

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
CEMETERIES, AND BURIAL SERVICES**

IN THE MATTER OF:

**HAVEN OF REST CEMETERY,
LICENSE NO. 11823**

CASE NO. 19-PCC050

ORDER APPROVING APPLICATION TO TRANSFER OWNERSHIP

The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) held a meeting on January 14, 2020. Among the matters considered was an application submitted by Finality, L.L.C. on behalf of Haven of Rest Cemetery (“Haven of Rest”). The application seeks to transfer ownership of Haven of Rest from Kennedy Funding Acquisitions HOR, L.L.C. (“Kennedy”) to Finality, L.L.C. (“Finality”). Stephanie Webb and Percy Webb appeared on behalf of Finality. Upon consideration of the statements made and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Haven of Rest is a perpetual care cemetery located in Pulaski County, Arkansas. Haven of Rest is licensed by the Board as a perpetual care cemetery defined by the Cemetery Act for Perpetually Maintained Cemeteries, codified at Ark. Code Ann. § 20-17-1001, *et seq.*
2. Haven of Rest is currently owned by Kennedy.
3. Finality has controlled and operated Haven of Rest on behalf of Kennedy since 2015.
4. Finality filed an Application for Change of Ownership of Haven of Rest on or around December 17, 2019, in which it seeks authority to transfer ownership of the cemetery to Finality.

5. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1012, and the Board's Rule 12. The application also meets all statutory and regulatory requirements necessary for the change of ownership of a perpetual care cemetery.
6. Finality requested a waiver of the application fee.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 20-17-1012(b)(1)(A) and the Board's Rule 12, when there is a proposal to change the controlling interest or ownership of a perpetual care cemetery or any cemetery company, the cemetery company that holds the current permit and the individual or organization proposing to gain the controlling interest shall file an application for the issuance of the new permit. Finality has complied with these provisions.
2. Ark. Code Ann. § 20-17-1012(b)(2)(A) requires the applicant for a transfer of ownership to pay a \$1,500.00 fee. At the meeting on January 14, 2020, the Board determined that the fee should be waived.
3. Pursuant to the Board's Rule 12.07, should the Board determine that the seller or transferor and the purchaser or transferee have complied with the statutes and rules, then the Board shall order that a new permit be issued. The new permit shall supersede the old permit.

ORDER

IT IS HEREBY ORDERED that the application to transfer ownership of Haven of Rest Cemetery is APPROVED to show Finality, L.L.C. as the owner. Funeral Services Division staff is authorized to issue the new permit to Finality, L.L.C. The new permit shall supersede the existing permit. Finality is ordered to record the new permit with the Pulaski County Clerk's office, and to mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED, this 14th day of January, 2020.



BILL BOOKER

**CHAIR, STATE BOARD OF
EMBALMERS, FUNERAL
DIRECTORS, CEMETERIES AND
BURIAL SERVICES**