

BEFORE THE ARKANSAS CEMETERY BOARD

CASE NO. C-10-0050

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ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:

**KIRBY'S TUCKER
MEMORIAL CEMETERY
AND CREMATORY**

ORDER NO. C-10-0050-10-OR01

ORDER

The Arkansas Cemetery Board ("Board") held its quarterly meeting on September 9, 2010, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 4 of the Rules of the Arkansas Cemetery Board. Among the matters considered was a request by Jason Kirby on behalf of Kirby's Tucker Memorial Cemetery and Crematory ("Kirby's Tucker"), located in Mountain Home, Arkansas, to construct a mausoleum at Kirby's Tucker. Upon consideration of the testimony of the witnesses, the exhibits, and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Kirby's Tucker is a perpetual care cemetery located in Mountain Home, Arkansas. Kirby's Tucker is licensed by the Board as a perpetual care cemetery defined by the Cemetery Act for Perpetually Maintained Cemeteries, Ark. Code Ann. §§ 20-17-2001 through 20-17-1029 ("Act").
2. Kirby's Tucker is owned and controlled by Elton Kirby, Jason Kirby, and Kirby & Family Funeral Directors, Inc.
3. Kirby's Tucker filed an application for amendment of its permit on June 15, 2010, in which Kirby's Tucker sought the authority to construct a mausoleum on the grounds of Kirby's Tucker.
4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1011, and Rule 11 of the Rules of the Arkansas Cemetery Board and meets

all statutory and regulatory requirements as set forth for the amendment of a permit of a perpetual care cemetery.

CONCLUSIONS OF LAW

5. A cemetery company proposing to amend its present permit under the Act shall file an application for amendment of the permit with the Board. Ark. Code Ann. § 20-17-1011(a) and Rule 11, Rules of the Arkansas Cemetery Board.

6. The application for amendment of a permit must contain various statements, documents, and other information necessary to provide justification for the amendment of the permit. Ark. Code Ann. § 20-17-1011.

7. If the Board finds that an existing permit should be amended, the Board shall issue a new permit. The new permit shall supersede the previous permit. Rule 11.07, Rules of the Arkansas Cemetery Board.

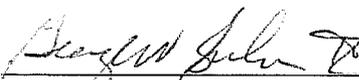
ORDER

IT IS HEREBY ORDERED that the application to amend the permit of Kirby's Tucker to construct a mausoleum on the grounds of Kirby's Tucker shall be approved. The Staff shall be authorized to issue the amended permit to Kirby's Tucker. The amended permit shall supersede the existing permit, shall be recorded in the Baxter County Clerk's office, and shall be mailed to the Arkansas Department of Health.

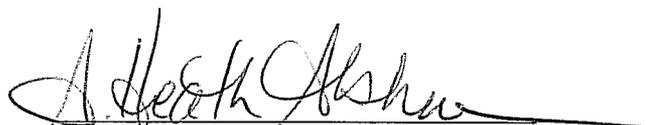
IT IS SO ORDERED

Dated this 24th day of September, 2010.

ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



A. Heath Abshure
Secretary