

## DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, July 8, 2020 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

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1. **Call meeting to Order**

- a. Roll Call

2. **Approval of Minutes**

- a. June 24, 2020 HPC Regular Meeting

3. **Voucher Approvals**

- a. HP Operating Vouchers
- b. HP Grant Vouchers
- c. Revolving Loan Vouchers

4. **Old or General Business**

- a. Headstone Grant Applications – **Exhibit A**
  - i. 20001 Vaughn, Edna Ethel, Third Addition, Section 1 Lot 56-Plot E2
  - ii. 20002 Callison, Minnie, Section 3 Lot 133
- b. Approval – Application for Historic Preservation Programs– **Exhibit B**
- c. Approval – Revised Historic Façade Easement Program Application – **Exhibit C**

5. **New Matters before the Deadwood Historic District Commission**

6. **New Matters before the Deadwood Historic Preservation Commission**

- a. PA 200147– Gary Cure – 5 Harrison – Repair Porch in Back Yard – **Exhibit D**

7. **Items from Citizens not on Agenda**

*(Items considered but no action will be taken at this time.)*

8. **Staff Report**

*(Items considered but no action will be taken at this time.)*

9. **Committee Reports**

*(Items will be considered but no action will be taken at this time.)*

10. **Other Business**

11. **Adjournment**

**Note:** All Applications *MUST* arrive at the City of Deadwood Historic Preservation Office by 5:00 p.m. MST on the 1<sup>st</sup> or 3<sup>rd</sup> Wednesday of every month in order to be considered at the next regularly scheduled Historic Preservation Commission Meeting.

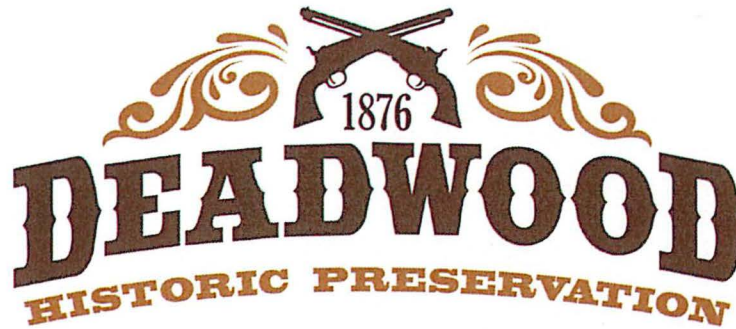
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Please practice the CDC's social distancing recommendations

Please be considerate of others and if you no longer have business activities during  
the meeting do not feel obligated to remain

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## **HISTORIC PRESERVATION COMMISSION MEETING**

**Wednesday, June 24, 2020 – 5:00 p.m. – Public and Public Zoom Meeting**

**PRESENT HISTORIC PRESERVATION COMMISSION:** Dale Berg, Beverly Posey, Robin Carmody, Tony Williams, Jill Weber, Trevor Santochi and Leo Diede

**ABSENT:** NA

**PRESENT CITY COMMISSION:** Charlie Struble

**PRESENT STAFF:** Kevin Kuchenbecker, Historic Preservation Officer, Susan Trucano, NeighborWorks, and Bonny Anfinson, Program Coordinator

*All motions passed unanimously unless otherwise stated.*

Due to the COVID-19 pandemic this public meeting was held at city hall and on-line through Zoom and Teleconference methods. There were no requests from the general public to participate prior to the meeting as posted.

A quorum present, Chairman Berg called the Deadwood Historic Preservation Commission meeting to order Wednesday, June 24, 2020 at 5:00 p.m.

### **APPROVAL OF HPC MINUTES:**

*It was moved by Ms. Posey and seconded by Ms. Carmody to approve the HPC minutes of Wednesday, June 10, 2020. Aye – All. Motion Carried.*

### **VOUCHER APPROVALS:**

HP Operating Vouchers: *It was moved by Mr. Williams and seconded by Ms. Posey to approve the HP Operating Account in the amount of \$16,201.84. Aye – All. Motion carried.*

HP Grant Vouchers: *It was moved by Mr. Williams and seconded by Mr. Diede to approve the HP Grant Vouchers in the amount of \$69,878.98. Aye – All. Motion carried.*

Revolving Loan Vouchers: *It was moved by Ms. Posey and seconded by Ms. Weber to approve the Revolving Loan Account in the amount of \$17,208.75. Aye – All. Motion carried.*

### **REVOLVING LOAN FUND AND HISTORIC PRESERVATION PROGRAMS:**

#### **Grant Requests – Exhibit A**

Rhon Underhill – 33 Taylor – Program Applications

Mr. Kuchenbecker stated the Historic Preservation Commission approved a Project Approval from Rhon Underhill for work a 33 Taylor Avenue on November 13, 2019. At the time of the

application Mr. Underhill was in the process of purchasing the resource and making plans to address the deficiencies of the resource next spring. He also planned to apply for the Historic Preservation programs at that time because he was heading out of the country but staff advised him to wait until he was ready to start the project otherwise he would need an extension prior to even starting the work. Mr. Underhill has returned and has a contractor lined up to do the work and he can not apply for the programs because we have the program moratorium. Mr. Underhill fully intended to apply for the programs at the time of the project approval but because he was heading out of the country Mr. Underhill agreed with staff's recommendation that it would be more practical to wait because he would not have to apply for extensions. ***It was moved by Ms. Posey and seconded by Ms. Weber to make an exception to the moratorium and enter Rhon Underhill into the Foundation, Vacant Home, Siding, Windows and Doors and Revolving Loan Programs for property located at 33 Taylor Avenue based on the HPC approval granted on November 13, 2010.***

#### Grant Extension Requests – Exhibit B

- i. James Pontius – 118 Charles – Wood Windows & Doors/Siding
- ii. Alvin & Sherrilyn Yost – 96 Charles – Wood Windows & Doors
- iii. Joe & Julie Opheim – 26 Fremont – Foundation
- iv. Mark & Rose Speirs – 34 Van Buren – Elderly Resident/Wood Windows & Doors
- v. Todd & Jill Weber – 562 Williams – Foundation/Siding/Wood Windows & Doors
- vi. Arlet Trehwella – 360 Williams – Elderly
- vii. Richard Morgan – 2 Dudley – Siding/Windows & Doors/Elderly
- viii. James Haupt – 37 Washington – Elderly

***It was moved by Mr. Santochi and seconded by Ms. Posey to approve the grant extension with the direction of this being the last extension for James Pontius. Ms. Weber Abstained from the vote. Aye – All. Motion carried.***

#### OLD OR GENERAL BUSINESS:

#### NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

#### NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

##### PA 200129 – Trevor Santochi – 10 Van Buren – Build Shed – Exhibit C

Mr. Kuchenbecker stated the applicant is requesting permission to construct a wood storage shed in the back yard. The proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. ***It was moved by Mr. Williams and seconded by Ms. Posey based upon all the evidence presented, I find that this project DOES NOT encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval for Trevor Santochi, 10 Van Buren to construct a wood shed. Trevor Santochi Abstained. Aye – All. Motion carried.***

##### PA 200116 – Michael Larsen – 51 Lincoln – Remove Garage – Exhibit D

Mr. Kuchenbecker stated the applicant is requesting permission to remove the existing garage/shop structure which has rotting wood and materials and make area part of back yard. This structure is the upper portion of the series of structures consisting of garage and shop.



Prior to demolition staff would measure and photographically document the structure. The survey does not specifically determine the age of structure. It is staff's opinion the proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. ***It was moved by Ms. Posey and seconded by Mr. Diede based upon all the evidence presented, I find that this project DOES NOT encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval for Michael Larsen, 51 Lincoln to remove the garage/shop structure with a recordation being completed by staff before the demolition. Aye – All. Motion carried.***

#### **ITEMS FROM CITIZENS NOT ON AGENDA**

Mr. Kuchenbecker stated the two ladies who came in at the beginning of our meeting, one of them is Mary Ann Corbet who has been in Deadwood since she was six years old and has historic information regarding the bawdy ladies. Staff will forward her information to Carolyn Weber at DHI.

#### **STAFF REPORT** *(items will be considered but no action will be taken at this time.)*

Mr. Kuchenbecker stated the emergency portion of the retaining wall work is almost complete on 30 Adams and 562 Williams is nearly complete as well. The Recreation Center wall had an issue with a tree and a power line. On Tuesday there will be a pre-construction meeting for the wall at 11 Van Buren and Lincoln Avenue. The cottonwood tree is currently scheduled to not be removed. An RFP will be made to the plans which could result in a change order reduction. Staff has been working on the new website development. Outlaw Square had their opening on Monday night with movie night; interpretive panels are on; they will be holding Wednesday night concerts; there are issues with the fountain. There are two new interpretive panels to be installed. Main Street Initiative is up a running again with in person and zoom meetings. There will be a July 4 Parade and Crazy Days; an Ordinance Task Force was formed and disbanded because of litigation.

#### **COMMITTEE REPORTS**

Ms. Carmody is working on updating the Information Kiosks. The Food Drive is still active Monday – Friday.

Mr. Santochi questioned the work on 30 Adams and the work on 11 Van Buren.

Ms. Weber stated the stagecoach has been busy. There is a meeting next week to discuss options for allowing more participants on the stagecoach.

Ms. Posey stated Kevin Wagner is now overseeing the Economic Restructuring Committee and he is doing a fantastic job.

#### **OTHER BUSINESS**

The Historic Preservation Commission Meeting adjourned at 5:34 p.m.

ATTEST:

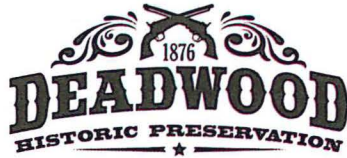
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Chairman, Historic Preservation Commission

*Minutes by Bonny Anfinson, Historic Preservation Office/Recording Secretary*

# EXHIBIT A





OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084

*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

Mike Runge  
Archivist  
Telephone (605) 578-2082

## MEMORANDUM

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**Date:** July 3, 2020  
**To:** Deadwood Historic Preservation Commission  
**From:** Mike Runge, City Archivist  
**Re:** **Headstone Grant Application: #20001; #20002**

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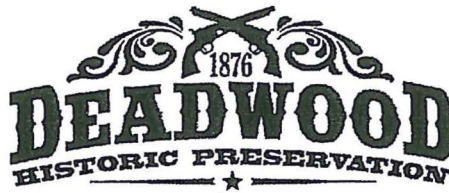
On June 30, 2020 the Project Committee, a subcommittee of the Deadwood Historic Preservation Commission met and reviewed the below listed headstone grant applications:

- **#20001 Vaughn, Edna Ethel, Third Addition, Section 1 Lot 56-Plot E2**  
**Mount Moriah Cemetery**
  
- **#20002 Callison, Minnie, Section 3 Lot 133 Mount Moriah Cemetery**  
**Mount Moriah Cemetery**

As part of the grant program, applicants are required to furnish photographs, family trees, and any other pertinent information for the Historic Preservation Files. This information will be scanned and placed in the City's IMS (Internet Mapping Server) program. After reviewing the application, the Projects Committee moved to approve the applications for the 2020 Headstone Grant Program. The applications are attached to this memorandum.

## RECOMMENDATION

Accept applications #20001 and #20002 into the 2020 HPC Headstone Grant Program as approved by the Projects Committee on June 30, 2020.



Project Number: 20001  
Application Date: 06/22/2020

## CEMETERY HEADSTONE GRANT APPLICATION

**CITY OF DEADWOOD**  
108 Sherman Street  
Deadwood, SD 57732  
Tel: (605) 578-2082 Fax: (605) 578-2084

### APPLICANT INFORMATION:

Name:	<u>Michelle Dickens</u>
Address:	<u>927 E Wayside Place</u>
City/State/Zip:	<u>Springfield, MO 65807</u>
Phone Number:	<u>417-343-7214</u>
Email Address:	<u>chellefnp@gmail.com</u>

### BACKGROUND INFORMATION:

Deceased Name(s):	<u>Edna Ethel Vaughn</u>		
Date of Death:	<u>June 16, 1935</u>		
Cemetery:	<u>Mt. Moriah</u>		
Individual or Family Plot:	<u>Individual</u>		
Addition:	<u>3</u>	Section:	<u>001</u>
		Lot:	<u>56</u>
		Plot:	<u>E2</u>

Individuals who would like to participate in the Cemetery Headstone Grant Program are required to fill out the application form attached to this document. Successful applications will be awarded a total sum of \$650.00 dollars that will enable them to purchase a 16 inch tall by 16 inch wide wedge shaped headstone that includes the deceased name, birth date and death date. Applicants are required to furnish photographs, family trees, and any other pertinent information that can be scanned in and placed on the City's IMS (Internet Mapping Server) program located at [www.deadwoodims.com](http://www.deadwoodims.com) or the City of Deadwood's webpage [www.cityofdeadwood.com](http://www.cityofdeadwood.com).

Project Number: \_\_\_\_\_

Application Date: \_\_\_\_\_

**CITY OF DEADWOOD  
CEMETERY HEADSTONE GRANT APPLICATION**

**1. Personal Information:**

Nominee Name: Edna Ethel Vaughn

Nickname(s): \_\_\_\_\_

Maiden Name (if applicable): Lindsey

Date and Place of Birth: July 12, 1878 in Mississippi

Date of Death: June 16, 1935

**2. Family Information:**

Mother's Name: Margaret Pearl Harrelson

Date and Place of Birth: About 1853 in Mississippi

Father's Name: John Wesley Lindsey

Date and Place of Birth: Abt 1852 in Mississippi

Siblings: Ernest Lindsey, Jackson Lindsey, John Lindsey, Collie Lindsey, Belle Lindsey, Myrtle Lindsey

Spouses Name: Wilks Freeman Vaughn

Marriage Date: September 2, 1899 Living or Deceased: Deceased

Children (Please list ALL Children): Archie Vaughn, Orrie Vaughn, Edna Vaughn, Jessie Vaughn  
Bessie Vaughn, James Vaughn, Marguerite Vaughn, Emmitt Vaughn

**3. Education/Major Employment:**

Level: Unknown Name of School/Location: Unknown

Year Graduated: \_\_\_\_\_ Degree: \_\_\_\_\_

Dates: \_\_\_\_\_ Name/Location of Employer: \_\_\_\_\_

Brief Description of Duties: Never worked, was a housewife

**In addition to this above information, potential candidates will be required to furnish copies of photographs or paper documents relating to the nominee. This information will be submitted to the City of Deadwood.**



## Family History for Edna Ethel (Lindsey) Vaughn

*Prepared by her great-granddaughter Michelle Dickens on 6/19/2020*

Edna Ethel Lindsey was born 12 Jul 1878 in Mississippi to John W. Lindsey and Margaret Pearl (Harrelson) Lindsey. She was the firstborn child with six younger siblings:

- Ernest Chester Lindsey born 12 Jul 1881
- Jackson Cornelius Lindsey born 28 Dec 1883
- John Lindsey born May 1886
- Collie Lindsey born Feb 1888
- Belle Lindsey born Dec 1890
- Myrtle Lindsey born Nov 1895

*Note: There are multiple sources with slightly different variations on Edna's birthdate. Six of the nine sources located would support a birth year of 1878. One census record places her birth year in 1877. Her death certificate appears to be the most inaccurate, citing 1881 as her birth year. This date cannot be true, since Edna was enumerated in the 1880 Mississippi state census at the age of 2. We would assume that her husband is accurate at least for the month and day of her birth (July 12th) when he provided the information for her death certificate, even if the year is incorrect. Her obituary likely was based on the same erroneous information. No birth certificate exists, since she was born prior to the official state recording of births. Until additional information can be located, a birth date of 12 Jul 1878 will be assumed.*

She appears in the 1880 Mississippi state census living in Calhoun County with her parents. To date, the family has not been located in the 1880 U.S. census.

Edna married Wilks Freeman Vaughn on 2 Sept 1899 in Lafayette County, Mississippi. Edna and Wilks were enumerated on the 1900 U.S. Census in Water Valley, Yalobusha County, Mississippi. While living in Mississippi between 1900 and 1907, they had five children:

- Archie Freeman Vaughn born 18 Aug 1900
- Orrie "Ann" Vaughn born about 1903
- Edna Louise Vaughn born 21 Aug 1904
- Jessie Leila and Bessie Vaughn (twins) born about 1907

Between 1907 and 1909, the family moved to Haleyville, Winston County, Alabama. Son James Wesley Vaughn was born there on 11 Sep 1909. The family is found on the 1910 U.S. Census still living in Haleyville, but by 1914 they were back in Mississippi. Two more children were born in Mississippi:

- Marguerite Vaughn born 4 Jun 1914
- Emmitt "Earl" Vaughn born 1 Feb 1917

The family was living back in Water Valley, Yalobusha County, Mississippi during the 1920 U.S. census. By the 1930 U.S. census, they had moved to Choctaw County, Mississippi.

Sometime early in 1934, Wilks and Edna moved to Lead, Lawrence County, South Dakota. This was presumably for work, since it was during the Great Depression. Their daughter Jessie Vaughn likely moved to the area first. She married Roy Himmelhahn in 1931 in Lead, South Dakota. Another daughter (Orrie "Ann" Vaughn) also moved to the area, she married Frank Smith in 1933. Their youngest son Earl was also in the area by the time of the 1935 South Dakota state census. Wilks, Edna, Jessie, and Ann were also enumerated in that 1935 state census, all living in Lead.

Edna fell ill during June of 1935. According to a newspaper announcement from the Weekly Pioneer-Times in Deadwood, she was admitted to the hospital on June 10<sup>th</sup>. Her death certificate shows that she died not long after that on 16 June 1935, of an intestinal obstruction, probably due to cancer. She was buried in the Mount Moriah Cemetery in Deadwood, Lawrence County, South Dakota.



