

Plot Claim Challenges

First of all, everything we know about plot ownership and plots available for sale is on our website <http://bellschapelcemetery.org/>, so there is the first place you or your attorney should begin. The maps and ownership database, as well as our governance documents are all located there.

If your family believes you have a claim to a plot not noted as such on our website, we encourage you to verify and resolve your claim before the time of need.

Common challenges in resolving some claims have been that the claim was based upon an old cemetery deed which refers to a recorded plat or map which was never recorded, and we are unaware of any official plat or map of Bell's Chapel Cemetery before the map drawn by Texas Cemetery Restoration LLC and filed for record in the deed records Ellis County, Texas, on February 12, 2019, in Instrument No. 1903854. Also, the old deeds we have seen often reflect a deceased Grantee and refer to a Lot and Block number which we cannot locate on the new map. Finally, the old deeds do not specify the number of interment rights originally conveyed, nor currently remaining available for burials.

Additionally complicating resolution is the Final Judgment in Cause No. 65047 in the District Court of Ellis County, 40th Judicial District, filed March 5, 2003 which ordered, adjudged and decreed that the ownership of and title to the tract or parcel of land described therein in Ellis County, Texas, in the Bell's Chapel Cemetery in Rockett, Texas, is quieted and is vested in the cemetery; thereby abandoning to the cemetery vacant plots of unknown owners and owner's successors; which Final Judgement was filed for record in the deed records of Ellis County, Texas, on February 12, 2019, in Instrument No. 1903853. The current volunteer officers discovered this judgement only earlier this year.

Finally, according to the Texas Health and Safety Code Sec. 714.003. ABANDONED PLOTS IN PRIVATE CEMETERIES, the ownership or right of sepulture in an unoccupied plot for which adequate perpetual care has not been provided in a private cemetery operated by a nonprofit organization reverts to the cemetery on a finding by a court that the plot is abandoned. A cemetery may convey title to any plot that has reverted to the cemetery. Many families with claims based upon old deeds have not routinely made annual donations to the cemetery for care and maintenance that we can find records of.

Therefore, often we cannot determine with certainty the number or location of interment rights remaining, if any, which were conveyed by an old deed and which survive the District Court Final Judgment.

Most families have been reasonable in their claim, but some have not. If we are unable to reach a reasonable compromise settlement, the recourse to a family is to petition the Ellis County District Court, presenting the documentation on which they are basing their claim and asking the Court to tell us what individual owns how many remaining interment rights and where they are located.

If you know a family who might have a claim based upon an old cemetery deed and who may not have received our notices over the past couple of years, please provide them a copy of this notice.