

No. A010145-C

EX PARTE: § IN THE _____ DISTRICT
REBECCA NUGENT, ET AL § COURT OF
PETITIONERS § ORANGE COUNTY TEXAS

PETITION TO OBTAIN GENETIC SAMPLES

TO THE HONORABLE JUDGE OF SAID COURT:

FILED
VICKIE EDGERLY
01 MAR 16 P2 06
DISTRICT CLERK
ORANGE COUNTY TEXAS
Andrea [Signature]

Comes now REBECCA NUGENT, together with her siblings, RAMONA SANDS, REBEL FALCONE and H.J.LUTCHER STARK,II and their father, HOMER STARK, Petitioners herein and seek permission to obtain tissue samples from the remains of H.J.L. Stark and W. H. Stark, father, grandfather and great grandfather respectively, for the purpose of conducting DNA Testing and would show the Court the following:

I.

No spouse of either deceased survive. The closest next of kin not Petitioners herein are grandchildren of H. J. L. Stark who are: W. H. Stark, III, Randy Stark and Linda Barras.

No service is necessary at this time.

II.

Your Petitioners have been told that Homer Stark was the adopted son of H. J. Lutchter Stark and Nita Stark. Petitioners have reason to believe that such is not the case. Petitioner, Homer Stark was allegedly adopted at birth, together with his now deceased brother, William Stark, II, Petitioner, Homer Stark's birth certificate reflects that he was

born in Jamestown, VA. The Bureau of Vital Statistics for the State of Virginia has no adoption records for either person. Further, there have been no births in Jamestown, VA during this century because it is not a functioning city. Documents have been located wherein H.J. L. Stark refers to Homer Stark and William Stark, II as "my true sons". Petitioners are entitled to know their lineage.

III.

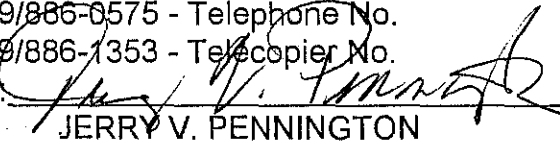
Petitioners request this court order the temporary removal of the remains of W. H. Stark and H.J. Lutcher Stark from the Stark Family Mausoleum to a funeral home so that technicians from Cell Mark, Inc. may remove tissue samples for testing small quantities of tissue to be examined for DNA similarities with Petitioner Stark. Petitioners have standing to make this request as the nearest surviving relatives of the decedents. Under Texas Health and Safety Code, Section 711.004, Petitioners are entitled to authorize the removal of the remains to another cemetery and under Article 49.13, Texas Code of Criminal Procedure. Petitioner, Homer Stark would have authority to consent to an autopsy.

Respectfully submitted,

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