1878 - no birth certificate exists, born prior to state official recording of births

1880 Mississippi state census:

Enumeration of Males and Females under 21 Years of Age in <i>Miss</i>				County, Mississippi			
Pursuant to Act approved March 3, 1880.				Page 24			
NAME	AGE	WHITE	COLORED	NATIVITY, STATE OR COUNTRY	OCCUPATION	PARENT'S NAME, as shown on birth record, or other reliable source	PUBLIC SCHOOL ATTENDED
Wendell Mary A	6	1		Miss		Wendell Mary A	
Wendell Mary A	9	1		"		Wendell Mary A	
Wendell Mary A	11	1		"		Wendell Mary A	
Wendell Mary A	12	1		"		Wendell Mary A	
Wendell Mary A	17	1		"	Labourer	Wendell Mary A	
Wendell Mary A	19	1		"		Wendell Mary A	
Wendell Mary A	20	1		"	Labourer	Wendell Mary A	
Wendell Mary A	21	1		"		Wendell Mary A	
Wendell Mary A	22	1		"		Wendell Mary A	
Wendell Mary A	23	1		"		Wendell Mary A	
Wendell Mary A	24	1		"		Wendell Mary A	
Wendell Mary A	25	1		"		Wendell Mary A	
Wendell Mary A	26	1		"		Wendell Mary A	
Wendell Mary A	27	1		"		Wendell Mary A	
Wendell Mary A	28	1		"		Wendell Mary A	
Wendell Mary A	29	1		"		Wendell Mary A	
Wendell Mary A	30	1		"		Wendell Mary A	
Wendell Mary A	31	1		"		Wendell Mary A	
Wendell Mary A	32	1		"		Wendell Mary A	
Wendell Mary A	33	1		"		Wendell Mary A	
Wendell Mary A	34	1		"		Wendell Mary A	
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1935 South Dakota state census:

1935 Card No. <b>0206</b>		Name <u>Edna Vaughn</u>	Age <u>67</u>
Sex <u>F</u>	County <u>LAWRENCE</u>	P.O. <u>LEAD, S. D.</u>	
Color <u>W</u>	Town or Township <u>Lead</u>	Ward <u>7</u>	
Married <u>X</u>	Occupation <u>housewife</u>	Do you own your home or farm? <u>Yes</u>	
Single	Birthplace <u>Miss</u>	Ancestry	
Widowed	Father's birthplace <u>Miss</u>		
Divorced	Mother's birthplace <u>Miss</u>		
Read <u>X</u>	Extent of Education <u>Some</u>	Graduate of	
Write <u>X</u>	Military Service: Civil War	Spanish	World
Blind	State	Company	Regiment
Deaf	Division		
Insane	Idiot		
If foreign born, are you naturalized	Maiden name of wife <u>Papier</u>	Year married <u>1899</u>	
Years in U. S.	Church affiliation		
Years in S. D. <u>44</u>	Signed	Assessor	

This card is a permanent record.

Obituary:

### Mrs. F. W. Vaughn Passes Away

Mrs. W. F. Vaughn, 57, of Lead, died at 3 o'clock yesterday afternoon in St. Joseph's hospital in Deadwood after an illness of two weeks. Mrs. Vaughn was taken to the hospital a week ago when her condition became critical.

She is survived by her husband and the following sons and daughters: Earl Vaughn, of Lead; Archie, of Tennessee; James, of Arkansas; Mrs. Roy Himmelhahn, Lead; Mrs. Frank Smith, Lead; Mrs. Louise Collins, Mississippi, and Mrs. V. H. Hicks, of Arkansas. Mrs. Vaughn also leaves 12 grandchildren, and two sisters and two brothers living in various parts of the country.

The deceased was born in Paris, Miss., on July 12, 1881. She came to Lead 13 months ago and had made her home here since that time.

Arrangements for funeral services have not yet been completed, and will be announced later.

The "Fish" started last... powerful home... and... from... river.

Knudson did... his New... to the 1935... the customer... who has... and... can sweep in... to work.

On capital... finally as... in his office... at all times... date and his... republican no... will even tell... just where he... eat and weak... "No... So far as... Fish has don...



Death Certificate:

DEPARTMENT OF HEALTH State of South Dakota		STANDARD CERTIFICATE OF DEATH		Department of Commerce Bureau of the Census	
1. PLACE OF DEATH		State File No. <u>779</u>		Registered No. <u>163415</u>	
County <u>Lawrence</u>		State <u>SOUTH DAKOTA</u>		Registered No. <u>163415</u>	
Township <u>Deadwood</u>		or Village <u>St. Joseph's Hospital</u>		or Ward <u>Lead, S.D.</u>	
City <u>Deadwood</u> No. <u>St. Joseph's Hospital</u> (If death occurred in a hospital or institution, give its NAME instead of street and number)					
Length of residence in city or town where death occurred _____ years _____ months _____ days. How long in United States if of foreign birth? _____ years _____ months _____ days.					
2. FULL NAME <u>Edna Ethel Vaughan</u>					
(a) Residence: No. <u>234 1/2 Arlington</u> St., Ward <u>Lead, S.D.</u> (Usual place of abode) (If non-resident give city or town and State)					
PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH		
3. SEX <u>F</u>	4. COLOR OR RACE <u>W</u>	5. Single, Married, Widowed, or Divorced (write the word) <u>Married</u>	21. DATE OF DEATH (month, day, and year) <u>6-16-1935</u>		
5a. If married, widowed or divorced HUSBAND of (or) WIFE of <u>W. F. Vaughan</u>			22. I HEREBY CERTIFY That I attended deceased from <u>June 7</u> 10 <u>35</u> to <u>6/16/35</u> 10 <u>35</u> I last saw him alive on <u>6/16/35</u> 10 <u>35</u> death is said to have occurred on the date stated above, at <u>3 P.</u> m. The principal cause of death and related causes of importance were as follows: <u>Intestinal obstruction</u> <u>Partial Perityphitis</u> <u>Cancer</u> Other contributory causes of importance: _____		
6. DATE OF BIRTH (month, day, and year) <u>7-12-1887</u>			Date of onset <u>June 5</u>		
7. AGE Years <u>53</u> Months <u>11</u> Days <u>4</u> If LESS than 1 day, _____ hrs. or _____ min.					
8. Trade, profession, or particular kind of work done, as spinner, sawyer, bookkeeper, etc. <u>Housewife</u>					
9. Industry or business in which work was done, as silk mill, saw mill, bank, etc. _____					
10. Date deceased last worked at this occupation (month and year) _____			11. Total time (years) spent in this occupation _____		
12. BIRTHPLACE (city or town) (State or country) <u>Miss.</u>					
13. NAME <u>John H. Lindsay</u>			Name of operation <u>none</u> Date of <u>June 7</u>		
14. BIRTHPLACE (city or town) (State or country) <u>Miss.</u>			What test confirmed diagnosis? <u>none</u> Was there an autopsy? <u>no</u>		
15. MAIDEN NAME <u>Mary Ann Hanelan</u>			23. If death was due to external causes (violence) fill in also the following: Accident, suicide, or homicide? _____ Date of injury _____ 10_____		
16. BIRTHPLACE (city or town) (State or country) <u>Miss.</u>			Where did injury occur? _____ (Specify city or town, county, and State)		
17. INFORMANT <u>W. F. Vaughan</u> (Address) <u>Lead, S.D.</u>			Specify whether injury occurred in industry, in home, or in public place. _____		
18. BURIAL, CREMATION, OR REMOVAL Place <u>Deadwood, S.D.</u> Date <u>6-19-35</u>			Manner of injury _____ Nature of injury _____		
19. UNDERTAKER <u>G. A. Robinson</u> (Address) <u>Lead, S.D.</u>			24. Was disease or injury in any way related to occupation of deceased? _____		
20. FILED <u>6/25</u> 19 <u>35</u> Registrar <u>W. F. Vaughan</u>			If so, specify _____ (Signed) <u>W. F. Vaughan</u> M. D. (Address) <u>Lead, S.D.</u>		

State Department of Health  
South Dakota  
Death Certificate  
Multiple copies  
documents report  
for birth year 2019

Justice of Peace  
19  
Burial Permit Issued



Photos:

Edna Ethel Lindsey



Edna (center) with sisters Collie & Belle



Miscellaneous Newspaper Clippings:

**CARD OF THANKS**

I am deeply grateful for the kindness and consideration shown at the sad time of the death of my mother, the late Mrs. Edna Vaughn. I wish to thank those who sent flowers and all who in any way offered condolences.—Archie Vaughn, Memphis, Tenn.

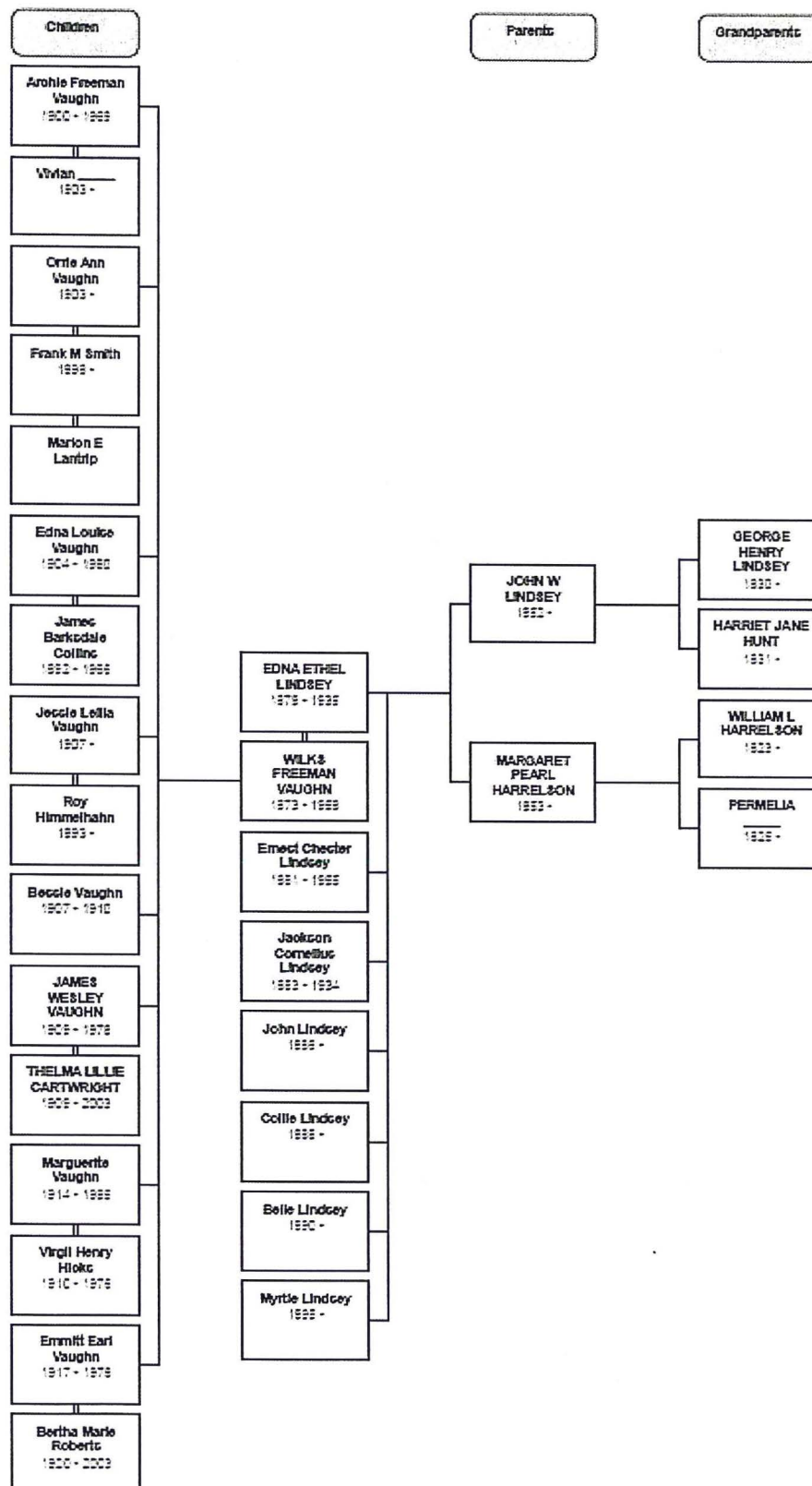
Lead, S. D.  
Black Hills Benefit Life Asso.,  
Rapid City, S. D.  
Gentlemen:

I am in receipt of your check in full payment of policy of my dear wife, Edna Vaughn, and want to thank you for the same most sincerely, not only for the check but for your kind sympathy in those most trying hours.

W. F. VAUGHN.

t1°

# Horizontal Hourglass Chart for EDNA ETHEL LINDSEY





## Michael Runge

---

**From:** Michelle Dickens <[chellefnp@gmail.com](mailto:chellefnp@gmail.com)>  
**Sent:** Friday, June 19, 2020 2:00 PM  
**To:** Michael Runge  
**Subject:** Re: Mount Moriah Cemetery question  
**Attachments:** Edna Ethel Lindsey Vaughn Headstone Application.pdf; Edna Ethel Lindsey Vaughn Genealogical Information.pdf

Hi Mike,

I have the headstone application and genealogical information completed for my great-grandmother Edna Ethel (Lindsey) Vaughn. I've attached it here. I didn't see a separate email on the application form to submit the information, so please let me know if there is someone else that should receive this.

I appreciate your help and look forward to hearing back from the committee. For any questions, please email me at [chellefnp@gmail.com](mailto:chellefnp@gmail.com) or call me at 417-343-7214.

Michelle

On Mon, Jun 15, 2020 at 7:18 PM Michelle Dickens <[chellefnp@gmail.com](mailto:chellefnp@gmail.com)> wrote:  
Hi Mike,

Thanks for the quick response and the information. This sounds like a perfect solution. As the family historian and genealogy buff, I should have all the information requested (except for a birth certificate, since she was born before they recorded them in Mississippi).

I will start working on getting everything together and call you if I have any questions. Thanks!

Michelle

On Mon, Jun 15, 2020 at 9:51 AM Michael Runge <[michael.runge@cityofdeadwood.com](mailto:michael.runge@cityofdeadwood.com)> wrote:

Good morning Michelle:

Thank you for contacting the City of Deadwood Archives. In regards to your request, the Historic Preservation Commission offers a headstone grant that would allow you to mark your great-grandmother. I included the application to this email. If you have a few minutes, please call me at the below number and I would be happy to discuss this program and what you need to obtain a permanent marker.

Thanks,

Mike

Michael Runge



City Archivist

108 Sherman Street

Deadwood, SD 57732

[www.cityofdeadwood.com](http://www.cityofdeadwood.com)

P: (605) 578-2082

F: (605) 578-2084

**From:** Michelle Dickens [mailto:[chellefnp@gmail.com](mailto:chellefnp@gmail.com)]

**Sent:** Sunday, June 14, 2020 9:06 PM

**To:** Kevin Kuchenbecker; Michael Runge; Cindy Schneringer

**Subject:** Mount Moriah Cemetery question

Hello!

I'm not sure who to direct my question to, so I'm starting with the contact information I found on the city's website. Please forward this to others if more appropriate.

My name is Michelle Dickens. My great-grandparents came to Lead from Mississippi in the early 1930's, presumably for work. My great-grandmother died in the hospital in Deadwood in June of 1935 and is buried in Mount Moriah Cemetery.

My husband and I visited the area last week and went to the cemetery. My grandmother is listed in the online lists and in the book onsite, and her death certificate also lists her burial in Deadwood. She is listed in Plot 56. However, it appears that she no longer has a marker. We found the metal stake in the correct place (just to the

left of a Mr. John Severson, also listed in Plot 56), but what I assume may have been a temporary marker from the funeral home is gone.

Would it be possible to get some sort of marker on her gravesite? I live in Missouri, so it's unlikely we'll be back anytime soon. I'd just like for future family members to be able to find her :)

Here is her information:

Edna Ethel (Lindsey) Vaughn (she is listed in the cemetery records as Mrs. E. E. Vaughn)

Born: 12 July 1878 (the death certificate actually has an incorrect year of 1881)

Died: 16 June 1935

I've attached her death certificate and also a picture we took of the grave location at the cemetery, marked with the location for reference. We placed a rock next to the remaining portion of the metal stake so it is more noticable as well.

I look forward to hearing from someone on this question, thanks! Feel free to call me at the number below if you have further questions.

Michelle Dickens

[chellefnp@gmail.com](mailto:chellefnp@gmail.com)

417-343-7214



1:15 pm

Project Number: 20002  
Application Date: 6/25/2020

## CEMETERY HEADSTONE GRANT APPLICATION

CITY OF DEADWOOD  
108 Sherman Street  
Deadwood, SD 57732  
Tel: (605) 578-2082 Fax: (605) 578-2084

### APPLICANT INFORMATION:

Name:	<u>DAVID AKROP</u>
Address:	<u>98 CHARLES ST.</u>
City/State/Zip:	<u>DEADWOOD, S.D. 57732</u>
Phone Number:	<u>605 578-1795 cell 920-1642</u>
Email Address:	<u>dakrop@spe-midco.net</u>

### BACKGROUND INFORMATION:

Deceased Name(s):	<u>MINNIE CALUSON</u>
Date of Death:	<u>AUG. 20, 1878</u>
Cemetery:	<u>MT. MORIAN</u>
Individual or Family Plot:	<u>INDIVIDUAL</u>
Addition:	Section: <u>3</u> Lot: <u>133</u> Plot: _____

Individuals who would like to participate in the Cemetery Headstone Grant Program are required to fill out the application form attached to this document. Successful applications will be granted a total sum of \$450.00 dollars that will enable them to purchase a 16 inch tall by 16 inch wide wedge shaped headstone that includes the deceased name, birth date and death date. Applicants are required to furnish photographs, family trees, and any other pertinent information that can be scanned in and placed on the City's IMS (Internet Mapping Server) program located at [www.deadwoodims.com](http://www.deadwoodims.com) or the City of Deadwood's webpage [www.cityofdeadwood.com](http://www.cityofdeadwood.com)

**CITY OF DEADWOOD  
CEMETERY HEADSTONE GRANT APPLICATION**

**1. Personal Information:**

Nominee Name: MINNIE CALLISON  
Nickname(s): married to JOHN  
Maiden Name (if applicable): \_\_\_\_\_  
Date and Place of Birth: \_\_\_\_\_  
Date of Death: AUG 20, 1878

**2. Family Information:**

Mother's Name: \_\_\_\_\_  
Date and Place of Birth: \_\_\_\_\_  
Father's Name: \_\_\_\_\_  
Date and Place of Birth: \_\_\_\_\_  
Siblings: \_\_\_\_\_  
Spouses Name: \_\_\_\_\_  
Marriage Date: \_\_\_\_\_ Living or Deceased: \_\_\_\_\_  
Children (Please list ALL Children): \_\_\_\_\_

**3. Education/Major Employment:**

Level: \_\_\_\_\_ Name of School/Location: \_\_\_\_\_  
Year Graduated: \_\_\_\_\_ Degree: \_\_\_\_\_  
Dates: \_\_\_\_\_ Name/Location of Employer: \_\_\_\_\_  
Brief Description of Duties: \_\_\_\_\_  
\_\_\_\_\_

**In addition to this above information, potential candidates will be required to furnish copies of photographs or paper documents relating to the nominee. This information will be submitted to the City of Deadwood. The information will then be incorporated into the Cemetery IMS Project.**



**3. Accomplishments and Activities**

List events, activities & historical incidents involving the nominee in a leadership or decision-making role. Were there new or innovative developments that directly contributed to Deadwood's heritage?

