

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

IN THE MATTER OF:

**RANDOLPH MEMORIAL GARDENS, L.L.C.,
LICENSE NO. 11834**

CASE NO. 20PCC-001

ORDER APPROVING APPLICATION TO AMEND PERMIT

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 Brody Foster on behalf of Randolph Memorial Gardens. (“Randolph”). The application seeks to amend the permit by way of a reduction of boundaries. Upon consideration of the statements made and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Randolph is a perpetual care cemetery in or near Pocahontas, Randolph County, Arkansas. Randolph 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. Randolph is operated Randolph Memorial Gardens, L.L.C.
3. On or around January 2, 2020, Randolph filed an application for an amendment of its permit, in which it seeks authority to amend the permit by way of a reduction of boundaries.
4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1011, and the Board’s Rule 11. The application also meets all statutory and regulatory requirements necessary for the amendment of a permit of a perpetual care cemetery.
5. The application for the reduction of boundaries seeks to exclude the following described land from the boundaries of the cemetery:

Tract 1:

Part of the NE ¼ of the NE ¼ of Section 3, Township 18 North, Range 1 East, Randolph County, Arkansas, more particularly described as follows:

Commence at the Northeast Corner of said NE ¼ NE ¼; thence S 00°27'00" W along the East line thereof, 398.79 feet; thence N 89°51'00" W 892.34 feet to the point of beginning; thence S 00°09'00" W 92.98 feet; thence S 88°03'09" W 68.89 feet; thence 133.24 feet along a curve to the left said curve having a radius of 135.00 feet and a central angle of 56°33'03", said curve having a chord direction and distance of S 59°46'38" W 127.90 feet; thence S 31°30'06" W 102.83 feet; thence 125.85 feet along a curve to the right, said curve having a radius of, 125.00 feet and a central angle of 57°41'09", said curve having a chord direction and distance of S 60°20'41" W 120.60 feet; thence S 89°11'15" W 33.43 feet; thence N 37°06'15" W 30.38 feet; thence N 00°08'59" E along the east right of way line of Hwy #67, 284.33 feet; thence S 89°51'00" E 389.16 feet to the point of beginning, containing 1.750 acres.

Tract 2:

Part of the NE ¼ of the NE ¼ of Section 3, Township 18 North, Range 1 East, Randolph County, Arkansas, more particularly described as follows:

Commence at the Northeast Corner of Said NE ¼ NE ¼; thence S 00°27'00" W along the East line thereof, 1161.12 feet; thence N 89°50'07" W 779.06 feet to the point of beginning; thence continue N 89°50'07" W 498.45 feet; thence N 00°08'59" E along the east right of way line of US Hwy #67, 281.70 feet; thence N 38°06'44" E 33.52 feet; thence S 87°37'27" E 31.88 feet; thence 148.73 feet along a curve to the right, said curve having a radius of 140.00 feet and a central angle of 60°52'08", said curve having a chord direction and distance of S 57°11'23" E 141.83 feet; thence S 26°45'19" E 54.70 feet; thence 166.76 feet along a curve to the left said curve having a radius of 155.0 feet and a central angle of 61°38'30", said curve having a chord direction and distance of S 57°34'34" E 158.83 feet; thence S 88°23'49" E 167.60 feet; thence S 00°09'53" W 92.63 feet to the point of beginning, containing 2.000 acres.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 20-17-1011(a) and Rule 11 of the Board, a cemetery company proposing to amend its present permit under the Act shall file an application with the Board requesting that the permit be amended.
2. Pursuant to Ark. Code Ann. § 20-17-1011, the application for amendment of the permit must contain various statements, documents, and other information necessary to provide justification for the amendment of the permit.
3. Pursuant to Board Rule 11.07, if the Board determines that an existing permit should be amended, the Board shall issue a new permit, which shall supersede the previous permit. Further, the cemetery company shall file the new amended permit with the County Clerk in the county in which the cemetery is located, and it shall also send a copy of the new amended permit to the Arkansas Department of Health.

ORDER

IT IS HEREBY ORDERED that the application to amend the permit of Randolph Memorial Gardens is APPROVED. Funeral Services Division staff is authorized to issue the new permit. The new permit shall supersede the existing permit, and the above described land in Finding of Fact 5 shall be excluded from the new permit. Randolph is ordered to record the new permit with the Randolph 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**