MEMO

To: Carroll County Board Of Supervisors

From: R. Cellell Dalton

Date: 12-6-2019

Subject: Unclaimed Body

Please find attached the Court Order concerning an unclaimed body. The Board of Supervisors is required to appropriate \$1735.00 to High Country Services Funeral and Cremation for the unclaimed body. Sheriff Gardner has served paperwork to BB&T Bank to seize assets that can be used to reimburse the County. I request that the Carroll County Board of Supervisors request the County Attorney to develop a policy on how to deal with these type of occurrences.



Mary Foli Russell Attorney Direct: (540) 260-3030 Fax: (540) 260-0022 MRussell@SandsAnderson.com RICHMOND | CHRISTIANSBURG | FREDERICKSBURG MCLEAN | DURHAM | WILLIAMSBURG SANDS ANDERSON PC

WWW.SANDSANDERSON.COM

US Mail: P.O. Box 2009 Christiansburg, Virginia 24068-2009

Delivery: 150 Peppers Ferry Rd NE Christiansburg, Virginia 24073-6548

October 2, 2019

VIA HAND DELIVERY

Gerald R. Goad, Clerk Circuit Court of Carroll County P. O. Box 218 Hillsville, VA 24343

RE: Richard Michael Metcalf

Dear Gerald:

Please find enclosed a Petition for filing in the above-styled matter.

As the Petitioner is a governmental agency receiving funds both directly from the Commonwealth and the locality which it serves, it is our understanding that fees and costs are waived pursuant to Code Section 17.1-266.

If you have any questions, please do not hesitate to contact me.

With kind regards I am,

Very truly yours

Mary F. Russell/Esq.

MRB/gdc Enclosure

cc: Sheriff, John B. Gardner (w/enc.) (via hand-delivery)

VIRGINIA: IN THE CIRCUIT COURT OF CARROLL COUNTY, VIRGINIA

IN RE: Richard Michael Metcalf)))	VALIDATE CASE PAPERS Case No Rept : 19000010020 DATE : 10/02/2019 TIME: 11:31 CASE : 035CL19000289-00
		ACCT : METCALF, RICHARD MICHAEL AMT. : \$0,00

PETITION

COMES NOW the County of Carroll, by counsel, pursuant to Virginia Code § 32.1-309.2 and states to the Court as follows;

- 1) That Richard Michael Metcalf (the "Decedent") was born October 28, 1943.
- The Decedent was a resident of 1747 Chantilly Drive, Fancy Gap, Virginia, in the County of Carroll, Virginia.
- The Decedent died on or about August 23, 2019, at Twin County Regional Hospital,
 Galax, Virginia.
- The Decedent's remains are unclaimed and are located in High Country Services
 Funerals and Cremation, Galax, Virginia.
- High Country Services Funerals and Cremation has located and notified the next of kin.
- 6) High Country Services Funerals and Cremation, was able to locate a brother of Decedent, Corwin Metcalf of Little River, S.C., and notified this individual of the death and his right to claim the body and make arrangement for the remains. Corwin Metcalf declined to claim the body of Decedent. The step-son of Richard Metcalf was also contacted by High Country Services Funerals and Cremation but

- On information and belief, Decendent held approximately \$1,500.00 in an account at BB&T in Hillsville, VA.
- 11) Virginia Code § 32.1-309.2 (E) provides that: "In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose."
- 12) Pursuant to § 32.1-309.2 (E), Petitioner requests that the Sheriff's Department of the County of Carroll, Virginia, be authorized to seize the assets of the Decedent with as much of the assets of Decedent as necessary to be used to reimburse the County for disposition expenses and the remainder of any cash to be paid to the Executor or Administrator of the estate of Richard Metcalf or paid into registry of the Court.
- 13) In the event that any surplus assets of the Decedent exist after reimbursement of expenses above, the Sheriff's Department of Carroll County may request from the Court such attorney fees and costs as are necessary and reasonable.