Describe the role of the nominee in each event listed.

In reading books relating to Deadwood history the story of MINNIE COLLISON in Bob Lee's GOLD, GALS, GUNS & GITS caught my attention.

Minnie's death on Aug. 20, 1878 makes her a part of the earliest history of Deadwood. She was buried as the first schoolteacher in town. She was qualified for the position where others who showed earlier interest were not buried because they did not have proper credentials. According to Garry Bryant's research and writing she was backed by Mayor E. B. Farnum, Dr. Lee Babcock and other businessmen.

Minnie's brutal murder seems out of what you would expect of a schoolteacher. She was married to John Collison who prospected for gold in the ~~area~~ <sup>KEYSTONE</sup> area. This might explain why she was home alone at the time of the tragedy.

Mrs. Collison would have contributed to Deadwood history both through her profession and also the unusual way her life came to an end.

I am presently searching for Minnie's age and maiden name and a birthdate if one can be found. This would further complete the information that would be included on the gravestone.

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Record of Mt Moriah Cemetery  
P112-13

Aug 20 1878 Minnie Callison

Sec 3 <sup>listed</sup> Lot 83 crossed out 136  
Purchaser of Lots

P230-31

Aug 20 1878 Callison for Mrs Minnie  
Sec 3 Lot 133 \$ 5.00 Callison

Record of Deaths Lawrence Co Dakota

date of death Minnie Callison

Aug 17 1878

Sec 3 Lot 133

Don'tons Obituaries

BHDT Aug 20 1878

this morning date and place  
occured



# Dakota Graphics

142 Sherman Street  
Deadwood, SD 57732

20

Mrs Minnie Callison Aug 17 1878  
murdered in her bed Martin L's  
Cook was tried convicted and  
sentenced to death, the supreme  
court sustained the decision  
Weekly Pioneer Times Nov 7 1901

Samuel Fields Shakespearian  
orator of Deadwood Minnie's  
husband John Callison was  
convinced that Fields was her  
murderer. On Aug 20 1878  
Samuel was arrested and though  
he was later released...

www.legends of america.com

A silver tongued <sup>OPINION</sup> murderer <sup>BH PIONEER</sup>  
BH Pioneer of Nov 2 2018 The  
Sept 12 1878 edition of the DPT  
uses several inches of column space  
for headlines involving the...

A silver tongued murderer part 2  
Last weeks column was on the topic  
of Mrs Minnie Callison who was  
murdered in Aug 18 78 in Deadwood  
that the

Offset and Letterpress Printing

Phone: 578-1642 or 578-2289

NOV 9 2018 <sup>following</sup> may <sup>opinion</sup> part 2

### Mary Boughton.

Mrs. Mary Boughton died at Sturgis on Tuesday of this week. It is intimated that before dying she revealed what she knew of the death of Mrs. John Callison, in this city, in this city, August 19th, 1878. Unless she did, the mystery that surrounded the murder ever since its discovery will probably never be solved. It has always been believed that Mrs. Boughton knew more about the tragedy, even if she were not the actual perpetrator of the crime, than she cared to tell. Tried and acquitted for it, the same evidence on which the jury found Mrs. Boughton not guilty was sufficient to convict Martin L. Couk and send him to the penitentiary, from which he was subsequently pardoned. If the story has at length been told, whoever has the power should give it to the public.



# A silver-tongued murderer?

Around Halloween, I've typically found a grisly murder case to explore in this column. Maybe it's all the deathly decorations and costumes, but for some reason, stories involving murder really speak to me this time of year! So, know that the following may contain graphic descriptions that may not be suitable for all ages.

For Halloween week 2018, we'll travel back to 1878 to take a look at the murder of one Mrs. Minnie Callison. The Sept. 12, 1878, edition of the Deadwood Pioneer-Times uses several inches of column space for headlines involving the story to come, so I will copy them here, separating each sub-headline with a semicolon: "MIDNIGHT ASSASSINATION; Preliminary Examination in the Callison Murder Case; Interesting Testimony Introduced; The Court Room Crowded with People Desirous of Justice; Close Technical Rulings on Evidence; Appeals of the Prosecution for Fair Facts Loudly Applauded; Detailed Report of Proceedings."

If the outline isn't enough to rouse your curiosity, well, I'm not sure what else they could have added!

The article describes that the crime took place at a house on Sherman Street in Deadwood on Aug. 19, 1878, when a local teacher, Mrs. Minnie Callison was killed by a blunt-force trauma to her head. Two weeks after the murder, Martin L. Couk (spelled Couk in later articles), a miner, and Mary Boughton were arrested and indicted with the murder, after a man named Fields, later referred to as "General," who happened to be African American, was first arrested. This piece of information will come into play later.

Couk went on trial first, with Boughton to be put on trial after the conclusion of Couk's.

At the preliminary examination of evidence, Dr. J.W. Coombs testified that he made a post-mortem examination of

the body about 9:30 a.m. Aug. 20. He testified that he found three distinct impressions of a blunt instrument on the deceased, including one over the left eye, one near the front of the forehead, and one higher upon the head.

Callison's head was crushed, "and the brain was protruding through the fractured bones. ... Death must have been instantaneous, and life evidently had been extinct twelve or fifteen hours," the article describes.

Apparently, there was no sign of any other violence, as well as no sign of a struggle.

"The lady was lying in the bed, reclining upon one side ... The deceased must have been asleep when the blows were stricken," the doctor theorized.

Boughton, who also lived on Sherman Street, knew Callison and testified that she saw Callison the evening of the murder and also saw Couk at

Callison's house that evening.

Mrs. E.A. Simmons, another neighbor on Sherman Street, described that Couk boarded with her and had eaten supper with her the night of the murder. He did not return to the house until 2 a.m., and later, when she heard about the murder, she remembered that Couk exclaimed, "Have they found her!" and changed her locks the next day. She added that he had trouble sleeping at night and acted "very nervous" after the murder.

Witnesses were asked about the nature of the relationship between Couk and Callison, and Mark Boughton described that they were friends and that no further intimacy was suspected. He did, however, state that he had heard that Mrs. Boughton, his wife, and Couk were planning to leave the area together.

The Aug. 21, 1878, edition of the Deadwood Pioneer-Times describes further testimony related to the murder and about Fields: "The authorities have been very busy with the case, and with some success, finding evidences that help form a the-



Kaija Swisher



from Pg 6

## **MURDERER**

ory of the crime. Tracks were discovered in the rear of the house, crossing the creek and going up the shore of the same. Below the log crossing a piece of the flap of the man's shirt was picked up ... It was saturated in blood, and appeared to have been used in wiping gore from some object ..."

It adds that "Mrs. Callison was one of the first women in the Hills, and taught the first school in Deadwood. The many idle rumors regarding herself, and wild theories of the act are not considered of sufficient importance to receive notice. One instance, however, as foolish as it is superstitious, is that deceased had twice told her friends of a dream or two dreams in which a man, colored, entered her room and killed her, how or under what circumstances is not known. It is a blind case, and a well executed job

... it behooves our officials to see that the murderer is found, and meted every iota of punishment accorded by the law."

And remember who first got arrested for the crime? That's right, Fields, the African American.

And guess who one of those friends was who retold the tale of Callison's dreams? Well, Mary Boughton — yes, that same Mrs. Boughton with whom Couk was said to be planning to leave the area and who had been charged with assault with a deadly weapon in regards to the Callison murder when she and Couk were indicted in November.

Couk was held without bail until a district court trial started Nov. 22.

Boughton's trial commenced in 1880. She spent three days in jail after she was initially arrested and indicted but was released after her husband and friends posted \$10,000 bail.

The plot thickens! Stay tuned for more of the story next Friday.



# A silver-tongued murderer? Part 2

Last week's column was on the topic of Mrs. Minnie Callison, who was murdered in August 1878 in Deadwood. Note that the following may contain graphic descriptions that may not be suitable for all ages.

Callison was found dead in her bed, with her head beaten in with a blunt object, and Martin Lee Couk (spelled Couck in later historic references), who rented a room on Sherman Street in the same vicinity where Callison lived, was eventually accused of and arrested for the murder. Mrs. Mary Boughton was also indicted for the murder, and her trial would follow Couk's.



Kaija Swisher

The Nov. 24, 1878, edition of the Deadwood Pioneer-Times has the headline, "The

Couk Trial, Startling Evidence From All Sides, The Investigation Made by Medical Experts."

Testimony revealed that Couk and Mary V. Boughton were on more than friendly terms, with witnesses revealing several instances in which the two were seen in each other's company at Boughton's residence. Her husband, Mark Boughton, spent several months in Chicago for work, and "Couk seemed to make Mrs. Boughton's place his home," one witness testified.

Testimony from Dr. Babcock revealed that Mrs. Callison had intimated to him that Couk and Mrs. Boughton were to planning to meet at her house the evening before she was murdered, "to perfect arrangements for an elopement," the article describes.

Babcock said that Callison told him that she had told Mr. Boughton about the affair; that she tried to persuade Mrs. Boughton not to have anything to do with Couk; and that she was planning to tell Mr. Boughton about the meeting as "she did not want to see Mrs. B. ruined and leave her husband." Apparently, Callison believed that one object of the meeting was to make arrange-

ments for the disposition of Boughton's property, now in Mrs. Boughton's name, and that the talk of leaving together had been going on about two weeks. Callison said that both Mrs.

Boughton and Couk had been to her house separately, and that she told Mrs. Boughton that

she would not "give Boughton's old boots for all of Couk."

Mary Boughton denied any affair or conspiracy existing between herself and Couk. Any times that he visited her home were related to business matters, she said, and she added that she had no idea that her husband had any suspicions about

her until she heard court testimony to the contrary.

The next article, in the Dec. 1, 1878, edition of the Deadwood Pioneer-Times has the headline, "Martin L. Couk Sentenced to be Hanged on January 28th, 1879; The Prisoner Asserts his Innocence and Accuses a Witness of Being a Villain." The jury found Couk guilty following the trial in November, and the article describes that the day of the appeal was spent hearing arguments for a new trial in the case, based on the irregularity of the trial, questions as to the validity of certain testimony, and evidence that had since been discovered. Judge G.C. Moody set an evening session to render a decision.

He went through the arguments one by one, dismissing the questions about evidence, witnesses, etc., and asked the defendant, Couk, if he had anything to say before being sentenced. Couk accused Mrs. Simmons, his landlady, of being "the deepest dyed villain I ever expected to meet," describing that he "got into bad company with her" and was intimate with her.

Simmons had been the witness at an earlier hearing to have brought forth a coat she purported to be Couk's, claim-



from Pg 6

## MURDERER

ing that she found a bottle of chloroform in the pocket, and she also claimed that she thought the coat had blood on it when she found it. Simmons did not turn this evidence over to the judge immediately, and later testimony would dispute Simmons' trustworthiness as a witness.

"I feel a better showing could have been made with my case, and hope that before it goes to extremes the murdered will be discovered, for before my God in heaven I am

as innocent of the murder of Mrs. Callison as a new-born babe. One thing more – be as hasty as possible in passing sentence," Couk said, addressing the judge.

"Judge Moody was visibly agitated as he addressed the prisoner, to pronounce the words that rested upon his soul, the awful responsibility of fixing the date at which the fellow creature standing before him must in all human probability die." The judge set the date of Couk's execution for Jan. 28, 1879, when he would be "hanged by the neck until you are dead, and may the Lord God have mercy on your soul," Moody said.

"The last words were almost inaudible, as the judge buried his face in his hands, unable to longer repress his emotion. A deathlike stillness prevailed for several minutes, during which the prisoner, Martin L. Couk, turned and walked steadily back to his seat and resumed it. The crowd finally aroused, seeking the door, and the court house was again vacant and the first sentence of death in the history of the Black Hills passed."

But have no fear. Couk doesn't die on Jan. 28, 1879. Stay tuned next Friday for more of the story!



# A silver-tongued murderer? Part 3

Nov 16, 2018

BHP

This column has been focused for the last couple of weeks on the topic of Mrs. Minnie Callison, who was murdered in August 1878 in Deadwood. Note that the following may contain graphic descriptions that may not be suitable for all ages.

Callison was found dead in her home, with the cause of death blunt-force trauma to her head. Martin Lee Couk (spelled Couck in later historic references), who boarded on Sherman Street in the same vicinity where Callison lived, was accused of and arrested for the murder, and though he was sentenced to death in December 1878 and scheduled to hang in January 1879, he did not experience the noose.

Couk's case was taken to the territorial supreme court on a writ of error, and though the higher court upheld the lower court's ruling, which had sentenced him to death, Judge G.C. Moody would not re-sentence Couk until after the trial of Mary Boughton, who was also indicted in the murder and charged with assault with a deadly weapon. The theory was that Couk and Boughton conspired to murder Callison because she was going to expose their affair and plan to leave the territory after liquidating Boughton's husband's property and fleeing with the money.

Boughton's trial began on Thursday, Feb. 12, and lasted through the next Wednesday.

The Feb. 14, 1880, edition of the Black Hills Weekly Pioneer describes testimony from a Dr. Babcock, who said that he had visited Callison's house on the day of her murder, a Sunday, and conversed with her. I will reprint a portion of the testimony here, using the historic punctuation in the article: "Mrs. Callison said that Couk and Mrs. Boughton would be there to meet on Monday; 'I don't want the meeting and I don't want to hear any of their talk;' she further said, 'They are going to meet here to prepare to leave the territory;' Mrs. Callison was

quite nervous; her husband was then at Rockerville; she appeared distressed, and repeated that Couk and Mrs. Boughton were to be there to fix up for leaving the country; she said they

would leave if they had to get away with Mr. Boughton; Mrs. Callison said she did not know what to do; she was going to tell Mr. Boughton; she did not know whether she would stay or not; that she did not want to hear the talk of Mrs. Boughton and Couk."

Another witness, James M. Farrell, swore that he saw Mr.

and Mrs. Boughton the day of the murder, and that later, the next day, Mrs. Boughton had a "terrible nervous spell" when people were hypothesizing about who could be the guilty party. Later, when someone made a remark about how they hoped the murderer would receive a heavy punishment, "Mrs. Boughton remarked that sometimes people were killed for what they knew," Farrell said.

Mrs. Annie E. Simmons, with whom Couk boarded until his arrest, testified that Couk returned home very late on the night of the murder and had a towel, handkerchief, and bottle of chloroform in his pocket upon his return. Later, she noticed spots of blood upon his overcoat.

It wasn't until the Feb. 19, 1880, edition of the Black Hills Daily Times states that the theory of the prosecution was that "Mrs. Callison had been chloroformed while asleep, and whilst in that condition murdered ... The nature of the wounds and the number of them pointed to a woman as the cause, and the motive could have been none other jealousy, revenge, or a desire to conceal forever some secret the victim had become possessed of. He (the prosecution) then referred to some of the circumstances that connected the defendant (Mrs. Boughton), Couk, and Mr. Boughton to Mrs. Callison, and the probable reasons of the defen-



Kaija Swisher



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## MURDERER

dant and Couk for desiring her voice hushed in death.”

The defense argued that all evidence was circumstantial, and not even very strong circumstantial evidence, to connect the defendant to the murder.

The Feb. 21, 1880, edition of the Black Hills Weekly Pioneer describes points of the trial. Witnesses testified that Simmons was not known as the most truthful person, and that others who

examined Couk's overcoat, found in a local saloon after the homicide, did not detect any spots of blood.

Mr. Boughton, who had been married to Mrs. Boughton for 18 years, testified that his wife had visited Mrs. Callison the evening of the murder and that he also met Couk in the vicinity of the murder that evening. The men chatted about mining before Boughton returned home, where he found his wife. Upon cross-examination, Boughton said that he had never made any threats against Couk, though “I

had heard that he had been very intimate with Mrs. Boughton and I wanted to see him to ascertain if there was anything in it.” He also stated that he did not think his wife knew that he was suspicious of her. He said that he knew of the meeting that took place between his wife and Couk at Mrs. Callison's.

Mary Boughton testified at her trial, as well, describing that she did visit Mrs. Callison the evening of the murder. She said that Couk arrived during the visit, though they had no prior plans to meet there. Mrs.

Boughton testified that she did not know about any plan to kill Mrs. Callison, “nor was I ever a party to any arrangement to kill or do bodily harm to her; I never entered into any arrangement to elope with Couk,” she testified. Upon cross-examination, she intimated that she had known Couk prior to moving to Deadwood.

Though Couk was brought to the courthouse from the jail, the judge ruled that he was not allowed to testify at Boughton's trial.

Out of space again! Stay tuned for more of the story next Friday.



# A silver-tongued murderer? Part 4

This column has been focused for the last few weeks on the topic of Mrs. Minnie Callison, who was murdered in August 1878 in Deadwood. Note that the following may contain graphic descriptions that may not be suitable for all ages.

