

BEFORE THE ARKANSAS CEMETERY BOARD

IN THE MATTER OF

HENSLEY CEMETERY CARE, INC.  
d/b/a MAPLE LEAF CEMETERY  
HARRISON, ARKANSAS

Order Approving Issuance of a  
Perpetual Care Permit  
Pursuant to Ark. Code  
Ann. § 20-17-1008

ORDER NO. C-07-036-07-OR01

ORDER

A meeting of the Arkansas Cemetery Board ("Board") was held on August 29, 2007.

Considered at the meeting was a request by Hensley Cemetery Care, Inc. ("Applicant") to approve an application for a perpetual care permit for Maple Leaf Cemetery in Harrison, Arkansas.

FINDINGS OF FACT

1. The Applicant proposes the establishment of a new cemetery in Harrison, Arkansas, under the name Maple Leaf Cemetery.
2. Maple Leaf Cemetery will be operated for profit and will have a permanent maintenance fund.
3. The Applicant is an S Corporation organized under the laws of the State of Arkansas.
4. The Applicant is owned and operated by Mr. James Hensley and Ms. Jennifer Hensley.
5. The Applicant filed an application for a perpetual care permit on May 19, 2007.
6. The Applicant filed amended materials on August 8, 2007.

7. The Application contained certain information and documents required in Ark. Code Ann. § 20-17-1008, Rule 7, and Rule 8 of the Arkansas Cemetery Board Rules.
8. No protest to the application was filed.

#### CONCLUSIONS OF LAW

9. Ark. Code Ann. § 20-17-1008 (b) (1) states that "[w]henver it is proposed to locate a new cemetery . . . the cemetery company so proposing shall file an application for the issuance of a permit with the Board."
10. Ark. Code Ann. § 20-17-1008, Rule 7, and Rule 8 of the Arkansas Cemetery Board Rules require that an application for issuance of a permit that is subject to the Act contain certain specific information and documents.
11. Ark. Code Ann. § 20-17-1010 (c) (1) states that "[i]f the application for a new cemetery is approved, the board shall issue a permit to the applicant only after the applicant has filed proof with the board that an initial principal deposit of at least five thousand dollars (\$5,000) has been made to the permanent maintenance fund."

#### OPINION

12. The Applicant satisfactorily filed the information and documents required by the Act and Rules of the Board to be made a part of an application for a permit. The application for a permit should therefore be approved.
13. The Board cannot issue a permit until such time as the Board has received proof from the Applicant that an initial principal deposit of at least five thousand dollars (\$5,000) has been made to the permanent maintenance fund.

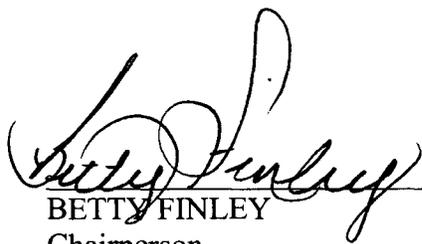
ORDER

IT IS THEREFORE ORDERED that Hensley Cemetery Care, Inc. be issued a permit to operate a perpetual care cemetery under the Cemetery Act for Perpetually Maintained Cemeteries in Harrison, Arkansas, under the name Maple Leaf Cemetery.

IT IS FURTHER ORDERED that Hensley Cemetery Care, Inc. shall deposit no less than five thousand dollars (\$5,000) into the permanent maintenance fund and provide proof of such deposit to the Board. Upon receipt, the Board shall issue said permit. IT IS FURTHER ORDERED that Hensley Cemetery Care, Inc. shall deposit no less than twenty percent (20%) of the gross sales price of lot sales to the permanent maintenance fund for each such paid-in-full burial space contract sold in Maple Leaf Cemetery.

DATED THIS 29<sup>th</sup> DAY OF AUGUST, 2007.

**ARKANSAS CEMETERY BOARD**

  
BETTY FINLEY  
Chairperson

  
MICHAEL B. JOHNSON  
Secretary