

94-13

FILED

94 SEP 26 P 3: 53

COURT DISTRICT OF KANSAS  
TOPEKA

Shelly Gasper, #12896  
Assistant Attorney General  
Kansas Judicial Center  
Topeka, Kansas 66612-1597  
(913) 296-3751

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

STATE OF KANSAS, ex rel.,  
ROBERT T. STEPHAN, Attorney General,

Plaintiff,

vs.

ROBERT LEWIS; AMERICAN CEMETERIES OF  
MISSOURI, INC.; THE MOUNT HOPE CEMETERY  
ASSOCIATION; QUINDARO CEMETERY; THE  
CITY OF KANSAS CITY, KANSAS; and THE  
UNKNOWN OFFICERS, TRUSTEES, SUCCESSORS,  
CREDITORS, and ASSIGNS OF THE ABOVE-NAMED,

Defendants.

Case No. 94C2303

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JOURNAL ENTRY OF DEFAULT JUDGMENT

NOW on this 26<sup>th</sup> day of September, 1994, the  
above-entitled matter comes on regularly before the Court for  
hearing upon the Plaintiff's Motion for Default Judgment against  
Robert Lewis, American Cemeteries of Missouri, Inc., Mount Hope  
Cemetery Association, and Quindaro Cemetery and the unknown  
officers, trustees, successors, creditors and assigns of  
American Cemeteries of Missouri, Inc. The plaintiff appears by  
and through Shelly Gasper, Assistant Attorney General.

Defendant, City of Kansas City appears by Kenneth J. Moore. Defendants Robert Lewis, American Cemeteries of Missouri, Inc., Mount Hope Cemetery Association, Quindaro Cemetery and the unknown defendants do not appear.

The court being fully and duly advised finds as follows:

- 1) Plaintiff filed its petition on May 10, 1994.
- 2) Defendant, American Cemeteries of Missouri, Inc., was served by certified mail upon its president, James Custer at 4207 N. 19th Ave., Phoenix, AZ.
- 3) Defendants Robert Lewis, Mount Hope Cemetery Association, Quindaro Cemetery and the unknown defendants were served by publication notice. Notice of Suit was published once a week for three consecutive weeks in the The Wyandotte Echo. Proof of such publication has been filed with this court pursuant to K.S.A. 60-312(c).
- 4) This action was brought by the Attorney General of Kansas pursuant to the Kansas Cemetery Corporations Act, K.S.A. 17-1366 and K.S.A. 17-1367.
- 5) The defendants, American Cemeteries of Missouri, Inc., and/or Robert Lewis, are the last known owners of record of Mount Hope Cemetery.
- 6) The legal description of Mount Hope Cemetery is:

TRACT I

Commencing at 346.5 feet West of the Southwest corner of the Southwest quarter of Section 31, Township 10, Range 25, in Kansas City, Wyandotte County, Kansas; thence North 841.5 feet; thence West 627 feet; thence South 841.5 feet; thence East 627 feet to the

point of beginning, except any part thereof taken or used for public road purpose.

TRACT II

Commencing at a point 30 feet North and 30 feet West of the Southeast corner of the Southwest quarter of Section 31, Township 10, Range 25, in Kansas City, Wyandotte County, Kansas; thence West 316.5 feet; thence North 811.5 feet; more or less to the South line of the right of way of the Kansas City Leavenworth Electric Railway; thence East along the South line of said right of way to a point due North of the beginning; thence South to the point of beginning, except that part taken or used for public road purposes.

TRACT III

Commencing at the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 31, Township 10, Range 25 East, thence North  $26 \frac{2}{3}$  poles, thence East 12 poles, thence South  $26 \frac{2}{3}$  poles thence West 12 poles to beginning.

TRACT IV

Commencing 12 poles East of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 31, Township 10, Range 25 East, thence North  $26 \frac{2}{3}$  poles, thence West 12 poles, thence North 24.34 poles, thence East 21.96 poles, thence South 51 poles, thence West 9.96 poles to the beginning.