WHEREFORE, the County of Carroll, Virginia hereby requests that this Court enter an Order allowing the cremation of Decedent; authorizing the County of Carroll, Virginia to bear the costs of Seventeen Thirty Five Dollars (\$1735.00); authorizing the Sheriff's Department of the County of Carroll, Virginia, to seize the assets of the Decedent, including any funds on deposit at BB&T in Hillsville, VA, and use same as needed for reimbursement to the City of disposition expenses, with the balance of funds, if any, to be paid to the Executor or Administrator of the estate of Richard Metcalf or into the registry of the Court.

- has not claimed the body. No other living relatives of Decedent are known and more than 10 days has passed since the afore-mentioned relatives were notified.
- 7) Virginia Code § 32.1-309.2 provides that if the next of kin of the Decedent or other person authorized by law fails or refuses to claim the body within 10 days:

the primary law-enforcement agency shall ... without delay request an order authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

- § 32.1-309.2(A) of the Code of Virginia.
- 8) The body has been transported to High Country Services Funerals and Cremation from the hospital. The County has been advised that High Country Services Funerals and Cremation will charge \$1735.00 for cremation of the body. The written cost estimate of High Country Services Funerals and Cremation is attached as Ex "A".
- 9) The office of the Chief Medical Examiner has certified that no further examination of the body is necessary and permission to cremate is granted. A copy of said certificate is attached hereto as Ex"B".
- 10) The Decedent is reported to have an estate from which these expenses can be paid.

940627-204

High Country Services Funeral & Cremations

600 Glendate Road Galax, VA 24333 (276) 236-9009 (276) 236-0219/FAX

No.	2019-084HC
DECEASED Richard Michael Melcad	
DATE OF DEATH August 23, 2019	
PLACE OF DEATH Galax, VA	
DATE OF STATEMENT August 24, 2018	
ITEMIZED STATEMENT OF FUNERAL GOODS AND SERVICES SEL	ECTED
Professional Services: Basic services of Funeral Orector and Staff	N/A
II. Funeral Home Facilities: A. Facilities and Staff for viscalno/visitation	N/A
A. Facilities and Staff for viewing/visitation	
C. Facilities and Staff for Memortal Services	
D. Staff and Equipment for graveside services	
F. Other Use of Facilities	75.00 75.00
Total for use of Funeral Home Facilities 5 In. Embelining:	73.00
In. Embalance: If you selected a funeral that may require embalant funeral with viewing, you may have to pay for embalant have to pay for embalanting you did not approve it arrangements such as a direct creation or immediat changed for embalanting, we will explain why below. A. Normal remains	ng. You do not I you salected a buriet. If we
B. Embelming Authorized By:	
C. Reason for Embetrning:	
W. Other Preparation of the Body A. Oresting	N/A
B. Make-up \$	NA
C. Costaling	N/A N/A
E. Hair Style \$	NIA
F. Restoration \$ G. Other Services \$	N/A
Total of Other Preparation of the Body S	NA
V. Immediate Burini	
VI. Direct Gremation	1,860.80
VII. Transfer of Remeins to Funeral Establishment See General Price List for complete description.	NA
VIII. Forwarding of Remains to Austhor Funeral Home \$ See General Price List for complete description.	<u> </u>
IX. Receiving Remains from Another Funeral Hornt \$ See General Price List for complete description.	N/A
X. Autometive Equipment A. Family Car	. NA
9, Hearse \$	N/A
C. Vehicle for Flowers	NA
E. Passenger Cer	N/A
F. Pastedrar Car	N/A
Total for Automotive Equipment \$	MA
XI. Funeral Merchandise A. Casket	WA
NameNo.	
Material	
B. Outer Buriel Container	N/A
Material	
C. Crumution Um	WA
D. Alternative Container (use for Cremation) \$	99,00
E. Cluthing	N/A
G. Mornorial Cards City: St. Acknowledgement Cards City: 5	WA
t. Prayer Cards City:	NA
J. Cross / Crucifix	
L. Additional Marchandisa	NA

