

BEFORE THE ARKANSAS CEMETERY BOARD

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IN THE MATTER OF

CRAIG ADDITION AT HARP CEMETERY  
MALVERN, ARKANSAS

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Order Approving Withdrawal  
of Perpetual Care Permit  
Pursuant to Ark. Code  
Ann. § 20-17-1011

ORDER NO. C-06-027-06-OR01

ORDER

A meeting of the Arkansas Cemetery Board (“Board”) was held on June 7, 2006.

Considered at the meeting was a request by Craig Addition at Harp Cemetery (“Cemetery”), Malvern, Arkansas, to withdraw the perpetual care permit.

FINDINGS OF FACT

1. The licensee owns and operates a perpetual care cemetery at Malvern, Arkansas, within the meaning of the Cemetery Act for Perpetually Maintained Cemeteries, Act 352 of 1977, as amended (“Act”), and is subject to the Act and Board.
2. On February 27, 2006, the licensee filed an application with the Board to cancel the Cemetery permit, remove the Cemetery’s land from regulation under the Act, have the funds in the Cemetery Perpetual Care Trust Fund returned to the owners, and have the application fee for a permit amendment refunded.
3. The application contained documents and information required under Ark. Code Ann. § 20-17-1011 and Rule 12 of the Arkansas Cemetery Board Rules.
4. The licensee supplied an affidavit stating that no sales of cemetery lots and no burials have taken place.

5. The Perpetual Care Trust Fund is invested in a passbook savings account with Malvern National Bank. As of December 31, 2005, the Perpetual Care Trust Fund held funds in the amount of \$5,720.69. The Perpetual Care Trust Fund consists of \$5,000 in principal and \$720.69 in income. The entire principal amount consists of money deposited from the licensee's personal funds.
6. Examiner Jay Drake, of the Arkansas Securities Department, physically inspected the Cemetery on June 2, 2006. Mr. Drake stated that no burials lots were found in his inspection of the Cemetery.
7. No protest to the application has been filed.

#### CONCLUSIONS OF LAW

8. Ark. Code Ann. § 20-17-1011 requires that whenever any cemetery subject to the Act proposes to amend its permit, the cemetery company shall file an application with the Board and the Board must approve the application.
9. Ark. Code Ann. § 20-17-1011 and Rule 12 of the Arkansas Cemetery Board Rules requires an application to amend the permit of a cemetery that is subject to the Act contain certain specific information and documents.
10. Ark. Code Ann. § 20-17-1011 (b) (1) requires an application for an amendment to the permit to include a fee of four hundred dollars (\$400).

#### OPINION

11. The licensee has satisfactorily filed the information required in Ark. Code Ann. § 20-17-1011 and Rule 12 of the Arkansas Cemetery Board Rules for an amendment to the permit.

12. There is no need for the Perpetual Care Trust Fund since no sale of cemetery lots nor any burials have taken place.
13. The Cemetery's application for an amendment to the permit shall include a fee of four hundred dollars (\$400).

ORDER

IT IS THEREFORE ORDERED that the application to cancel the Cemetery permit and remove the Cemetery's land from regulation under the Act be approved.

IT IS FURTHER ORDERED that the licensee may dissolve the Perpetual Care Trust Fund and transfer ownership of the funds to the licensee.

IT IS FURTHER ORDERED that the Board will not refund the four hundred dollar (\$400) permit amendment application fee.

DATED THIS 22<sup>nd</sup> DAY OF JUNE, 2006.

**ARKANSAS CEMETERY BOARD**

  
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BETTY FINLEY  
Chairperson

  
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MICHAEL B. JOHNSON  
Secretary