorial Association and does not revert to this state. The Sam Davis Memorial Association may sell the property and use the proceeds to finance repairs and upkeep of the property remaining in the trust.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2681

PASSED: April 5, 2018

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RANDY MCNALL  
SPEAKER OF THE SENATE

APPROVED this 19<sup>th</sup> day of April 2018

  
BILL HASLAM, GOVERNOR



**HOUSE JOURNAL**  
of the  
**One Hundred Tenth General Assembly**  
**STATE OF TENNESSEE**



**Beth Harwell, Speaker**

**Tammy Letzler, Chief Clerk**

**Kim Cox, Assistant Chief Clerk**

**Daniel Hicks, Assistant Chief Clerk/Parliamentarian**

**Greg Glass, Chief Engrossing Clerk**

**William Howse, Chief Sergeant-At-Arms**

**Volume II**

**Second Regular Session**

**Proceedings at Nashville**

**Tuesday, January 9, 2018**

**through**

**Wednesday, April 25, 2018**

**THURSDAY, APRIL 5, 2018 – SIXTY-EIGHTH LEGISLATIVE DAY**

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

Rep. Hulseley moved that **House Bill No. 2230**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulseley, Jemigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Windle, Wirgau, Zachary, Madame Speaker Harwell – 89

A motion to reconsider was tabled.

**\*House Bill No. 2156 – Highways, Roads and Bridges -** As introduced, changes from 1,000 feet to 300 meters the distance on either side of designated Tennessee scenic highways for which the power of eminent domain may be utilized to remove existing advertising structures or junkyards. - Amends TCA Title 54, Chapter 17, Part 1. by \*Staples, \*Brooks H. (SB2089 by \*Massey)

Rep. Staples moved that **House Bill No. 2156** be reset for the the Regular Calendar on April 12, 2018, which motion prevailed.

**\*House Bill No. 2681 – Historical Sites and Preservation -** As introduced, requires the Sam Davis Memorial Association to evaluate the maintenance and upkeep needs of the Sam Davis home and to report back to the chairs of the finance, ways and means committees of the house of representatives and the senate no later than January 15, 2019. - Amends TCA Title 4. by \*Sparks. (SB2722 by \*Ketrone)

Rep. Sparks moved that House Bill No. 2681 be passed on third and final consideration.

Rep. Ramsey moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2681 by deleting all language after the caption and substituting instead the following:

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of

**THURSDAY, APRIL 5, 2018 – SIXTY-EIGHTH LEGISLATIVE DAY**

Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-301; and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-307, provides that the State may revoke such trust at will; and

WHEREAS, the Sam Davis Memorial Association has requested permission to sell a portion of the property to finance repairs and upkeep of the property; and

WHEREAS, it has been determined that the purpose of the trust created by Tennessee Code Annotated, § 4-13-301 can be fulfilled after the separation from the trust of the below described property; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** Pursuant to Tennessee Code Annotated, § 4-13-307, the trust created by Tennessee Code Annotated, § 4-13-301 is hereby revoked in part, such partial revocation to apply to the following property:

A parcel of land in the Town of Smyrna, Rutherford County, Tennessee, bounded on the north and west by the remaining land of the Sam Davis Memorial Association (map 27, parcel 6.00), on the east by the west right-of-way for Nissan Drive and on the south by the north right-of-way for Sam Davis Road, being described as follows:

Beginning at a point at the intersection of the north right-of-way for Sam Davis Drive and the west right-of-way for Nissan Drive; thence with the north right-of-way for Sam Davis Drive, westerly, 52 feet more or less; thence with a new line severing the lands of the Sam Davis Memorial Association, being parallel with the west right-of-way for Nissan Drive, northerly 678 feet more or less; thence easterly, 275 feet more or less to a point in the west right-of-way for Nissan Drive; thence with the west right-of-way of Nissan Drive, in a southerly direction, 450 feet, more or less to the beginning of a curve to the right; thence with the west right-of-way for Nissan Drive, with a curve to the right, 353 feet more or less to the point of beginning, having an area of 4 acres, more or less.

**SECTION 2.** Section 1 shall be effective only upon the Sam Davis Association obtaining a waiver under the Tennessee Heritage Protection Act from the Tennessee Historical Commission, pursuant to Tennessee Code Annotated, § 4-1-412. If the Sam Davis Association is granted a waiver, then the property described in Section 1 reverts to the Sam Davis Memorial Association and does not revert to this state. The Sam Davis Memorial Association may sell the property and use the proceeds to finance repairs and upkeep of the property remaining in the trust.