XD. Cash Advances

A. 6 Certified Death Certificates @ \$12,00ea	\$	72.05
B. High Country Services Funeral & Cremetions	5	<u>NIA</u>
C. Medical Exertiner	\$	50.00
D. Obtuery	5	NIA
E. Open/Close		<u>N/A</u>
F. Tent/Chers	•	N/A
G. Flows 19	-	N/A
tl. Honorarium		
I, Hai//Coarro		
J. Memorial Stone		
K. Date of the state of the sta		
L. Martin Company of Miles and Company of the Compa		
Total of Cash Advances	2	122.00
(Alb) or Abilit terransister	-	******
XIII. Summary	•	
XIII. Summary	\$	1,735.60
XIII. Summary Total Funeral Home Charges	\$ \$	1,735.00
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XIII. Summary Total Funeral Home Charges	\$ \$ \$ \$ \$ \$ \$ \$ \$	1,738.00 3.19 122.00 1,860.18 1,880.18

DISCLOSURES

The charges shown are for those frams that you selected or that are required. If we are required by law or by a comment or cramatory to use any home, we will explain the reason in writing below.

Alternative Container Required For Cremation

Warranty: The only warranty on the casted or buts current commune, or both, sold in connection with this service is the express witten warranty if any, granted by the manufacturer. This Funeral Home makes no warranty, express or implied, with respect to the casted or outer burlat container.

ACKNOWLEDGMENT AND AGREEMENT

I nereby acknowledge that I have the legal right to arrange the final services for the decreased and I authorize this funeral establishment to perform services, furnish goods and inour outside chargos epocified on this Statement. I acknowledge that I have RECEIVED the General Price List and have been offered to review the Casket Price List and Outer Burist Container Price List.

TERMS AND PAYMENTS

Terms of Payment: ____

Full payment is due no later then: 9/22/19
If any payment is not paid when due, an unanticipated LATE
CHARGE of 150% per month (ANNUAL PERCENTAGE RATE
18.00%) on the unpeid belance will be dub. I agree to pay the
balance Due Isled on this Statement plus any Late Charge. In the every default in payment to this funeral establishment, I agree to
pay reasonable attorney's fees and court costs in addition to any Late
Charge applicable. I understand and agree that I am sesuming
personal liability for the charges set forth in this Statement and that
this is in addition to the flability imposed by law upon the salate of the

orithinan		2010	
536 Alderly Court Street	Little River	SC	29588
Street	City	State	Zip
Co-Signed		Cate	
Street	CRIY	State	Zip
High Country Services services, used needles Statement.	Feneral & Cremations and clash advances	egroes to fredicated	provide on this
	Roger Blevins		
Fungrad Din	potor or Funanti Service L	icanses	

EXHIBIT







CENTRAL DISTRICT: 400 East Jackson St. Richmond, Virginia 23219-3694 (804) 786-3174 B00-447-1706 FAX (804) 371-8595

WESTERN DISTRICT: 6600 Northekle High School Road Roanake, Virginia 24019 (540) 551-6615 800-862-8312 FAX (540) 561-6819

COMMONWEALTH of VIRGINIA

Department of Health
Office of the Chief Medical Examiner

TIDEWATER DISTRICT: 830 Southampton Ave., Suite 100 Norfolk, Virginia 23510 (757) 683-8366 800-395-7030 FAX (757) 683-2589

NORTHERN VAIDISTRICT: 10850 Pyramid Place Suite 121 Manassas, Virginia 20110 (703) 530-2600 (703) 530-0510

CREMATION OR BI	URIAL AT SEA CERTIFICATE
I hereby certify that on $\frac{82919}{2000}$ Date	ewed the body of Richard Michael Metcalf
75 CAVCASIAN M who died on Age Race Sex	8-23-19 at Twin County Res. 200 Hosp. Dr. Date Street and No. or Rural Route
County County	and made personal inquiry into the cause and manner of death of said
decedent. Upon such view and inquiry it is my opinion that no	further examination or Judicial inquiry concerning the death is necessary.
Cause of Death: ACULE Respire	Medical Examiner's Case: Yes 10 No 10 atory Failure, Preum 10 no
Permission is herewith given to High	Country Services 600 Glandale Rd. Name of Person Applying for Certificate
GALAX, VA 24333	to: cremate
CHADO	Signature of Medical Examiner
	Street and Number or Rural Route
8 29 10 Date Signed	City or Town City or County of Medical Examiner's Jurisdiction
OTE: Person applying for this certificate shall deliver to the signing.	Medical Examiner the fee established pursuant to §32.1-284, Code of Virginia.
	along with the (canary) copy for the crematory, retaining any (net)