LESS

Beginning at a point in the East line of the Louisa Smith Road, which said point of beginning is 95.9 feet, more or less, North of the Northeast corner of the said Louisa Smith Road and the North line of the Second Standard parallel Road, said point of beginning, being also described as the Southwest corner of the tract of land described in a certain easement to the City of Kansas City, Kansas, recorded in the office of the Register of Deeds of Wyandotte County, Kansas, in Book 803 at Page 444, thence East along the South line of the land

described in said easement 20 feet, thence South 40 feet parallel to the East line of said Louisa Smith Road, thence West 20 feet to the West line of said road, thence North along the East line of same 40 feet to point of beginning.

LESS

Commencing at a point 349 feet North and 136.3 feet East of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 31, Township 10 South, Range 25 East, in Wyandotte County, Kansas, thence North 16 feet, thence East 16 feet, thence South 16 feet, thence West 16 feet to beginning.

Less that part taken or used for road purposes.

Said property being all or parts of the following cemeteries as platted of record.

MOUNT HOPE WEST CEMETERY

MOUNT HOPE CEMETERY EAST DIVISION

MOUNT HOPE CEMETERY EAST DIVISION #2

FIRST ADDITION TO MOUNT HOPE CEMETERY

MOUNT HOPE CEMETERY EAST DIVISION #3

REPLAT OF MOUNT HOPE CEMETERY EAST DIVISION #3

MOUNT HOPE CEMETERY CENTRAL DIVISION

AND

QUINDARO CEMETERY

SUBJECT TO:

Easement granted to City of Kansas City, Kansas as set out in Book 803 at Page 444, easement is described as follows:  
Affects TRACT III only

Easement granted to The City of Kansas City, Kansas, and the County of Wyandotte, Kansas

as set out in Book 1789 at Page 139, easement is described as: Affects TRACT III only

Subject to terms and provisions regarding Restrictions as to use and ownership as set out in covenant filed September 6, 1974 in Book 24-- at Page 173. Affects TRACTS III & IV.

7) Defendants, American Cemeteries of Missouri, Inc. and Robert Lewis are cemetery corporations as defined by K.S.A. 17-1312(f).

8) Defendants, American Cemeteries of Missouri, Inc. and Robert Lewis have, for a period of at least one year, failed to care for graves, grave markers, driveways and buildings.

9) Defendants, American Cemeteries of Missouri, Inc. and Robert Lewis have not made annual reports to the Secretary of State pursuant to the provisions of K.S.A. 17-1312(a) et seq. and amendments thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1) Any and all cemetery corporations holding title or interest in Mount Hope Cemetery are hereby dissolved.

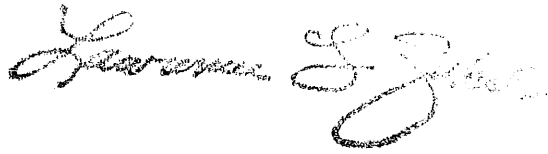
2) Mount Hope Cemetery is hereby declared to be abandoned pursuant to K.S.A. 17-1367.

3) Title to all property described in paragraph 6 above is hereby transferred to the Municipality of Kansas City, Kansas, pursuant to K.S.A. 17-1367.

4) All entities with records or funds of Mount Hope Cemetery shall transfer same to the Treasurer of City of Kansas City, Kansas, and such records and funds shall become the property thereof.

5) The Municipality of Kansas City, Kansas, shall be responsible for maintenance of said cemetery.

IT IS SO ORDERED.



JUDGE OF THE DISTRICT COURT

PREPARED AND APPROVED BY:

Shelly Casper  
Shelly Casper #12896  
Assistant Attorney General

APPROVED:

Kenneth J. Moore  
Kenneth J. Moore #11398  
Assistant City Attorney

I hereby certify the above and foregoing to be a true and correct copy, the original of which is filed and entered of record in this court

CLERK DISTRICT COURT  
WYANDOTTE CO., KS

DATED 9/26/94  
by A. M. K. Cole deputy