Callison was found dead in her home, with the cause of death blunt-force trauma to her head. Martin Lee Couk (spelled Couck in later historic references), who boarded on Sherman Street in the same vicinity where Callison lived, was accused of and arrested for the murder, and though he was sentenced to death in December 1878, scheduled to hang in January 1879, he did not experience the noose.

Couk's case was taken to the supreme court on a writ of error, and though the higher court upheld the lower court's ruling, which had sentenced him to death, Judge G.C. Moody would not re-sentence Couk until after the trial of Mary Boughton, who was also indicted in the murder and charged with assault with a deadly weapon. Her trial followed Couk's and took place in 1880.

Testimony revealed that Couk and Boughton were on more than friendly terms, especially when her husband, Mark

Boughton, spent several months in Chicago for work. "Couk seemed to make Mrs. Boughton's place his home," one witness testified.

The Feb. 21, 1880, edition of the Black Hills Weekly Pioneer describes that "Great interest has been felt in the case for a long time past, and the near approach of the trial of Mrs. Boughton whetted the public desire ... the squeeze and jam in the courtroom have been at times so great, especially during the last few days of the trial, that it was with difficulty order could be preserved ..."

The Feb. 19, 1880, edition of the Black Hills Daily Times states that the theory of the prosecution was that "Mrs. Callison had been chloroformed while asleep, and whilst in that condition murdered ... The nature of the wounds and the number of them pointed to a woman as the cause, and the motive could have been none other jealousy, revenge, or a desire to conceal forever some secret the victim had become possessed of. He then referred to some of the circumstances that connected the defendant (Mrs. Boughton), Couk, and Mr. Boughton to Mrs. Callison, and the probably reasons of the defendant and Couk for desir-



Kaija  
Swisher



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## MURDERER

ing her voice hushed in death.”

The defense argued that all evidence was circumstantial, and not even very strong circumstantial evidence, to connect the defendant to the murder. (Which could be said for Couk’s trial, too!)

Moody, presiding over the trial, gave the jury its charge, and after an hour of deliberation, they returned with a verdict of not guilty for Mrs. Boughton, taking the opposite view than had been afforded to Couk.

Boughton “was returned to her husband and the world fully exonerated from any complicity in the terrible murder ...” the article states.

The next step was then to sentence Couk, who was to be imprisoned in the county jail until April 16, 1880, when he was to be “hanged by the neck until dead.”

The article shows the hand, so to speak, of the writer’s feelings on the topic: “In appearance (Couk) was anything but a murderer; none of that brutality and course [sic] vulgar appearance that is usually seen in men occupying the

position he then did, but on the contrary a man with a frank, open countenance, soft blue eyes, a high broad forehead, with gentleness, kindness and truthfulness stamped upon every liniment [sic] of his countenance. He was the quietest and least excited man in the room, and we noticed how carefully with his hand he gathered his long flowing beard, and turned it to one side to spit in the spittoon, and at the very time, too, when the day was about being named on which he is to be executed, and then turning, faced the court and listened as attentively to the judge as though it was something he had no interest in whatever.

“Is it possible, we thought, that his man must be strangled in this way, and the only one through which an outraged community can be avenged; and then again we thought, suppose this is an innocent, and what in the world but innocence could give him such nerve; the guilty never have it.”

Clearly the writer has never met a bold-faced liar, given this belief.

But have no fear, Couk would not hang. His sentence was commuted to life imprisonment in June 1880.

Stay tuned for more next Friday!



# A silver-tongued murderer? Part 5

This column has been focused for the last weeks on the topic of Mrs. Minnie Callison, who was murdered in August 1878 in Deadwood. Note that the following may contain graphic descriptions that may not be suitable for all ages.

Callison was found dead in her home, with the cause of death blunt-force trauma to her head. Martin Lee Couk (spelled Couck in later historic references), who lived on Sherman Street in the same vicinity where Callison lived, was accused of and arrested for the murder, and though he was sentenced to death in December 1878 and scheduled to hang in January 1879, he did not experience the noose. Mrs. Mary V. Boughton was also indicted in the murder, charged with assault with a deadly weapon, though she was found not guilty in

February 1880. Couk's execution was then rescheduled for April 1880.

The April 17, 1880, edition of the Black Hills Pioneer contains a copy of the reprieve sent by the secretary of Dakota territory and acting governor at the time, George H. Hand, to the sheriff in Lawrence County. Hand wrote that the reprieve from the execution that had been set for April 16, 1880, was withheld until July 2, 1880, so

Couk "may have every opportunity afforded by the law to procure a new trial ..."

During this time, there are multiple letters to the editor and other editorials printed in newspapers both in the Black Hills and in Yankton, the territorial capital, imploring people to write to the governor to save Couk's life, describing the injustice of the trial, his attorney's inability to mount

a defense for his client, Couk's good behavior in jail since, his vehemence about his innocence, and his continued promise to devote his life to finding the true murderer of Mrs. Callison.

Two months later, due to doubts about the case and witnesses who testified at both Couk's and Boughton's trials being described as less than reliable during Boughton's trial — though their testimony helped convict Couk initially — Hand commuted Couk's sentence of death to life imprisonment.

The June 17, 1880, edition of the Deadwood Pioneer-Times reprints the letter from Hand to the Lawrence County sheriff, and in the article following the letter, it states, "Upon receipt of the life-giving papers, the sheriff hastened to the jail and announced the good news to the condemned man, who, as the officer unfolded the documents, seemed to catch their purport, and his



Kaija  
Swisher



from Pg 6

## MURDERER

face became wreathed with smiles. At the conclusion of the reading he grasped the sheriff's hand and in turn those of friends around him, and with a hearty shake, exclaimed 'Thank God for that much.' The commutation was a surprise to all, and to no one more than to Couk and his counsel."

In an interview with the Pioneer later that day, Couk was described as neatly-dressed, standing in the door of his cell reading a let-

ter from his mother, "and his appearance showed no change from that of September, '78, when he first passed behind the grates. He received the scribe in the most cordial manner, laid aside the letter and conversed freely, expressing the conviction that he would yet walk the streets of Deadwood fully exonerated from all complicity in the foul deed with which he is now accused. He is sanguine that the appeal bill (giving the right of appeal in capital cases from the supreme court of the territory to the U.S. Supreme Court. The bill was being considered by Congress at the time) will eventually pass,

and said that he would not be surprised to learn that it had been favorably acted upon yesterday. He is also sanguine that under the provisions of that measure he will receive a new trial and ultimately an acquittal." He conveyed his thanks to everyone who had acted on his behalf or given him sympathy and added that had he been permitted to testify at his trial, he "could and would have proven where he was on the night of the murder."

But have no fear. He wouldn't spend his life in prison. Stay tuned for the ensuing — and final! — installment next Friday.



# A silver-tongued murderer? Part 6

Dec 7,  
2018  
BH Pioneer

I know, I know, this topic has lasted more weeks than you are used to! But we're nearing the end, I promise. This column has been focused for the last weeks on the topic of Mrs. Minnie Callison, who was murdered in August 1878 in Deadwood. Note that the following may contain graphic descriptions that may not be suitable for all ages.

Callison was found dead in her home, with the cause of death blunt-force trauma to her head. Martin Lee Couk (spelled Couck in later historic references), who boarded on Sherman Street in the same vicinity where Callison lived, was accused of and arrested for the murder, and though he was sentenced to death in December 1878 and scheduled to hang — twice! — he did not experience the noose. Ultimately, in June 1880, the secretary of the territory and acting governor commuted his sentence to life in prison.

Mary Boughton, with whom Couk was said to have conspired to kill Callison because Callison knew about their affair and plan to leave the area with Boughton's husband's money, was also indicted for the murder but was found not guilty after a jury trial.

The Black Hills Daily Times printed an article in the June 17, 1880, edition, describing the news that Couk's sentence had been commuted. It describes that Couk's friends and all who believed in his innocence received the news and felt "as though a heavy burden had been removed from their community and heartily rejoice with him. ... Now that the awful spectacle of hanging has passed away, there is no doubt but that Mr. Couk's friends in this city will never cease their efforts in assisting him in his great work of establishing his innocence of this fearful crime."

The penitentiary to where he was sent for the imprisonment was in Detroit, Mich., and he was transported there in

August 1880.

In the Oct. 17, 1881, edition of the Black Hills Daily Times, the headline, "Martin L. Couk Again" appears. It describes that Couk's sister was in Yankton petitioning the territorial governor to pardon her brother.

The article describes, "There was no direct proof that Couk committed the crime, the evidence was entirely circumstantial, and that of a notorious and profligate woman (Mrs. Simmons), the most decisive (testimony) against him, has always been regarded by many

of our citizens as unworthy of belief. Scarcely any one in this city believes that Couk committed that murder, but there is scarcely a doubt he knows all about it, and was accessory to, before and after the fact. The feeling in regard to that most terrible murder is, that Couk deserves his punishment, if

he will not reveal the names of those who committed the crime. If he does, he should be pardoned. There is scarcely a doubt he knows all about it."

Talk about generalizations. However, Couk certainly had a following of people fighting for him, and he ultimately received an "unconditional pardon" from Territorial Gov. Nehemiah Ordway in 1882 and was freed from his life imprisonment.

The June 1, 1884, edition of the Black Hills Daily Times describes a visit Couk made to Deadwood. "Mr. Couk in appearance is about 35 years of age, rather under the medium height, of slight muscular build, a voice mild and pleasing to the ear, and when in conversation looks one squarely in the eye and does not leave the impression that he was ever guilty of the crimes of which he was once charged. On receiving his pardon Mr. Couk went to his home in Indianan and worked on his mother's farm for a year



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Swisher

from Pg 6

## MURDERER

and then went to Denver, where he has remained until he came here on last Thursday," the article states.

Strange how impressions and appearances often don't have anything to do with the truth: After all of that petitioning, and pleading, and vehemently maintaining his innocence, Couk apparently was among the best sil-

ver-tongued murders there are.

It's unclear exactly where he was when he was caught for being what he was, but old-timers continued to relate the story of the long, sensational trial, the pardon, and the ultimate twist ending, which is referenced in a couple of newspaper articles in the archives that I could find.

The June 1, 1897, edition of the Deadwood Pioneer-Times states, "It is reported that Martin L. Couk, who was sent to the pen for life for the killing of Mrs.

Callison, in Deadwood, in 1878, and who was pardoned ... was recently hanged in Oklahoma for committing murder. On the scaffold Couk said he had killed seven persons during his life time but that he did not regret ... his crimes except the one at Deadwood."

The March 21, 1906, edition of the Deadwood Pioneer-Times, in an article recounting famous cases at the Lawrence County Courthouse, recalls the Callison murder. "The peculiar feature of the case

was that Couk, who was charged with conspiring with Mrs. Boughton to commit the murder, and who was tried first, was found guilty, while Mrs. Boughton who was charged with the murder, was acquitted. Couk served but a short time in the penitentiary, being pardoned out. He was afterwards hung some place down in New Mexico for murder, and it is said, confessed at that time to having killed Mrs. Callison."

Quite a tale.







instrument in his hand by striking her several blows upon her head, and that the said blows caused instant death.

After the reading was concluded, Justice Hill substantially said:

It becomes my duty to inform you that you are entitled to right to counsel for your defense; also to waive examination and to a reasonable time to procure witnesses and prepare for the examination.

The magistrate then addressed the prisoner at the bar, and asked him whether he was ready to proceed. Through his counsel, he answered promptly in the affirmative.

The attorneys for the accused were Morgan & Corson, and E. C. Brearley, while the prosecution was represented by District Attorney Miller, assisted by W. H. Soery, Esq.

Mr. Brearley, in stating in behalf of his client that he was ready to go on, remarked that if the case were to close sooner than anticipated on the part of the prosecution, he would ask to be accorded the right of procuring additional witnesses, were such a course regarded necessary for the advancement of his client's interest.

At this point we will digress a trifle before adverting to the proceedings in literal form. It seems as though the cart had been placed before the horse. Ere the killing had been proved, or that there was such a person as Mrs. Callison either dead or alive, a surgeon was called to show that he had made a post mortem examination upon such body. That occurred anterior to the examination of the coroner or the submission of his official report.

Another point of some importance to the public is that the defense insisted that the same rules governing a regular trial should prevail on the preliminary examination, and that there could be no distinction made as regards the admissibility of evidence as between either—that no hearsay evidence could be received.

The doctrine prevailing in many states that the preliminary examination is presumed to be virtually little else than an *ex parte* hearing to determine whether there is *probable cause* for a holding for investigation for a grand jury was ignored.

We will now present the testimony, or at least its salient points, as reported, with the various objections of the counsel of each side and the rulings of the sitting magistrate.

Dr. J. W. Coombs, the first witness, deposed that he was called on the morning of the 29th of August to make a post-mortem examination upon the body of Mrs. Callison. It was about 9:30 a. m. when he arrived at the house on Sherman street.

He found three distinct impressions of a blunt instrument on her forehead, bearing an octagonal shape, and about the size of a half dollar. There were three distinct impressions—one over the left eye, the second near the front

ranch on False Bottom?" <https://bnpioneer.newspapers.com/download/image/?id=274808930&height=3152&widt...>

Answer. "I went there with his son-in-law on the Saturday before the murder."

Question. "What transpired there caused you to be attracted to this homicide?"

Mr. Brearley: "We object to the introduction of anything transpiring previous to the homicide, as it would be in the nature of hearsay evidence."

Mr. Miller. The death of the party is surrounded with mysterious circumstances and everything that transpired previous to it which forms a connecting link in the chain of circumstantial evidence tending to disclose the perpetrator of the dastardly deed ought certainly to be admissible under the law. To oppose this view is to advocate a new doctrine. Everything transpiring previous calculated to throw light upon the motive of such transaction is admissible. It is competent to show that threats have been made or that a man has been seen acting under suspicious circumstances which might tend to the commission of so dastardly a deed as murder. This certainly would be testimony, and good circumstantial evidence. In a case of this character, every circumstance leading to connect the accused with the transaction, whether it consists in conversation or in an overt act, so long as it sheds light upon the crime is admissible. If this witness has had a conversation which will throw light it is the best evidence in a case of this character.

It is only by close siftings that the material circumstances can be gleaned. We would have a right to show that a blunt instrument was found or that the deed was done by a party who evinced envy, malice or other selfish motives which would prompt the commission of the cruel act. It is impossible to introduce the actual facts. The deed was done in the dark and the murderer covered his acts. None saw him do the dreadful deed of blood but himself and the great all-seeing eye of Omnipotence. It is for us to form and connect the links in the chain of guilt and bring the murder directly home to the one who did the dark and bloody deed.

Mr. Morgan replied by saying that this is indeed a painful case, and one surrounded with much mystery, but the party arraigned is a gentleman of irreproachable character, against whom no breath of suspicion has been previously breathed till the present time—till this terrible charge of murder was made. The finger of suspicion should not be pointed at him simply because he is charged with that crime, or the community clamors for a victim to pay its penalty. It is not fair to say that a man, whose life heretofore has been without reproach, should be so charged that in a night as to commit so terrible a deed. It is infamous to seek to emblazon upon his breast to-day the scarlet letter that

Objected to, on the ground that neither the deceased nor Couk were there at the time.

Q. "What did you see, or what transpired to show a relationship between the deceased and the defendant?"

Objected to by Mr. Corson, on the ground that it drew out conjectures from the witness, and did not develop such facts as would be received as evidence by the district court.

Mr. Miller claimed that the deed was committed when no one was present, and that when a man is shrouded enough to commit a dark crime like this, he seeks to cover his tracks, and only circumstantial evidence can develop the deed, and he therefore urged the admissibility of his question.

Mr. Brearley claimed that the counsel for the prosecution was pandering to the clamor of the populace and not appealing to the intelligence of the court. Everything tending to the security of the defendant's life and liberty must be introduced under the established rule of evidence.

Justice Hill asked that he might be allowed to take the matter under consideration for a brief time. To this the counsel on each side readily assented, and a recess of an hour and a half ensued.

Upon reassembling, after dinner, in a somewhat extended review of the law on the subject, he ruled that the question was inadmissible, and the witness then departed from the stand.

E. K. Dickinson, M. D., coroner for the county, now appeared and detailed the method of his examination into the case, and gave it his opinion that the deceased came to her death from blows administered by a heavy, blunt instrument. He corroborated Dr. Coombs as to the technical description of the wounds, time of death, position of the body, etc.

After a brief cross-examination, the report of the coroner's jury was submitted.

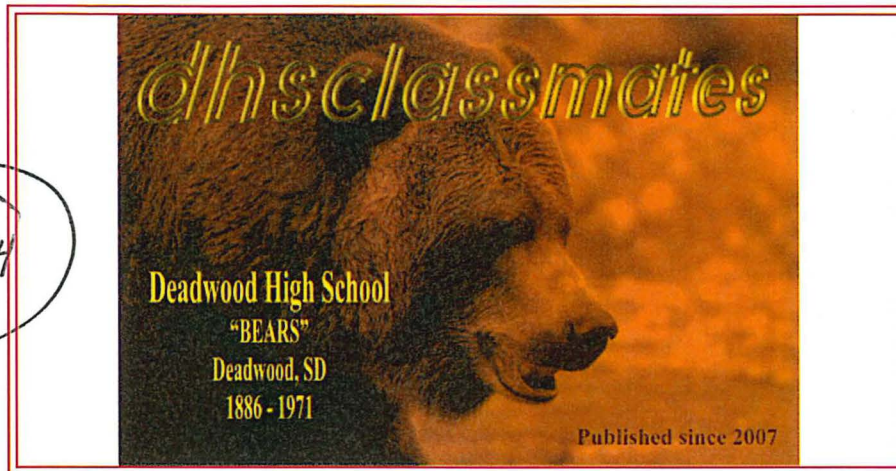
MRS. MARY HOUGHTON'S EXAMINATION.

I reside on Sherman street; lived there on the 19th of August last; was acquainted with the deceased; saw her on the evening of August 19th, before she was killed; am acquainted with Couk; saw him at the house of Mrs. Callison on the evening she was killed; first saw him there about dusk; no one was there but Mr. Taylor; he stood at the door; Mr. Couk came there afterward; he sat down and talked; had been there about ten minutes before he came; Mrs. Callison's manner was very pleasant; remained there about five minutes after Mr. Couk came; when I left Mr. Couk was sitting in the chair facing the rear of the house; it was not quite dark; it was getting dusk; could discern objects distinctly; next saw Mr. Couk again, next day, after the murder.