> White - Funeral Home Canary - Crematory Pink - District Office Gold - Medical Examiner

XII. Cash Advances

940627-204

(276) 236-0219/FAX	
	
DECEASED Richard Michael Metcelf	
DATE OF DEATH	
PLACE OF DEATH	
DATE OF STATEMENT 08/21/2019	
ITEMIZED STATEMENT O FUNERAL GOODS AND SERVICES S	='
FUNETOL GOODS AND SERVICES S	
I. Professional Services:	
Basic services of Funeral Director and Staff	· \$
II. Funeral Home Facilities:	
A. Facilities and Staff for viewing/visitation	\$
B. Facilities and Staff for funeral ceremony (chepal or mome)	\$
C. Facilities and Stall for Memorial Services	
D. Staff and Equipment for graveside services	
E. Staff and Equipment for church services	
F. Other Use of Facilities	
	· •
III. Embalming: If you selected a funeral that may require embalting.	
with viewing, you may have to pay for embelming. Y	
pey for embelming you did not approve if you select such as a direct crametion or immediate buriel.	ted anangements
such as a direct cremetion or immediate buriel.	t we charged for
ambaining, we will explain why below. A. Normal remains	\$
B. Embalming Authorized By:	* ——
C. Reason for Embalming.	
C. Name of Company	
IV. Other Preparation of the Body	
A. Dressing	\$
8. Make-up	
C. Caskeing	5
D. Washing and disinfection when no embetring	\$
E. Half Style	<u> </u>
G. Other Services	<u>: ——</u>
Total of Other Preparation of the Body	\$
V. Immediato Burlei	;—
See General Price List for complete description.	
VI. Direct Cremation	\$1000,00
See General Price List for complete description.	
VII. Transfer of Remains to Funeral Establishment	\$
See General Polco Lifet for complete description.	_
VIII, Forwarding of Remains to Another Funeral Home Spe General Price Libr for complete description.	\$
IX. Receiving Remains from Another Funeral Home	\$
See General Price List for complete description.	-
X. Automotive Equipment	
A. Family Car	
B. Hearse	
	\$
C. Vehicle for Flowers	4
D. Leed Car	
D. Load Car E. Passenger Car F. Pallipaser Car	\$
D. Leed Car E. Petsenger Cer. F. Petbearer Car G. Attamate Vehicle	\$
D. Leed Car E. Possenger Cer. F. Pelbearer Cer. G. Alternate Verticia Yotal for Automotive Equipment	\$
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Total Funeral Home Charges \$ ___

High Country Services

Funeral & Cremations 600 Glendale Road Galax, VA 24333

A. Certified Death Certificates (4 \$ 12 each	\$ 72.00
B. High Country Services	
	· ——
C. Medical Examiner	
D. Obitvery	s
E. Open/Close	\$
F. Yent/Chairs	\$
G. Flowers	, —
H. Honorarium	
I. Hali/Coamo accomencamentamentamentamentamentamentamentament	ŧ
J. Memorial Stone	\$
K	2
Total of Cash Advances	\$
XIII. Summery	
Total Funeral Home Charges	
Sales Tex (if applicable)	\$ 3.18
Total Cash Advances	\$
Grand Total	
- · ·	•
Loss credits and prepayments	
	s
 	\$
	\$
Total Credits	\$
Selamoe Due	S 1785.18
DISCLOSURES	
Alternative Container Required for Crematic	OR
Warrenty: The only warranty on the caskel or outer	buriel carteiner,
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Roger Blavins
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