**SECTION 3.** This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

**THURSDAY, APRIL 5, 2018 – SIXTY-EIGHTH LEGISLATIVE DAY**

Rep. Sparks moved that **House Bill No. 2681**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 88  
Noes..... 0  
Present and not voting..... 1

Representatives voting aye were: Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Vaughan, Weaver, White M., Whitson, Windle, Wirgau, Zachary, Madame Speaker Harwell – 88

Representatives present and not voting were: Holsclaw – 1

A motion to reconsider was tabled.

**\*House Bill No. 1731 – Energy -** As introduced, urges the department of environment and conservation, in consultation with CTAS and MTAS, to study wind energy facility regulations adopted in local governments of this state; requires the department to submit a written summary of local regulations within 60 days from the conclusion of the study to the members of the agriculture and natural resources committee of the house of representatives and the energy, agriculture and natural resources committee of the senate. - Amends TCA Title 5; Title 6; Title 7; Title 65; Title 68 and Title 70. by \*Sexton C. (SB1793 by \*Bailey)

Rep. C. Sexton moved that House Bill No. 1731 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1731 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-17-103, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Section 65-4-101(6), is amended by adding the following language as a new subdivision (C):

I, hereby certify this document to be a true and exact copy of the original document filed in the Tennessee State Library and Archives. (C) "Public utility" includes a wind energy facility, as defined in § 65-17-101, and does not include a wind energy facility subject to § 65-17-102;

the Tennessee State Library and Archives

*Ronald A. Lee*  
LEGISLATIVE HISTORY STAFF, TSL&A

3863

Date *July 25, 2019*

**THURSDAY, APRIL 5, 2018**  
**SIXTY-EIGHTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker McNally.

**PRAYER**

The proceedings were opened with prayer by Cardinal Justin Rigali, former Archbishop of Philadelphia from Knoxville, Tennessee, a guest of Senator Massey.

**PLEDGE OF ALLEGIANCE**

Senator Massey led the Senate in the Pledge of Allegiance to the Flag.

**SALUTE TO THE FLAG OF TENNESSEE**

Senator Massey led the Senate in the Salute to the Flag of Tennessee.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

**COMMUNICATION**

April 5, 2018

Lt. Governor Randy McNally  
Suite 1, Legislative Plaza  
Nashville, Tennessee 37243

Dear Speaker McNally:

Please be advised that I will not be present for Session on Thursday, April 5, 2018. Please let this serve as proper notice of my absence.

All the best,

/s/ Lee Harris

APPROVED: Lieutenant Governor  
Randy McNally



**THURSDAY, APRIL 5, 2018 -- 68TH LEGISLATIVE DAY**

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-20-301, is amended by deleting subsection (j) and substituting instead the following:

(j) A commission member shall continue to serve until a successor is appointed by the appropriate appointing authority. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2235**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbro and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**Senate Bill No. 2654** -- Museums -- As introduced, generalizes location of the state museum to Nashville instead of the James K. Polk State Office Building and War Memorial Building. Amends TCA Title 4, Chapter 12, Part 1.

On motion, Senate Bill No. 2654 was made to conform with **House Bill No. 2082**.

On motion, House Bill No. 2082, on same subject, was substituted for Senate Bill No. 2654.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Watson moved that **House Bill No. 2082** be placed on the Calendar for Wednesday, April 11, 2018, which motion prevailed.

**Senate Bill No. 2722** -- Historical Sites and Preservation -- As introduced, requires the Sam Davis Memorial Association to evaluate the maintenance and upkeep needs of the Sam Davis home and to report back to the chairs of the finance, ways and means committees of the house of representatives and the senate no later than January 15, 2019. Amends TCA Title 4.

On motion, Senate Bill No. 2722 was made to conform with **House Bill No. 2681**.

On motion, House Bill No. 2681, on same subject, was substituted for Senate Bill No. 2722.

**THURSDAY, APRIL 5, 2018 -- 68TH LEGISLATIVE DAY**

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2681** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senator Southerland moved that **House Joint Resolution No. 683** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Gardenhire moved that **Senate Bill No. 1755** be placed on the Calendar for Wednesday, April 11, 2018, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 1842** be placed on the Calendar for Wednesday, April 11, 2018, which motion prevailed.

Senator Bailey moved that **Senate Bill No. 2388** be rereferred to the Committee on Transportation and Safety, which motion prevailed.

**Senate Bill No. 1086** -- Real Property -- As introduced, enacts the "Short-Term Rental Unit Act" and revises other provisions concerning short-term rentals, including taxation. Amends TCA Title 5; Title 6; Title 7; Title 13; Title 56; Title 62; Title 66; Title 67 and Title 68.