John G. Mackay testified that on the evening of the 19th of August between

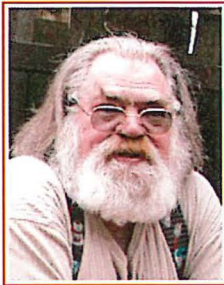


See pages #3-4



WEDNESDAY, NOVEMBER 30, 2011

## Jerry L. Bryant's History Reveal "Deadwood Public Schools 1876 -1886"



Jerry L. Bryant is an accomplished historian. He is also a member of the RPA, Registered Professional Archaeologists. Jerry works extensively within the Black Hills of South Dakota and more specifically within the city of Deadwood.

His work for the HBO series "Deadwood" has earned him honors from the Academy of Television Arts and Sciences. Jerry is also one of the foremost authorities on the life of Al Swearingen. He is a fierce advocate of

historical preservation and the past President of the Lawrence County Historical Society.

Jerry is a valued personal friend and long time supporter and contributor to dhsclassmates web site. His interest and research in the history of the Deadwood Schools is unique. He freely shares his research and historical writing so that the Lead-Deadwood School District can review and accept his findings. They already accepted his find of **DHS1893**. The formal release of the update to "Deadwood High School Roster 1886 - 1971" is being held pending release of more of Jerry's findings.

Jerry L. Bryant's following research paper now provides us with the historical first decade-plus of Deadwood Schools 1876 - 1886 including DHS1886. We also now know that Deadwood pioneer, Estelline Bennett, was one of six graduates of DHS1886. She wrote the "Old Deadwood Days" book in 1928. The Cushman family were also prominent Deadwood pioneers.

While the 1876 Deadwood was a rough and tumble mining camp, it was very progressive with telegraph in 1876, telephones in 1878, and electric power in 1881. From the very beginning Deadwood wanted quality schools. It did suffer trial and error, sadness, and flood but finally found high ground for the established 1886 Deadwood School and High School.

Deadwood High School Classmates  
Obituaries - NOT KEPT UP TO DATE

WEBSITE LANGUAGE TRANSLATOR -  
29 LANGUAGES USED SO FAR

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MATTIE HILL - 2012 DEADWOOD WALL  
OF FAME INDUCTEE



Select image to see award

SAVE THE MEEKER RANCH BY JON  
CRANE



Click on Barn for Jon Crane's link

*Jerry brings life and freshness to his temporal assemblage of historical events like they happened only yesterday. It is interesting to note that the Deadwood High School Band played for the DHS1886 graduation. Also note that there were two electric lights hanging from the Opera House ceiling.*

*You can select and listen to the following piano recording while you read Jerry Bryant's paper. The video probably looks and sounds the same of Lulu Kingsley's performance at the DHS1886 graduation.*



**Thank you Jerry for your amazing research findings of Deadwood Schools and Deadwood High School.**

## Deadwood Public Schools 1876-1886

By  
Jerry L. Bryant

### A Brief Note

I am sure that something as important as education has been to the residents of Deadwood through the course of our history has been recorded and re-recorded. I am also sure that to some extent it may have been "sanitized", not so much through blatant lies as by simple omission. On the other hand, this brief temporal assemblage of events is the version of our educational history that was familiar to every Deadwood resident who could read between 1876 and 1886. It was published as part of the ongoing stream of news that hit Deadwoods streets in the *Black Hills Pioneer* and the *Black Hills Times*; a decade of ignored Deadwood educational history.

J.L.B.

A DESTINATION IN THE WILDERNESS  
BY ANN STANTON



Click on image for Ann Stanton's article

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*Dedicated to the memory of Deadwood's first public school teacher, Mrs. Minnie Callison, who taught school in Deadwood from 1877 to 1878. Minnie now resides in an unmarked grave in Deadwood's Mt. Moriah.*

### Primary Education

The sixth issue of Deadwood's first newspaper, the *Black Hills Pioneer* of July 15, 1876, made a brief statement on the state of public education. In a one-sentence note on the back page, just below the announcement that Calamity Jane was now in Cheyenne; the editor stated that there seemed to be enough "little ones" around the gulches to justify organizing a school.[1] Prediction, request, or command, who can say; but two weeks later the concerned citizens of Deadwood held a meeting to establish a school board and to set up the boundaries of our first school district. William DeMoss was appointed president and William Hollins secretary of the school board. A board of directors was elected with Dr. McKinney as president; E.B. Farnum, Treasurer; and William Hollins as secretary. The directors were then instructed to canvas and solicit subscriptions to defray the cost of the school, select and hire a competent teacher, while securing a suitable building for the school.[2]

In the same issue, the *Pioneer* also printed an editorial applauding the efforts of the people involved with electing a school board and establishing guidelines and goals for the board. Citing the lack of an in-place educational system as a culprit that robs the town of a much larger population which is forced to keep their families elsewhere in order to provide good opportunities.[3]

The folks of Deadwood were becoming serious about education, and in early September sent a representative back east to procure examples of the day's text books and send them back to Deadwood for approval.[4] That is not to say that there were no problems, for there were many. Subscriptions for \$80.00 a month had been obtained, but nothing done with it. With more than 60 children playing in the streets and no building identified to be used as a school, the critics at the *Pioneer* thought some membership changes in the board might solve many of the problems. The editorial went on demanding that the children of Deadwood be properly educated and prepared for the "great battle of life."

Without such education the children "would be doomed to be mere machines of labor through blighted lives, without hope of ameliorating their condition."[5]

Apparently the editorial had its effect on the elected movers and shakers for in two weeks a teacher was produced, one Mr. E. Kermode; and Tom Miller (owner of the Bella Union) loaned the school district a house on Third Street to serve as a school. One problem with this was that it seems the teacher never taught. He was noted in the *Pioneer* on the 11<sup>th</sup> of November and then again on the 18<sup>th</sup> as having occupied the school and stated that he would begin teaching on the 20<sup>th</sup>. The 20<sup>th</sup> came and went, but there was no celebration for the establishment of a school in Deadwood.[6] Thus it came to pass that the private schools superseded the public schools in the young town of Deadwood when Mrs. D.T. Smith ran an ad in the *Pioneer* that she was opening a Select School in December of 1876. The same ad also announced she would be charging \$1.25 per week for each scholar attending. The *Pioneer* ran a short but flattering article stating that her accomplishments were of a superior order and that she was sure to be successful in her endeavor.[7] It did, however, fail to note the exact nature of her accomplishments or where she had performed them.

But where did that leave Deadwood in its quest for a public school? It left the fledgling mining camp looking for a teacher. By early January a teacher had been found, she was the wife of a miner who was at the time prospecting near Keystone. Her name was Minnie Callison.[8] She had the formal education for the job and the backing of Mayor E. B. Farnum, Dr. Babcock and a number of other prominent businessmen in the camp.[9] She started her school immediately, and as the school year went on it was noted in February by the *Pioneer* that she had 27 students.[10] In addition to her education and her abilities to teach the children of Deadwood, Mrs. Callison had other attractions; she was of slight of build, and 5 feet 4 inches tall, with black hair and black eyes she commanded attention in whatever room she entered.[11] By May of 1878 eighty seven students attended the school; the board of education hired a second teacher; Miss Ida Snyder.[12]

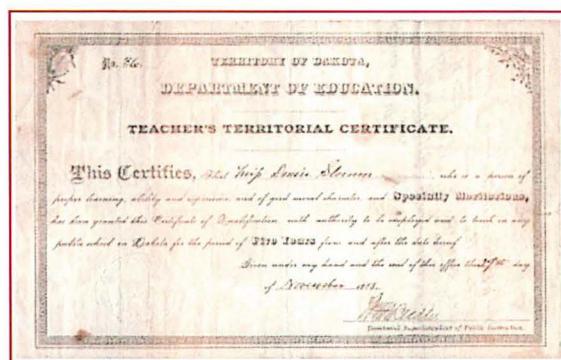
Mrs. Callison made it through the three months of her initial contract with flying colors; her contract was renewed to the end of the year, and then renewed for the entire year of 1878. But summer vacation seems to have gotten in the way. It was also common knowledge that Minnie had several ardent male admirers in the camp, a fact that was mostly overlooked because of her extreme value to the process of turning Deadwood into a town as opposed to just another "here today gone tomorrow" mining camp. But on the morning of August 17, 1878, it became very difficult to overlook the camp's pretty young teacher, as she lay dead on her bed in a pool of blood. Her forehead appeared to have been the recipient of at least 7-9 blows from a blunt instrument such as a hammer. [13] When the coroner continued his examination of the scene he also noted



that Deadwood's first school teacher slept with a small four barreled derringer.

[14] Did she feel the need for a gun because she thought she was in harm's way, or was it just a response to the ambient social environment in Deadwood? After Minnie Callison's death and the murder trial that followed, the primary school teachers only produced a scattering of smaller scandals and limited themselves to much lesser sins; such as the teacher who decided reading pocket novels (Deadwood Dick?) to the students equaled a good lesson in American literature.

[15] After shinning the light of contemporary pulp fiction on the children but a scant few times the parents almost had an uprising. The idea of a real school in a "blood and guts" mining camp had a tendency to make the rest of America snicker, as is evident in an article from the New Orleans *Times-Picayune*: A strange female who landed in Deadwood the other day to start a pretty girl-waiter saloon, was induced by liberal offers to forego her intentions and become the principal of the First Ward School.[16]



**An example of a Dakota Territory Teacher's Certificate dated 29 November 1883.**

## **A High School for Deadwood**

With a few years of mostly smooth teaching under its belt, Deadwood began to feel the need for a high school. The wealthier families of the community, such as Judge Moody's had been sending their promising children to Yankton and even farther for their high school needs.[17] These needs found expression in a short excerpt of an editorial in the *Black Hills Daily Times* of October 1880: "We desire to see such a school in Deadwood – a school where young ladies and gentlemen may be fitted for the higher institutions of learning."[18] By the fall of 1881 the high school became a reality, and with the end of December, 1881, a new year and a new high school was turned over to the board of education.[19] In January of 1882 the Deadwood School Board held its first meeting of the New Year there. William Carey, president of the Deadwood Board of Education invited all residents of Deadwood who were "concerned about the success of Deadwoods schools, to meet with the School Board at the new High School."[20] Lawrence County announced that they now had 45 school districts.[21] By February of 1882, the High School discovered a need for music, so the Superintendant of Schools, Mr. J. K. Davis, ran an ad in

back teaching in Deadwood. After the turn of the century she then taught in Hot Springs, SD.[52]

Minnie Craig married George Felix Ingram on Christmas the year following her graduation.[53] She and George raised a family in Helena Montana.[54]

Following her graduation, Annette Forest married Joseph Gandolfo in 1888. They remained in Deadwood until at least 1910, where they raised two boys; Forest and Melvin.[55]

***No camp, village, city or metropolis could have asked for a better product than the first graduation class of Deadwood High School in 1886.***

- 
- [1] . Black Hills Pioneer 15 July 1876 Pg. 4 Col. 1  
[2] . Black Hills Pioneer 29 July 1876 Pg. 4 Col. 1  
[3] . ibid.  
[4] . Black Hills Pioneer 9 Sept. 1876 Pg. 4 Col. 1  
[5] . Black Hills Pioneer 28 Oct. 1876 Pg. 4 Col. 3  
[6] . Black Hills Pioneer 11 Nov. 1876 Pg. 4 Col.5  
Black Hills Pioneer 18 Nov. 1876 Pg. 4 Col. 4  
[7] . Black Hills Pioneer 9 Dec. 1876 Pg. 4 Col. 1  
[8] . Black Hills Daily Pioneer Jan 06 1877, p.4 , col.3  
[9] . Black Hills Daily Pioneer Jan 06 1877, p.4 , col.3  
[10] . Black Hills Daily Pioneer Feb 17 1877, p.4 , col.2  
[11] . Lawrence County Deaths, micro film at Deadwood Library.  
[12] . Black Hills Daily Times May 03 1878, p.1 , col.4  
Black Hills Daily Times May 07 1878, p.1 , col.3  
[13] . ibid  
[14] . Court transcript  
BH Daily Times 16 January 1880 p4c4  
[15] . Black Hills Daily Times June 26, 1879, p.4 , col.2  
[16] . Times-Picayune June 23, 1880  
[17] . Black Hills Daily Times Jun 30 1882, p.3 , col.4  
[18] . Black Hills Daily Times Oct 22 1880, p.2 , col.2  
[19] . Black Hills Daily Times Dec 27 1881, p.4 , col.5  
[20] . Black Hills Daily Times Jan 05 1882, p.1 , col.4  
[21] . Black Hills Daily Times Apr 08 1882, p.4 , col.2  
[22] . BH Daily Times 24 Feb 1882 page 1col. 5  
[23] . Black Hills Daily Times 2 Feb 1882, p.3 , col.2  
[24] . Black Hills Daily Times May 28 1882, p.3 , col.2  
[25] . Black Hills Daily Times Feb 15 1883, p.3 , col.3  
[26] . Black Hills Daily Times 19 May 1883 page 4 col 3  
[27] . Both the Times and the Pioneer covered the flood on 18-22 May, 1883 as did:  
Richmond Daily Dispatch 22 May 1883 P4 C3  
Newark Daily Advocate 21 May 1883  
Sacramento Daily Union 21 May 1883 P2 C3  
Sioux County Herald May 1883  
The Salt Lake Herald 22 May 1883 P1 C6  
New York Herald 22 May 1883  
Atlanta Constitution 22 May 1883  
Boston Daily Globe 22 May 1883  
Evening Observer 22 May 1883 Dunkirk NY  
[28] . Omaha Daily Bee 21 May 1883 P5 C2  
[29] . Black Hills Daily Times Aug 22 1883, p.3 , col.2  
[30] . Black Hills Daily Times Jun 08 1883, p.3 , col.2  
Black Hills Daily Times Jul 17 1883, p.3 , col.1  
[31] . Black Hills Daily Times 10 August 1883, p.3 , col.2



Mt Moriah Death Records from Ledger

ID	NAME OF DECEASED	NATIONALITY	PHYSICIAN/CORONER	DATE OF DEATH (YEAR, MONTH, DAY)	CAUSE OF DEATH	LATE RESIDENCE	AGE	SEX	HEIGHT	COMPLEXION	COLOR OF EYES	COLOR OF HAIR	MARKS OF PERSON	WHERE BURIED	REMARKS
243	Calison, Minnie		D. K. Dickinson, Cor.	1878.08.17	Murdered	Deadwood		F	5' 4"	Dark	Black	Black		Mt Moriah lot 133 Sec. 3	Found murdered in her house

Mt Moriah Cemetery Book

LAST	FIRST	MIDDLE	DATE	ADDITION	SECTION	LOT	LOT/GRAVE	AGE	COMMENT
CALISON	MINNIE		1878/08/20		003	83			

H. Parker and Albert Allen Esqrs on behalf of the defendant. And now the Court charges the jury.

The jury in this case now retire to consider of their verdict in charge of William Godfrey and George H. Hall, sworn bailiffs in the case.

And on this same day, to wit: February 18<sup>th</sup> AD 1880, the jury come into Court, are called by the clerk and all of said jurors are found to be present in the box and answering to their names, and return the following verdict, to wit:

"Territory of Dakota, County of Lawrence  
Feb 18<sup>th</sup> 1880

We the jury find the defendant Not Guilty.

L. C. Milroy  
"Foreman"

The District Attorney states to the Court that he has no further charge against the defendant, Mary Boughton, and she is by the Court discharged and her bail is exonerated.

The Territory of Dakota }  
18<sup>th</sup> }  
Mortimer L. Cook }

Indictment and Conviction  
for Murder of one  
Minnie Callison

Now on this 18<sup>th</sup> day of February in the year of our Lord One thousand Eight hundred and Eighty, it being one of the regular Court days of the Territory, U.S. 1880 term of this Court, comes into open Court A. H. Harte Esq District Attorney for the First Judicial District, and comes also in person the said defendants Mortimer L. Cook with his Counsel Wm H. Parker and Albert Allen Esqrs. And the remittitur from the Supreme Court in said Cause having been sent down and filed in this Court, and the judgment of said Supreme Court having been entered of record in and made the judgment of this Court, and the said judgment of the said Supreme Court being that the judgment



of death of the said District Court of said Lawrence County, heretofore pronounced in said cause against the said Martin L. Cook be in all respects affirmed, and this Court being by such judgment of said Supreme Court ordered and directed to fix a day for the execution of said judgment of death against said Martin L. Cook in said cause, and bring further orders to execute and carry said judgment into effect according to law, and the time for appointing a day, by this Court on which the said judgment is to be executed having been postponed at the request of defendant and his Counsel, until this day, And now the defendant being brought before this Court, the Court inquiring into the facts and no legal reason existing against the execution of the said judgment —

It is now here by the Court considered Orders and directed that you Martin L. Cook, be remanded hence to the County Jail of Lawrence County whence you came, that you be there imprisoned until Friday the Sixteenth day of April A.D. Eighteen hundred and eighty, upon which day you shall be thence conducted to the place of execution, where, between the hours of Nine O'clock in the forenoon and Two O'clock in the afternoon of the said Friday the Sixteenth day of April A.D. Eighteen hundred and eighty, you shall be hanged by the Neck until you be dead.

And the Sheriff of the said County of Lawrence is ordered to execute the said judgment accordingly —  
By the Court.

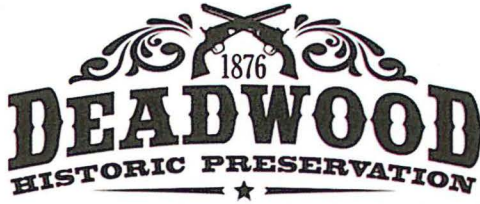
Gideon C. Moody,  
Associate Justice Supreme  
Court of Providing Judge  
of the said District Court  
in and for Lawrence County, N.Y.







# EXHIBIT B

**For Office Use Only:**

☐ Owner Occupied  
☐ Non-owner Occupied  
Assessed Value of Property \_\_\_\_\_  
Verified Lawrence County Dept. of Equalization  
Date: \_\_/\_\_/\_\_ Initials: \_\_\_\_

## Application for Historic Preservation Programs Residential Properties

Please read the attached Policy Guidelines, Administrative Procedures and provide the requested information

1. Address of Property:

\_\_\_\_\_  
Please attach the legal description of the property.

2. Applicant's name & mailing address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_-\_\_\_\_

E-mail: \_\_\_\_\_

3. Owner of property--(if different from applicant):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_-\_\_\_\_

E-mail \_\_\_\_\_

4. Historic Preservation Programs applying for

- ☐ Foundation Program  
☐ Siding Program  
☐ Wood Windows and Doors Program  
☐ Elderly Resident Program  
What year were you born: \_\_\_\_\_  
☐ Vacant Homes Program (must be vacant for 2 years)  
☐ Revolving Loan Program  
☐ Retaining Wall Program

5. Contractor

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_-\_\_\_\_

E-mail: \_\_\_\_\_

All Contractors and Sub-Contractors are required to be licensed in the City of Deadwood.

When the application and Project Approval are approved it is recommended the owner and contractor enter into a contract and provide a copy to the Historic Preservation Office.

6. As per Historic Preservation guidelines, any work being performed on the exterior of a structure must go before the Historic Preservation Commission for approval. **Programs may be amended to reflect the availability of funding and the completion of high priority projects.** Along with this application please complete and submit a City of Deadwood Application for Project Approval and attach to this document. All documentation must arrive by 5:00 p.m. on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of every month to be considered at the next Historic Preservation Commission Meeting.



7. The scope of work is a brief description of what will be done to the structure. Please fill out the form listed below describing your plans. Additional Information may be attached including any quotes from contractors.

Residential Scope of Work		
Program	Estimated Cost	Description of Work
Foundation		
Siding		
Wood Windows & Doors.		
Elderly Resident		
Vacant Home		
Revolving Loan		
Retaining Wall		

8. Wood Windows and Doors Program worksheet. To help determine the amount to be allocated please fill out the worksheet below to determine how many windows and doors there are on each side of the structure and clarify if they will be repaired or replaced.

Grant total will not exceed \$20,000	Repair/Replace Existing Window(s) \$800 each	Repair/Replace Wood Storm/Screen Window(s) \$350 each	Repair/Replace Existing Primary Door \$600	Repair/Replace additional Wood Door(s) Up to \$300 each	Repair/Replace Wood Storm Door(s) \$600 each
Front View					
Right Side View					
Left Side View					
Rear View					
Total Windows/Doors					
Office Use Only					
<b>TOTAL FUNDS ALLOWED</b>					

## 9. Acknowledgement

I certify all information contained in this application and all information furnished in support of this application is given for the purpose of obtaining financial assistance in the form of a grant or a loan is true and complete to the best of my knowledge and belief. I acknowledge I have read and understand the policy guidelines for the loan or grant programs included with and for this application and agree to all of the terms and conditions contained in the policy guidelines. I agree any contractors which I hire for this project will hold contractors licenses with the City of Deadwood and will require they also agree to and abide by the terms and conditions of the policy guidelines.

I acknowledge the Deadwood Historic Preservation Commission is merely granting or loaning funds in connection with the work or project and neither the Historic Preservation Commission nor the City of Deadwood is or will be responsible for satisfactory performance of the work or payment for the same beyond the grant or loan approval by the Historic Preservation Commission. I acknowledge I am solely responsible for selecting any contractors hired in connection with the project and in requiring satisfactory performance by such contractor. I agree to indemnify and hold harmless the Deadwood Historic Preservation Commission and the City of Deadwood against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the Deadwood Historic Preservation Commission's acceptance, consideration, approval, or disapproval of this application and the issuance or non-issuance of a grant or loan. By signing this document it affirms I have read, understand and agree to this acknowledgement.

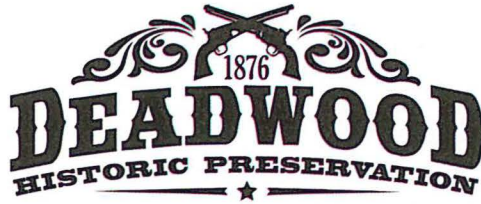
**Applicant's signature:** \_\_\_\_\_

**Date submitted:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Owner's signature:** \_\_\_\_\_

**Date submitted:** \_\_\_\_/\_\_\_\_/\_\_\_\_





# Historic Preservation Programs

## Policy Guidelines

---

### 1. Statement of Purpose:

The restoration and protection of Deadwood's historic buildings and structures are a primary part of the City's goal to preserve and maintain Deadwood's historic integrity. The expense of such restoration and protection projects may discourage property owners from having the work completed or may result in a lower quality of craftsmanship. The purpose of this program is to assist and encourage property owners to use quality materials and craftsmanship by repairing first, where possible, and replacing, only if necessary.

### 2. Objective:

The City of Deadwood is a National Historic Landmark and is listed on the National and South Dakota State Registers of Historic Places. Maintaining these designations is critical to the economic success of the City and quality of life of its residents. The objective of the program is to stimulate the quality restoration and protection of buildings and structures that contribute to the historic integrity of the City of Deadwood.

### 3. Eligibility for all Programs:

To be eligible for the Historic Preservation Programs, all projects must meet the following criteria:

- a. The project must exist as part of a residential property within the Deadwood City Limits. Mobile homes and manufactured structures are not eligible for this program.
- b. The project must affect a property listed on the City of Deadwood's 1993 Historic Sites Inventory as an historic property in the Deadwood National Historic Landmark District. Properties not listed on the inventory must be eligible for the National Register of Historic Places as defined in the National Park Service's National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
- c. The project must exist as part of a residential property of not more than four dwelling units as defined by Deadwood Planning and Zoning Department within the Deadwood City Limits. Mobile homes and manufactured structures are not eligible for these programs.

### 4. Eligibility Specifics:

To be eligible for the [Elderly Resident Program](#), the applicant and project must also meet the following criteria:

- i. Applicant must be 65 years of age or older and have owned and occupied the property for one year prior to the application.
- ii. If the applicant does not fall under item 3 a. the project must affect individual life safety and structural deficiencies as determined by the City of Deadwood's Building Inspector and applicable life safety codes. Determination of individual life safety issues and structural deficiencies is based upon the codes adopted by the City of Deadwood under Chapter 15.01.010 and by additional verification obtained through other means available to the City.

- d. To be eligible for the [Vacant Home Program](#), the applicant and project must also meet the following criteria:

- i. The property must be vacant two (2) years prior to the date of purchase by Owner. The Owner must apply for funding from this program within three (3) months of purchase.
-

- e. To be eligible for the [Retaining Wall Program](#) the applicant and project must also meet the following criteria:
  - i. The retaining wall must be determined to be a historic or contributing feature in the Deadwood National Historic Landmark District. To obtain this status, the retaining wall must possess an age of fifty years or older, and must be eligible for listing in the National Register of Historic Places as defined in the National Park Service's National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
  - ii. The physical condition of the retaining wall must threaten the integrity of a historic or contributing building or structure in the Deadwood National Historic Landmark District. Historic buildings and structures contributing to the National Historic Landmark District are listed in the city's 1993 Historic Sites Inventory. Any property not present in these listings must be eligible for listing on the National Register of Historic Places as defined in the National Park Service's National Register Criteria for Evaluation. Determination of a retaining wall's threat to a historic or contributing building or property will be done by the Deadwood Building Inspector in accordance with the Building Codes adopted by the City of Deadwood.
  - iii. The physical condition of a retaining wall must threaten individual life safety. The City of Deadwood Building Inspector will determine a retaining wall's threat to individual life safety based upon applicable definitions under the Building Codes adopted by the City of Deadwood.

The City of Deadwood's Historic Preservation Officer determines a project's eligibility. All eligible applications are subject to the review by the Deadwood Historic Preservation Commission. [Loans for projects must be in place before project can start.](#)

#### **4. Program Requirements:**

- a. The funds are to be used for the repair of historic structures, when possible; the replacement of original materials, when necessary; or the removal and replacement of inappropriate materials. Examples of acceptable expenses are: house wrap under siding, scraping existing painted surfaces, disposal of inappropriate siding, etc. Residential structures with exterior masonry construction can use the program for repairs for repointing stone/brick/masonry, concrete reinforcement, curbing, sill plates, positive drainage and other associated approved work.
- b. Owner self-funding of construction can be permitted for reimbursement of material and contractor costs at the end of the project. Also, progressive payments may be made subject to payment withholding to ensure project completion is accomplished. However, reimbursement to owner for materials is approved when materials are on site.
- c. All final or progressive payments are to be for materials and/or contractor's costs only supported by verifiable invoices. Owner's time is not reimbursable. No prepayments for materials are permitted.

##### **Construction and Permanent Loans:**

- i. Persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
  - ii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
  - iii. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- d. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the



Rehabilitation of Historic Buildings. Specifications for materials are available from Deadwood Historic Preservation Office or can be found on City of Deadwood Website.

- e. Windows and door requirements are as follows:

**Wood Windows** – New and/or replacement windows must be all wood framed windows including exterior materials in style appropriate to the original character of the resource and window opening(s) as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$800 per window for the restoration of an existing wood window or \$800 per window for the removal of an inappropriate window alteration and installation of a window appropriate in material and style of operation for a particular house.
- ii. The program provides a forgivable loan or grant of \$800 per window opening for the purchase and installation of new wood windows if restoration of the existing windows is not an option or is not possible.

**Wood Storm Windows** – New and/or replacement storm windows must be all wood framed including exterior materials in style appropriate to the original character of the resource and window opening(s) as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$350 per window opening for the restoration of existing wooden storms and screens or for the purchase and installation of approved wooden storms and screens, if restoration is not an option or is not possible.

**Wood Primary Door** – Door originally intended as the primary access to the resource and must be made of wood appropriate to the original character of the resource and opening as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$600 for the restoration of the primary wood door, OR a forgivable loan or grant of \$600 for the removal of an inappropriate primary door and installation of a new wood door appropriate in material and style for a particular resource.

**Additional Exterior Wood Door(s)** – Additional exterior door(s) originally intended as an access to the resource and must be made of wood appropriate to the original character of the resource and opening as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant in the amount of \$300 to repair the other exterior wood door(s), OR a forgivable loan or grant of \$300 for the removal of other inappropriate door(s) and installation of a new wood door appropriate in material and style for a particular resource, if restoration is not an option or is not possible.

**Wood Storm Doors** – New and/or replacement storm doors must be all wood framed including exterior materials in style appropriate to the original character of the resource as determined by the Deadwood Historic Preservation Commission to meet the program requirements.

- i. The program provides a forgivable loan or grant of \$600 per storm door for the restoration of existing storm door for the purchase and installation of approved wooden storm doors, if restoration is not an option or is not possible.

g. Elderly Resident Requirements:

Life Safety Project – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

- i. All projects will be performed pursuant to the requirements of the codes adopted by the City of Deadwood under Chapter 15.01.010.
- ii. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- iii. The property must meet Minimum Property Standards adopted by the City of Deadwood; therefore, the City Building Inspector will inspect the property every two years for compliance. Multiple qualified projects are allowed up to \$10,000 maximum. Once the maximum is met the applicant may apply for funding ten (10) years after the last project completion date.

**Examples of Life Safety Projects**

- |   |  |
|---|--|
| • Upgrade substandard electrical systems          | • Replace substandard heating system               |
| • Substandard plumbing repairs or upgrades        | • Asbestos removal                                 |
| • Install access ramps, and doors                 | • Mold removal                                     |
| • Grading to protect structures from water damage | • Repair/replace damaged sidewalks, steps, railing |
| • Repair building foundation                      | • Repair / replace retaining walls                 |
| • Remove tree hazards to historic structures      | • Repair damaged roofing                           |
| • Structural deficiencies                         |  |

h. Vacant Home Definition and Requirements:

Historic Preservation Project Definition – Projects which are intended to preserve or protect historic properties or properties eligible for historic status.

**Examples of Historic Preservation Projects**

- |                                    |  |
|------------------------------------|--|
| • Repair building foundation       | • Repair damaged roofing                       |
| • Repair / replace retaining walls | • Remove tree hazards to historic structures   |
| • Repair / replace building siding | • Repair / replace doors and windows           |
|                                    | • Grading protect structures from water damage |

Life Safety Project Definition – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

**Examples of Life Safety Projects**

- |  |  |
|--|--|
| • Upgrade substandard electrical systems                 | • Replace substandard heating system                     |
| • Lead based paint abatement                             | • Asbestos removal                                       |
| • Install access ramps and doors                         | • Mold removal   |
| • Installation of building insulation / weather proofing | • Repair / replace damaged sidewalks / steps / handrails |

Vacant Home Program Requirements:

- i. All properties must meet the Revolving Loan Fund's eligibility requirements.
- ii. All persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
- iii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.



- iv. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- v. All projects will be performed pursuant to the requirements of the codes adopted by the City of Deadwood under Chapter 15.01.010.
- vi. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- vii. The property must meet Minimum Property Standards adopted by the City of Deadwood; therefore, the City Building Inspector will inspect the property every two years for compliance. If the property is not within compliance, the City Building Inspector will notify the homeowner of the deficiency and will provide a reasonable time frame to correct the deficiency. If the deficiency has not been corrected after three notifications the loan will be considered to be in default and the Deadwood Historic Preservation Commission will take legal action.

#### i. Residential Revolving Loan Fund

Historic Preservation Project Definition – Projects which are intended to preserve or protect historic properties or properties eligible for historic status.

##### Examples of Historic Preservation Projects

- Repair building foundation
- Repair / replace retaining walls
- Repair / replace building siding
- Repair damaged roofing
- Remove trees that are hazards to historic structures
- Repair / replace doors and windows
- Grading protect structures from water damage

Life Safety Project Definition – Projects which are intended to protect people based on a facility's construction, protection, and occupancy features that minimize the effects of health, fire and related hazards.

##### Examples of Life Safety Projects

- Upgrade substandard electrical systems
- Repair fencing
- Install access ramps, and doors
- Installation of building insulation / weather proofing
- Replace substandard heating system
- Asbestos removal
- Mold removal
- Repair / replace damaged sidewalks / steps / handrails

#### Revolving Loan Priority Schedule:

Due to the limited availability of funds and the extensive need for quality craftsmanship a priority schedule will be referred to in processing applications for revolving loan funds. These priorities may be amended to reflect the availability of funding and completion of projects currently considered "high priority."

- i. **Life Safety** - First priority projects are those required by the City of Deadwood's Building Inspector and necessary to comply with the applicable Life Safety Codes.
- ii. **Historic Preservation (Listed Properties)** - Second priority projects are those affecting the preservation and protection of properties listed on the city's 1993 Historic Sites Inventory as historic, or contributing, in the Deadwood National Historic Landmark District.
- iii. **Historic Preservation (Value Adding Properties)** - Third priority projects are those affecting structures which in the opinions of the Deadwood Historic Preservation

Commission, add to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

**Revolving Loan Program Requirements:**

- i. All properties must meet the Revolving Loan Fund's eligibility requirements.
- ii. All persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
- iii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.
- iv. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- v. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- vi. The property must meet Minimum Property Standards adopted by the City of Deadwood; therefore, the City Building Inspector will inspect the property every two years for compliance. If the property is not within compliance, the City Building Inspector will notify the homeowner of the deficiency and will provide a reasonable time frame to correct the deficiency. If the deficiency has not been corrected after three notifications the loan will be considered to be in default and the Deadwood Historic Preservation Commission will take legal action.
- vii. If the owner/applicant desires to sell the property before the end of the loan term, the remaining unforgiven portion of the loan will be due in full.
- viii. The owner/applicant must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be transferred or forgiven.

**j. Retaining Wall Considerations and Conditions:**

**Additional loan considerations:**

- i. If the Owner desires to sell the property before the end of the loan term, the amount remaining on the loan must be paid in full.
- ii. The Owner must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be satisfied.
- iii. The Owner, through acts or omissions, may jeopardize the value of the property and bring the amount of the loan due and payable in full, if the Owner does not remain in compliance with the terms of the mortgage:
  - i. in regards to the payment of property taxes and assessments against the mortgaged property,
  - ii. in regards to maintenance of property insurance coverage on the mortgage property;

**Retaining Wall Conditions:**

- i. The City of Deadwood's Historic Preservation Officer and Building Inspector will monitor all project construction work to ensure compliance with the requirements of the Building Codes adopted by the City of Deadwood.



- ii. Reconstructed retaining walls greater than four (4) feet high must be engineered, as required by the Building Codes adopted by the City of Deadwood. The Historic Preservation Commission will obtain engineering and pay for the cost of engineering services.
- iii. All retaining wall projects will be put out to public bid. The bid process will follow the City of Deadwood's procurement procedures per South Dakota Codified Laws.
- iv. The Historic Preservation Officer must approve all retaining wall designs to ensure compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Failure to meet this requirement will terminate the program commitment.
- v. The Historic Preservation Commission will disburse all program funds directly to the project's contractors and/or suppliers of materials based on the City of Deadwood's administrative procedures.
- vi. A project must be completed, or under construction, within one (1) year of the Historic Preservation Commission's allocation of funds. Failure to meet this requirement may terminate the program commitment.