Senator Norris declared Rule 13 on **Senate Bill No. 1086**.

On motion, Senate Bill No. 1086 was made to conform with **House Bill No. 1020**.

On motion, House Bill No. 1020, on same subject, was substituted for Senate Bill No. 1086.

Senator Johnson moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the caption and substituting instead the following:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding the following new part:



# Smyrna First United Methodist Church

301 Sam Davis Road • Smyrna, Tennessee 37167 • (615)459-2826 • Fax (615)459-0825

July 25, 2019

Mr. E. Patrick McIntyre, Jr  
Executive Director Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214

Dear Mr. McIntyre:

We have recently heard about the potential sale of four acres of land at the Sam Davis Home in order to fund repairs to the buildings and grounds. As our church utilizes the facility a few times each year, we are aware of the need of the repairs.

Please know that we are in support of this sale as the Sam Davis Home provides many groups including ours the use of the facility as well as many educational opportunities. Should the repairs not be made we would lose a valuable piece of history in our community.

Thank you for your time.

Sincerely

Scott Buchholz  
Trustee Chair  
Smyrna First United Methodist Church

Mr. Patrick McIntyre, Jr. Executive Director  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214  
August 1, 2019

RE: Sam Davis Home

Dear Patrick,

I hope you are doing well.

I am writing regarding the Sam Davis Memorial Association proposal to sell four acres of land enabling the SDMA to move forward with repairs and enhancements to the home and the connected outbuildings.

Mr. Byron Davis and I have worked on projects in the past and I am excited he is involved as a director for the SDMA because of his heart felt appreciation for our historical resources in Middle Tennessee.

As you know, this site is associated with some of the more dramatic events in our Civil War history. It is also a significant part of the slavery story now receiving the interpretation at our local sites that in some cases is way overdue.

I have discussed this briefly with Ernie Bacon and based on what I have shared with him, he would be in favor of further discussion on this matter.

Patrick, thank you for all you have done in helping to preserve and maintain many of our great historical sites. Please give me a call or shoot me an email if I can be of further help on this project. Hope to see you soon!

Sincerely



Greg L Wade  
615 473 3034  
[Gregwade55@yahoo.com](mailto:Gregwade55@yahoo.com)

CC: Mr. Byron Davis, Jr., Esq.



**CHARLIE BAUM**

STATE REPRESENTATIVE  
37TH HOUSE DISTRICT

COMMITTEES:  
Finance  
Education

**Tennessee**  
**House of Representatives**

NASHVILLE

425 5<sup>TH</sup> Avenue North  
Suite 668 Cordell Hull Building  
Nashville, Tennessee 37243

PHONE: (615) 741-6849  
FAX: (615) 253-0264  
rep.charlie.baum@capitol.tn.gov

August 9, 2019

Mr. E. Patrick McIntyre, Jr.  
Executive Director  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214

Dear Mr. McIntyre,

The Sam Davis Memorial Association is filing a petition with the Tennessee Historical Commission to seek approval to sell four acres of Sam Davis Property land, at the corner of Nissan Drive and Sam Davis Road.

The purpose of this land sale is to help pay for repair and restoration costs to the historic structures on the Sam Davis Property.

I support the Sam Davis land sale. My understanding is that the revenue from this sale is needed to ensure that the property and its historical nature is preserved for further community use. In particular, the Board of Directors for the Sam Davis house and property have concluded that the sale of some of the property acres can provide the financial resources necessary to improve the remaining site's condition and to create a reserve fund for future building maintenance. Some of the renovations and improvements that are needed include:

- Historic Home- (about \$350,000)  
Ext. painting  
Window shutter repair  
Gutter/downspout repair  
Interior repair/restoration of walls, seals, floors, etc.
- Visitor Center and Museum Repairs- (about \$50,000)  
Roof repairs and replacement  
General updating and repair




- Boyhood Home Restoration- (about \$150,000)  
Replace/restore roof of home and covered porch  
Rebuild back porch and deck  
Clean and restore interior to period  
Repair chinking and seal from elements
- Education, Cultural Heritage, and Arts Facility-----Proposed Long-Term  
Expansion- (estimate, \$1 million)  
5,000 square foot facility with open concept to expand educational programs,  
provide cultural arts exhibits/performances, and serve as a community events  
center.

Please consider approving the Sam Davis Board's request to sell a portion of the site land to raise revenue for improvements on the remaining site.

Thank you for considering this appeal. Please let me know if I can provide any additional information.

Best regards,



Charlie Baum