#### Retaining Wall Selection Process Based on Priorities:

Due to the limited availability of program funds and quality craftsmanship, a priority schedule will be referred to in processing applications for the Retaining Wall Program. These priorities may be amended to reflect the availability of funding and completion of "high priority" projects. The Deadwood Historic Preservation Commission will evaluate each application received and will take into consideration the needs and priorities. Priorities are set as follows:

- i. First priority - Projects determined by the City of Deadwood's Building Inspector affecting applicable Life Safety Codes.
- ii. Second priority - projects affecting the preservation and protection of properties listed on the City of Deadwood's 1993 Historic Sites Inventory as contributing to the Deadwood National Historic Landmark District.
- iii. Third priority - projects affecting structures, which in the sole opinion of the Deadwood Historic Preservation Office, contribute to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

#### Retaining Wall Owner's Financial Obligations:

- i. Project costs are divided into two (2) portions: the **Owner's portion** and the **forgivable portion**.
- ii. The **Owner's portion** is the sum of the following:
  - 10% of the project costs (excluding the cost of engineering), plus
  - 10% of the property value based on the most recent real estate assessment shown on the Lawrence County Equalization records for both land and structures plus,
  - Any loan fees relating to Owner's portion loan, if applicable.
- iii. The **forgivable portion** is written as a loan to the owner. This loan is a zero interest, no payment loan but any loan fees associated with the forgivable portion of the loan are the responsibility of the owner.
- iv. The Owner may finance the Owner's portion of the project costs themselves. In this case, the Owner pays the City of Deadwood in advance and the City will process all payments to contractor(s).
- v. The Owner may choose to finance the Owner's portion of the project costs through the Historic Preservation Revolving Loan Fund if they demonstrate the ability to repay both

principle and interest. Terms will be adjusted with a balloon payment determined. The Owner may be eligible for refinancing the balloon payment at the end of loan period but the new loan will be subject to new loan conditions and at market rates.

- vi. Failure to maintain property up to City of Deadwood's Minimum Maintenance Standards may cause loan(s) to be payable in full.

#### Retaining Wall Inspections and Changes of Ownership

- i. A satisfactory inspection by the City Building Inspector at completion of project is required.
- ii. The property owner must meet minimum maintenance requirements. A satisfactory inspection by the City Building Inspector at the maturity of the loan is required. This inspection must be passed prior to any of the forgivable portion loan to be forgiven.
- iii. In the event of a title transfer such as the sale of the home or cash out refinance, occur prior to the maturity of the loans, including the forgivable portion loan, the balance of the loans will be due and payable in full.

### 5. Grant and Loan Conditions:

#### Qualified Owner Occupied (Grant):

GRANT AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
<b>\$10,000 Maximum</b> Foundation Siding <b>Multiple Projects \$10,000</b> Elderly every 10 years <b>Up to \$20,000 Maximum</b> Wood Windows/Doors	Not applicable	Not applicable	Grant	Grant Agreement

Owner Occupied status is verified with the Lawrence County Equalization Office and by additional verification obtained through other means available to the City. A Grant Agreement with the City of Deadwood must be signed by all parties.

#### Qualified Non-Owner Occupied Property (Forgivable Loan)

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
<b>\$10,000 Maximum</b> Foundation Siding Vacant <b>Up to \$20,000 Maximum</b> Wood Windows/Doors	0%	Up to 10 years	10% of Loan amount will be forgiven each calendar year	Loan Agreement

#### Qualified Revolving Loan

##### Life Safety

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Up to \$25,000 maximum	0%	5 years	Monthly payments due. Possible balloon payment due at	Loan Agreement



			end of term	
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### Historic Preservation

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Varies by Project	Market Rate	7 years	Monthly payments due. Possible balloon payment due at end of term	Loan Agreement

### Qualified Retaining Wall Program

#### Owner's Portion (Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan 0%	5 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

#### Owner's Portion (non-Life Safety) Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
10% of project <u>plus</u> 10% of assessed value	Borrower Loan Market Rate <sup>1</sup>	7 years	Monthly payments due. Possible balloon payment due at end of term	Note & Mortgage

#### Forgivable Portion Loans

LOAN AMOUNT	INTEREST RATE	TERM	PAYMENT AMOUNT	SECURITY
Project costs less Owner's Portion	Borrower Loan 0%	5 years Owner Occupied  10 years for all others	No payments	Note & Mortgage

All Deadwood Historic Preservation loan programs will include the following fees: Credit Report, Recording Fee, 1% Loan Origination Fee, Settlement Fee and a Title Report Fee. These fees are collected from applicant/owner at loan closing. All loan fees will be disclosed on a Good Faith Estimate by NeighborWorks in accordance with the Real Estate Settlement and Procedures Act.

Failure to complete work as approved in a timely fashion and/or failure to maintain property up to City of Deadwood's Minimum Maintenance Standards may cause loan to be payable in full at that time and not forgiven.

Market Rate will be periodically determined by the Historic Preservation Commission from recommendations of the Loan Committee. The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Owners applying for construction loans must provide proof of ability to repay loan. Various documents will be requested by NeighborWorks to complete a loan application.

The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Additional Forgivable Loan considerations:

- a. At the end of each full calendar year, 10% of the loan amount will be forgiven.
- b. If the owner/applicant desires to sell the property before the end of the loan term, the remaining unforgiven portion of the loan will be due in full.
- c. The owner/applicant must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be transferred or forgiven.

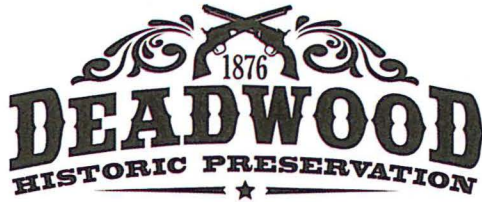
## 6. Forms and Technical Assistance:

- a. **Loans** - Loan application forms and loan technical assistance are available at the NeighborWorks Office, 795 Upper Main Street in Deadwood. Telephone: (605) 578-1401.
- b. **Project Approval or Certificate of Appropriateness** – The applications are available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082. This form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Historic Preservation heading.

This form must be completed and given to the Historic Preservation Officer who will present it to the Historic Preservation Commission for consideration. *[No work can start until Historic Preservation Commission approval and the owner/applicant has an approved City of Deadwood Building Permit.]*

**City of Deadwood Building Permit** – A City of Deadwood (Residential or Commercial) Building Permit must be acquired from the City of Deadwood Building Inspector located at 108 Sherman Street, in Deadwood. Telephone: (605) 578-2082. This permit application form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Building Inspector heading.





# Administrative Procedures

## Historic Preservation Programs

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### 1. Application

- The Applicant/Property Owner/Owner's Representative (Owner) obtains from Historic Preservation Office, NeighborWorks or City of Deadwood Website:
  - Check Availability of program funding and priorities
  - Historic Preservation Program Application form
  - Application for Project Approval or Certificate of Appropriateness form
- The Owner submits completed copies of the above forms with signatures to Historic Preservation Office.
- A discussion between the Owner and the Historic Preservation Officer is recommended to clarify requirements and expectations of this program. This can greatly streamline the process.

### 2. Determination of Eligibility

- The Historic Preservation Officer conducts an on-site inspection of property to determine eligibility.
- Photographs are taken for documentation.
- An assessment will be done by the Historic Preservation Officer.
- The Historic Preservation Officer will prepare a written HP Staff Report for use by the Historic Preservation Committee (HPC). If a loan is involved, the Historic Preservation Officer communicates with NeighborWorks about the conclusions drawn in the Historic Preservation Staff Report.

### 3. Application Approval

#### For Owner Occupied Properties:

- Historic Preservation Officer verifies the ownership and occupancy status (owner occupied vs. non-owner occupied) with the Lawrence County equalization office and by additional verification obtained through other means available to the City.
- If Owner desires to self-fund the project:
  - The Owner arranges for their own funding for materials and construction. Owner must be aware reimbursements by the City of Deadwood may require several weeks before payments are made due to the City's approval process.
- If Owner desires a construction loan:
  - Owner makes an application for a construction loan (see Construction Loan box below). Elderly Resident Program does not qualify for construction loan.
- Historic Preservation Officer meets with the Historic Preservation Loan Committee for recommendations for Grant approval or denial.
- The Historic Preservation Loan Committee recommendation is then presented to the entire Historic Preservation Commission for Grant approval or denial.

#### For a Non-Owner Occupied Properties:

- Owner makes an application for a construction loan (see Construction Loan box below).
  - Historic Preservation Officer meets with the Historic Preservation Loan Committee for recommendations for Loan approval or denial.
-

- The Historic Preservation Loan Committee recommendation is then presented to the entire Historic Preservation Commission for Loan approval or denial.

### **Construction Loans**

Construction Loans are for:

- Owner Occupied Properties where Owner desires construction funding.
  - A construction loan is to be closed at the end of construction.
  - Owner is responsible for any costs exceeding the grant amount or any costs not permitted under the Program.
  - Owner is responsible to pay for all closing costs.
- All Non-Owner Occupied Properties.
  - A construction loan is closed at the end of construction and rolled into the 10 year loan.
  - Owner is responsible for any costs exceeding the grant amount or any costs not permitted under the Program.
  - Owner is responsible to pay for all closing costs.

How to get a Construction Loan:

- The Owner makes an appointment with NeighborWorks to determine the Owner's financial eligibility.
- NeighborWorks prepares Construction Loan documents for which the Owner must provide:
  - Cost Estimate / quote for entire project.
  - Information to verify Owner's financial ability to repay.
- NeighborWorks provides Owner with:
  - Worksheet showing Owner's financial responsibility.
  - Letter of Understanding stating Owner's share of costs. Owner must sign this document.
  - Closing Documents (i.e. mortgages and settlement statements)
  - Promissory note (i.e. assignments on contract for deed, personal guarantees, etc.) Owner must sign this document.
- NeighborWorks presents loan request to Historic Preservation Loan Committee for recommendation to approve or deny loan.
- Historic Preservation Loan Committee presents loan request to Historic Preservation Commission to approve or deny.

### **4. Historic Preservation Commission Project Approval**

- Based on HP Staff Report, the Historic Preservation Commission (HPC) approves or denies the Application for Project Approval or Certificate of Appropriateness.
- Based on recommendations from the HP Loan Committee, HPC approves or denies the application for grant or loan.
- If grant or loan is approved, the agreement and any other necessary documents are recorded.
- A "Notice to Proceed" is issued to the Owner and/or Contractor and the City of Deadwood, by:



- Historic Preservation Officer, in the case of a grant to an Owner who does not need a construction loan.
- NeighborWorks, in the case where a Construction Loan is involved.

## **5. Project Beginning and Ending**

- The Owner is encouraged to enter into a contract with a City of Deadwood licensed Contractor for the project.
- The Owner or Contractor obtains a City of Deadwood Building Permit. A "Notice to Proceed" from either the Historic Preservation Officer or NeighborWorks must be obtained before applying for a City of Deadwood Building Permit.
- Where Progressive Payments are involved:
  - The Owner is responsible for making arrangements for delayed payments or progress payments to the Contractor /Material Supplier. Owner must be aware payments from the City of Deadwood may require up to 30 days or more before payments are made due to the City's approval process.
  - Where an Owner is Self-funding, progressive payments can be permitted for reimbursement of materials and contractor costs.
  - Progressive payments are made subject to payment withholding to ensure project completion is accomplished.
  - All final or progressive payments are for materials and/or contractor's costs only, supported by verifiable invoices. Owner's time is not reimbursable. No prepayments for materials are permitted per state statute.
- The Historic Preservation Officer and/or Building Inspector inspect the work in progress.
- The Historic Preservation Officer and Building Inspector conduct a final inspection after the completion of the entire project.

## **6. Expenditure Disbursement**

- After the Building Inspector has reviewed the work and/or materials and has consulted with the Historic Preservation Officer, the Building Inspector authorizes Historic Preservation Office or NeighborWorks (if a Construction Loan is involved) to approve invoiced amount (less any withholding).
- Historic Preservation Officer or NeighborWorks (if a Construction Loan is involved) initially approves invoices.
- At a Historic Preservation Commission meeting, the Historic Preservation Commission approves the disbursement which is added to the City of Deadwood Commission's bill list for City (final) approval.
- Upon City approval, the City Finance Office issues checks for the disbursement to the Historic Preservation Office.
- Owner or Contractor pick-up disbursement check from the Historic Preservation office/Neighborworks and, if Contractor is involved, the Contractor must sign lien waivers before final payment is made.

## **7. Continued Administration of Loans**

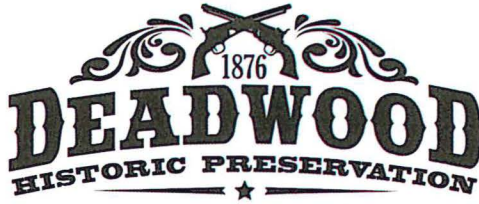
- NeighborWorks reviews all loan accounts once a month.
- Building Inspector notifies property owner if property does not meet Minimum Maintenance Standards, and if these issues are not resolved, the Building Inspector advises the HP Loan Committee. The HP Loan Committee provides recommendation to HPC either to work with owner, or make loan immediately payable.
- Where a Grant is not involved, the Construction Loan will be rolled into a 10 year loan and the documents will be recorded. Any costs associated with recording of documents must be paid by Owner.

## **8. Satisfaction of 10 year Loan**

- After terms and conditions of the loan are completed, NeighborWorks prepares a satisfaction of mortgage for the loan funds.
- HPC signs the satisfaction of mortgage.
- NeighborWorks collects from the Owner the recording fees for the satisfaction of mortgage documents.
- NeighborWorks delivers the satisfaction of mortgage to the Register of Deeds.
- NeighborWorks closes the Owner's loan account.
- NeighborWorks forwards the loan documents to the HP Office.
- The HP Office retains the loan documents for at least seven (7) years.



# EXHIBIT C



# Historic Facade Easement Program Application

Please read the attached Policy Guidelines, Administrative Procedures and provide the requested information.

1. Address of Property:

\_\_\_\_\_

2. Applicant's name & mailing address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_ - \_\_\_\_

E-mail \_\_\_\_\_

3. Owner of property – (if different from applicant):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_ - \_\_\_\_

E-mail \_\_\_\_\_

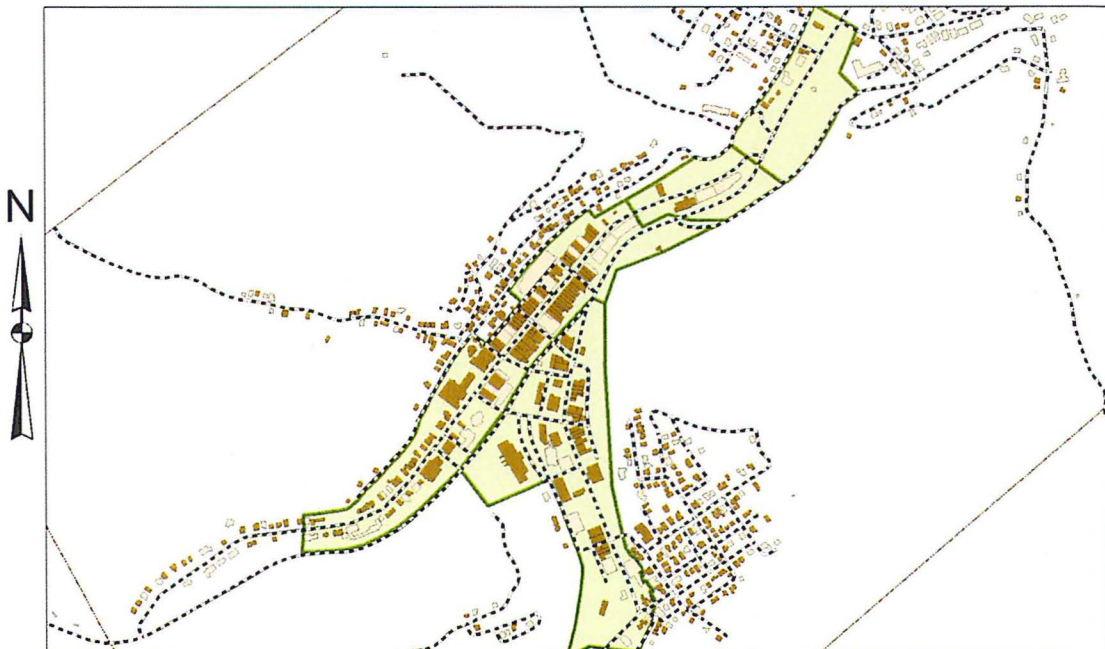
4. Project Costs: Total cost of the façade restoration project: \$ \_\_\_\_\_

Amount requested for the façade project \$ \_\_\_\_\_  
(Keep in mind eligible expenses and program maximums)

Total cost of building rehabilitation project \$ \_\_\_\_\_  
(Include additional interior work planned)

~~Anticipated appraisal value at conclusion of project~~ \$ \_\_\_\_\_

5. Façade Easement Program Area – Deadwood Local Historic District





6. Required Supporting Documentation

- a. Complete a City of Deadwood Application for Certificate of Appropriateness and attach it to this document.
  - Provide detailed description of exterior changes including materials, colors and dimensions
  - Proposed rehabilitation renderings and elevations
  - Current and historic photos of the building
  - Project budget including the entire project and façade project
  - Project timeline
  - General information on project financing or other such information showing feasibility of project
  - Conformance of the project with the Secretary of Interior Standards for Rehabilitation and the Deadwood Downtown Design Guidelines
- b. Acknowledgement of façade easement requirement

7. Certification

I certify all information contained in this application and all information furnished in support of this application is given for the purpose of obtaining financial assistance in the form of a grant or a loan as true and complete to the best of my knowledge and belief. I acknowledge I have read the policy guidelines for the loan or grant included with and for this application and agree to all of the terms and conditions contained in the policy guidelines. I agree any contractors which I hire for this project will hold contractors licenses with the City of Deadwood and will require they also agree to and abide by the terms and conditions of the policy guidelines.

I acknowledge the Deadwood Historic Preservation Commission is merely granting or loaning funds in connection with the work or project and neither the Historic Preservation Commission nor the City of Deadwood is or will be responsible for satisfactory performance of the work or payment for the same beyond the grant or loan approval by the Historic Preservation Commission. I acknowledge I am solely responsible for selecting any contractors hired in connection with the project and in requiring satisfactory performance by such contractor. I agree to indemnify and hold harmless the Deadwood Historic Preservation Commission and the City of Deadwood against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the Deadwood Historic Preservation Commission's acceptance, consideration, approval, or disapproval of this application and the issuance or non-issuance of a grant or loan.

Applicant's signature: \_\_\_\_\_

Date submitted: \_\_\_\_/\_\_\_\_/\_\_\_\_

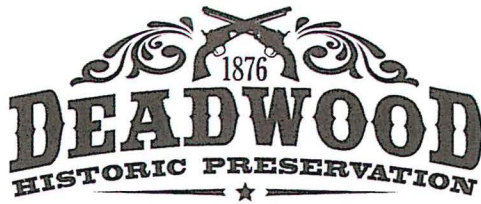
Owner's signature: \_\_\_\_\_

Date submitted: \_\_\_\_/\_\_\_\_/\_\_\_\_

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Please return the completed application along with the Certificate of Appropriateness to:

City of Deadwood  
Planning, Zoning & Historic Preservation  
108 Sherman Street  
Deadwood, SD 57732  
605-578-2082



# Facade Easement Program – Policy Guidelines

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## 1. Statement of Purpose:

The restoration and protection of Deadwood's historic buildings and structures are a primary part of the City's goal to preserve and maintain Deadwood's historic integrity. The expense of such restoration and protection projects may discourage property owners from having the work completed or may result in lower quality of craftsmanship. The purpose of this program is to assist and encourage property owners to use quality materials and craftsmanship by repairing first, where possible, and replacing, only if necessary.

## 2. Objective:

The City of Deadwood is a National Historic Landmark and is listed on the National and South Dakota State Registers of Historic Places. Maintaining these designations is critical to the economic success of the City and quality of life of its residents. The objective of the program is to stimulate the quality restoration and protection of buildings and structures contributing to the historic integrity of the City of Deadwood. Through the program, the owner of a participating building agrees to make approved improvements to the building façade(s) and transfer to the Deadwood Historic Preservation Commission an easement on the character-defining façade(s).

## 3. Eligibility:

To be eligible for the Facade Easement Program, a project must meet the following criteria:

- a. The project must affect a property listed on the City of Deadwood's 1993 Historic Sites Inventory as an historic property in the Deadwood National Historic Landmark District and within the Deadwood Local Historic District. Properties not listed on the inventory must be eligible for the National Register of Historic Places as defined in the National Park Service's National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
- b. The property may be eligible if the removal of inappropriate alterations or the reconstruction of missing details will reverse the listing from a non-contributing resource to a contributing resource within the Deadwood Local Historic District.
- c. The building must be a commercial property as defined by Deadwood Planning and Zoning Department and be within the Deadwood Local Historic District.

The City of Deadwood's Historic Preservation Officer determines a project's eligibility. All eligible applications are subject to the review by the Deadwood Historic District Commission.

## 4. Definitions:

Commercial Property – is a structure used primarily as an income-producing building and zoned accordingly.

Building - is a structure with a roof and walls and stands permanently in one place requiring a certain amount of internal infrastructure to function, which includes such elements like heating / cooling, power and telecommunications, water and wastewater etc. For the purposes of this program, it is not defined through the South Dakota Commission on Gaming rules and regulations.

Facade – is any finished exterior side of a building facing a public right-of-way ~~or open space~~.

*Adopted - 06/24/15*

*Revised 05/25/16*

*Revised 10/24/18*

*Revised 7/8/20*



Prominent Façade – is any finished exterior side of a building with significant architectural details which face a public street.

Secondary Façade – a building **currently located** on a corner lot with one or more prominate façades highly visible by the public.

Qualified Expenditure – is the rehabilitation work on the exterior façade(s) of the building which meets the Secretary of the Interiors Standards for Rehabilitation including masonry cleaning, tuck-pointing, replication of historic awnings or canopies, window fenestrations and historically significant façade details. Engineering or Architectural fees associated with the façade are also allowed with pre-approval from the Historic Preservation Commission. Purchase price, site work, decks, patios, walkways, ramps, landscaping, non-historic signage, contingency costs, fees or taxes, and new additions to the building are not qualified expenditures. **Copies of invoices and proof of payment required.**

Easement – is a conservation easement for the exterior façade(s) set for perpetuity as allowed under applicable State and Federal laws.

## 5. Program Requirements:

- a. The actual cost of restoring or rehabilitating the façade(s) will be used in determining the purchase price. There is a maximum amount allowed per building. The following factors apply in determining the maximum purchase price:
  - i. The standard maximum amount per building is 80 percent of the qualified expenditures. The standard amount is not to exceed \$3,000 per linear foot of prominent facade frontage.
  - ii. Any amount cap may be increased up to \$1,000 per linear foot of secondary façade frontage for buildings **currently located** on corner lots and with more than one prominent facade.
  - iii. The applicant must submit at least two competitive quotes for review by the Historic Preservation Office before amount is determined.
- b. The purchase of the conservation easement and transfer of funds occurs after the project has been completed, **proper documentation of qualified expenses** and verified by the Historic Preservation Officer.
- c. The funds are to be used for restoration or rehabilitation of the historic facade first, if possible, and then removal and replacement of inappropriate materials or façade alterations or for masonry repairs on brick walled buildings.
- d. The project may be allowed to be phased over subsequent years.
- e. Purchase of the conservation easement will only be for qualified expenditures and supported by verifiable invoices. Owner's/**Applicant** time is not reimbursable. Architectural fees are reimbursable with pre approval.
- f. Construction and / or Permanent Loans may be available through the Historic Preservation Commission.
  - i. Persons receiving financing must conform to applicable federal and local regulations governing the use of specific loan funds.
  - ii. All loan applicants must present evidence of their ability to repay the loan and provide adequate collateral.

*Adopted - 06/24/15  
Revised 05/25/16  
Revised 10/24/18  
Revised 7/8/20*

- iii. Loan approval is contingent upon approval of the project by the Deadwood Historic Preservation Commission.
- iv. All Deadwood Historic Preservation loan programs will include the following fees: Credit Report, Recording Fee, 1% Loan Origination Fee, Settlement Fee and a Title Report Fee. These fees are collected from applicant/owner at loan closing. All loan fees will be disclosed on a Loan Estimate by NeighborWorks in accordance with the Real Estate Settlement and Procedures Act.
- g. All projects will be performed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.

## 6. Selection Process

Selection Process will be through Deadwood Historic District Commission with input from the Historic Preservation staff.

The Deadwood Historic Preservation Commission reserves the right to amend, or to change or modify this program for any reason. The number of projects funded for each year will be dependent to the maximum budgeted for the program by the Deadwood Historic Preservation Commission.

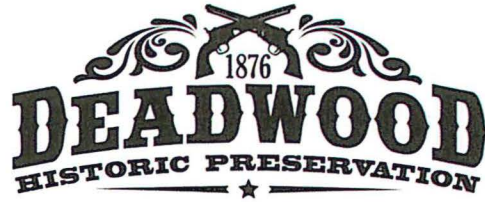
## 7. Forms and Technical Assistance:

- a. **Loans** - Loan application forms and loan technical assistance are available at the NeighborWorks Office, 795 Upper Main Street in Deadwood. Telephone: (605) 578-1401.
- b. **Conservation Easement** – sample conservation easement is available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082.
- c. **Certificate of Appropriateness** – The applications are available at the Historic Preservation Office located at Deadwood City Hall, 108 Sherman Street in Deadwood. (605) 578-2082. This form is also available online at: <http://www.cityofdeadwood.com>, under **Permits, Licenses & Forms** tab, then under Historic Preservation heading.

This form must be completed and given to the Historic Preservation Officer who will present it to the Historic District Commission for consideration. *[No work can start until Historic District Commission approval and the owner/applicant has an approved City of Deadwood Building Permit.]*

- d. **City of Deadwood Building Permit** – A City of Deadwood (Residential or Commercial) Building Permit must be acquired from the City of Deadwood Building Inspector located at ~~67 Dunlop Avenue~~ **108 Sherman Street**, in Deadwood. Telephone: (605) 578-2082. This permit application form is also available online at: <http://www.cityofdeadwood.com>, under **Permits, Licenses & Forms** tab, then under Building Inspector heading.





# Facade Easement Program Administrative Procedures

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## 1. Application

- The Applicant/Property Owner/Owner's Representative (Owner) obtains from Historic Preservation Office, or City of Deadwood Website:
  - Facade Easement Program Application form
  - Application for Certificate of Appropriateness form
- The Owner submits completed copies of the above forms with signatures to Historic Preservation (HP) Office.
- A discussion between the Owner and the Historic Preservation Officer is recommended to clarify requirements and expectations of this program. This can greatly streamline the process.

## 2. Determination of Eligibility

- The Historic Preservation Officer conducts an on-site inspection of property to determine eligibility.
- Photographs are taken for documentation.
- A facade assessment will be done by the Historic Preservation Officer.
- The Historic Preservation Office will prepare a written HP Staff Report for use by the Historic District Committee (HPC).

## 3. Application Approval

- Historic Preservation Office recommendations for approval or denial into the Façade Easement Program.

The selection committee recommendation is then presented to the entire Historic District Commission for approval or denial into the Façade Easement Program.

- The number of projects funded for each year will be dependent to the maximum budgeted for the program by the Deadwood Historic Preservation Commission.

## 4. Historic District Commission Project Approval

- Based on HP Staff Report, the Historic District Commission (HPC) approves or denies the Application for Certificate of Appropriateness.
- A "Notice to Proceed" is issued to the Owner and/or Contractor and the City of Deadwood, by the Historic Preservation Officer.

**5. Project Beginning and Ending**

- The Owner enters into a contract with a City of Deadwood Licensed Contractor for the project.
- The Owner or Contractor obtains a City of Deadwood Building Permit.
- The Historic Preservation Officer and/or Building Inspector inspect the work in progress.
- The Historic Preservation Officer and Building Inspector conduct a final inspection after the completion of the entire project.
- After final inspection the City of Deadwood will process payment to purchase the Façade Easement and record document at the Register of Deeds.



# EXHIBIT D

Date: July 06, 2020

Case No. 200147  
Address: 5 Harrison St

### Staff Report

The applicant has submitted an application for Project Approval for work at 5 Harrison St, a Contributing structure located in the Ingleside Planning Unit in the City of Deadwood.

Applicant: Gary L. Cure  
Owner: CURE, GARY L & SHERRY J  
Constructed: circa 1940

### CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL

The Historic Preservation Commission shall use the following criteria in granting or denying the Project Approval:

#### General Factors:

**1. Historic significance of the resource:**

This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the growth and economic activity which took place in Deadwood and the northern Black Hills from the late 1920s until World War II. Spurred by a resurgence in local mining activity, Deadwood experienced a period of expansion and new construction during these decades that it had not seen since the nineteenth century. In Deadwood--as elsewhere in the United States--residential construction from this period commonly borrowed from one or more earlier, traditional forms. These "Picturesque Revival" houses could display elements of Tudor (most common locally), Colonial, or Cape Cod design. Other construction of the period assumed the more contemporary looks of Moderne or Minimal Traditional styles.

**2. Architectural design of the resource and proposed alterations:**

Applicant requests permission to replace wood decking, roof and back rails as necessary with wood.

Attachments: Yes

Plans: No

Photos: Yes

#### Staff Opinion:

It is staff's opinion the proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District.

[imagerepeater]



**Motions available for commission action:**

**A:** If you, as a commissioner, have determined the Project **DOES NOT** Encroach Upon, Damage or Destroy a historic property then:

Based upon all the evidence presented, I find that this project **DOES NOT** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval.

---

**If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:**

**B: First Motion:**

Based upon all the evidence presented, I move to make a finding that this project **DOES** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places. [If this, move on to 2nd Motion and choose an option.]

**C: Second Motion:**

Option 1: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

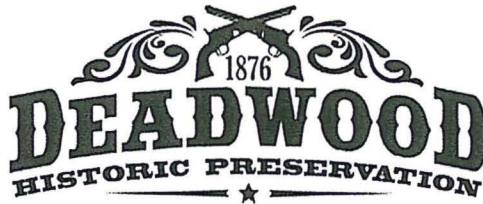
OR

Option 2: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood and move to **DENY** the project as presented.

OR

Option 3: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented.

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



FOR OFFICE USE ONLY	
Case No.	<u>200147</u>
<input checked="" type="checkbox"/> Project Approval	
<input type="checkbox"/> Certificate of Appropriateness	
Date Received	<u>07/02/2020</u>
Date of Hearing	<u>07/08/2020</u>

## City of Deadwood Application for Project Approval OR Certificate of Appropriateness

The Deadwood Historic Preservation Commission reviews all applications. Approval is issued for proposed work in keeping with City of Deadwood Ordinances & Guidelines, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation.

This application must be typed or printed in ink and submitted to:

City of Deadwood  
Deadwood Historic Preservation Office  
108 Sherman Street  
Deadwood, SD 57732

FOR INFORMATION REGARDING THIS FORM, CALL 605-578-2082

### PROPERTY INFORMATION

Property Address: 5 Harrison St. Deadwood, SD  
Historic Name of Property (if known): \_\_\_\_\_

### APPLICANT INFORMATION

Applicant is: ☒ owner ☐ contractor ☐ architect ☐ consultant ☐ other \_\_\_\_\_

Owner's Name: Gary L. Cure  
Address: 5 Harrison St.  
Deadwood  
City: Wald State: SD Zip: 57732  
Telephone: (303) 918-1528 Fax: \_\_\_\_\_  
E-mail: glcure@aol.com

Architect's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Contractor's Name: self  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Agent's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### TYPE OF IMPROVEMENT

- |  |                                       |                                      |   |
|--|---------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Alteration (change to exterior) | <input type="checkbox"/> New Building | <input type="checkbox"/> Addition    | <input type="checkbox"/> Accessory Structure                      |
| <input type="checkbox"/> New Construction                | <input type="checkbox"/> Re-Roofing   | <input type="checkbox"/> Wood Repair | <input type="checkbox"/> Exterior Painting                        |
| <input type="checkbox"/> General Maintenance             | <input type="checkbox"/> Siding       | <input type="checkbox"/> Windows     | <input checked="" type="checkbox"/> Porch/Deck <u>repair/back</u> |
| <input type="checkbox"/> Other _____                     | <input type="checkbox"/> Awning       | <input type="checkbox"/> Sign        | <input type="checkbox"/> Fencing                                  |



<b>ACTIVITY: (CHECK AS APPLICABLE)</b>				
Project Start Date: <u>Aug. 15, 2020</u>		Project Completion Date (anticipated): <u>Oct. 15/2020</u>		
<input type="checkbox"/> <b>ALTERATION</b>	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	
<input type="checkbox"/> <b>ADDITION</b>	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	
<input type="checkbox"/> <b>NEW CONSTRUCTION</b>	<input type="checkbox"/> Residential <input type="checkbox"/> Other _____			
<input type="checkbox"/> <b>ROOF</b>	<input type="checkbox"/> New	<input type="checkbox"/> Re-roofing	<input type="checkbox"/> Material	
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	<input type="checkbox"/> Alteration to roof
<input type="checkbox"/> <b>GARAGE</b>	<input type="checkbox"/> New	<input type="checkbox"/> Rehabilitation		
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	
<input type="checkbox"/> <b>FENCE/GATE</b>	<input type="checkbox"/> New	<input type="checkbox"/> Replacement		
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	
Material _____ Style/type _____ Dimensions _____				
<input type="checkbox"/> <b>WINDOWS</b>	<input type="checkbox"/> <b>STORM WINDOWS</b>	<input type="checkbox"/> <b>DOORS</b>	<input type="checkbox"/> <b>STORM DOORS</b>	
	<input type="checkbox"/> Restoration	<input type="checkbox"/> Replacement	<input type="checkbox"/> New	
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear	
Material _____ Style/type _____				
<input checked="" type="checkbox"/> <b>PORCH/DECK</b>	<input checked="" type="checkbox"/> Restoration	<input type="checkbox"/> Replacement	<input type="checkbox"/> New	
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input checked="" type="checkbox"/> Rear	
Note: Please provide detailed plans/drawings				
<input type="checkbox"/> <b>SIGN/AWNING</b>	<input type="checkbox"/> New	<input type="checkbox"/> Restoration	<input type="checkbox"/> Replacement	
Material _____ Style/type _____ Dimensions _____				
<input type="checkbox"/> <b>OTHER</b> – Describe in detail below or use attachments				

<b>DESCRIPTION OF ACTIVITY</b>
<p>Describe in detail, the above activity (use attachments if necessary including type of materials to be used) and submit as applicable. Descriptive materials such as photos and drawings are necessary to illustrate the work and to help the commissioners and staff evaluate the proposed changes. Information should be supplied for each element of the proposed work along with general drawings and/or photographs as appropriate.</p> <p>Failure to supply adequate documentation could result in delays in processing and denial of the request. Describe in detail below (add pages as necessary).</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p style="font-size: 1.2em;">Replace wood decking, roof and back rails as necessary with wood</p> </div>

## SIGNATURES

I HEREBY CERTIFY I understand this application will not be accepted and processed until all the requested information has been supplied. I realize drawings and measurements must be exact and if errors result in a violation of the Commission's approval, then appropriate changes will have to be made. I also understand this application may require a site visit / additional research by staff and a PUBLIC HEARING by the DEADWOOD HISTORIC PRESERVATION COMMISSION.

I understand this application is for a Certificate of Appropriateness or Project Approval only and that a building permit is required for any uses associated with this location prior to any constructions, alterations, etc. All statements are true to the best of my knowledge and belief.

I understand approval is issued for proposed work in keeping with City of Deadwood Ordinances, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation and copies are available for my review.

Sandy K. Cure 7-1-2020  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

Sherry Cure 7-1-2020  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

Patricia A. Sherman 7-1-2020  
SIGNATURE OF OWNER(S) DATE  
(Life Estate)

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

## APPLICATION DEADLINE

This form and all supporting documentation **MUST** arrive by 5:00 p.m. on the 1<sup>st</sup> or 3<sup>rd</sup> Wednesday of every month to be considered at the next Historic Preservation Commission Meeting. The meeting schedule and filing deadlines are on file with the Historic Preservation Office. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Please use the attached criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. All submitted materials will be retained by the Historic Preservation Office. Do not submit your only copy of any piece of documentation.

The City of Deadwood Historic Preservation Office has numerous resources available for your assistance upon request.





















