

BEFORE THE ARKANSAS CEMETERY BOARD  
CASE NO. C-14-0104

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ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:

HAVEN OF REST CEMETERY;  
LITTLE ROCK, ARKANSAS

ORDER NO. C-14-0104-14-OR01

**ORDER APPROVING APPLICATION FOR TRANSFER OF OWNERSHIP**

The Arkansas Cemetery Board ("Board") held its quarterly meeting on December 16, 2014, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 5 of the Rules of the Arkansas Cemetery Board. Among the matters considered was an application to dissolve the receivership of Haven of Rest Cemetery and transfer ownership to Kennedy Funding Acquisitions HOR, LLC. 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. Haven of Rest Cemetery is a perpetual care cemetery located in Little Rock, Arkansas. Haven of Rest Cemetery is licensed by the Board as a perpetual care cemetery as defined by the Cemetery Act for Perpetually Maintained Cemeteries, Ark. Code Ann. §§ 20-17-1001 through 20-17-1030 ("Act"). Haven of Rest Cemetery has been under court-appointed receivership since 2001.
2. On December 5, 2014, Kennedy Funding Acquisitions HOR, LLC submitted an application to the Board proposing a transfer of ownership of Haven of Rest Cemetery. The original application has since been supplemented to include documents and information requested by the Staff of the Arkansas Securities Department ("Staff").
3. Kennedy Funding Acquisitions HOR, LLC has submitted all documents and information required for a transfer of ownership of a perpetual care cemetery,

pursuant to Ark. Code Ann. §§ 20-17-1012(b)(2)(A)—(M) and Rule 12 of the Rules of the Arkansas Cemetery Board and meet all statutory and regulatory requirements necessary for approval of the proposed transfer of ownership. The Board waived the fee requirement due to the cemetery's receivership status.

### **CONCLUSIONS OF LAW**

4. Ark. Code Ann. § 20-17-1012(b)(1)(A) states that when a change is proposed in the controlling interest or ownership of a perpetual care cemetery or any cemetery company, the cemetery that holds the current permit and the individual or organization proposing to obtain ownership or gain control of the cemetery shall file an application for the issuance of a new permit.

5. An application for transfer of ownership of a perpetual care cemetery must contain certain specified fees, documents, statements, and accountings. Ark. Code Ann. § 20-17-1012(b)(2) and Rule 12 of the Rules of the Arkansas Cemetery Board.

6. If the Board finds that the seller and purchaser have complied with the Act and the Rules of the Arkansas Cemetery Board, the Board shall order the issuance of a new permit to the purchaser. Rule 12.07 of the Rules of the Arkansas Cemetery Board.

### **ORDER**

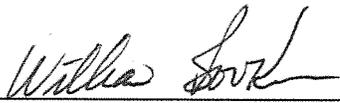
IT IS HEREBY ORDERED that the Staff file a motion to request the dissolution of receivership status for Haven of Rest Cemetery. Pending approval by Judge Pierce of the motion, the Board further orders that the transfer of ownership application for Haven of Rest Cemetery is approved. The Staff is authorized to issue a new permit to Kennedy Funding Acquisitions HOR, LLC for the operation of Haven of Rest Cemetery. Kennedy

Funding Acquisitions HOR, LLC is ordered to record the permit with the Pulaski County Clerk's office, and mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED.

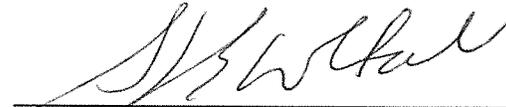
Dated this 10<sup>th</sup> day of January 2015.

**ARKANSAS CEMETERY BOARD**



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G. William "Bill" Booker, II  
Chairperson



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Stephen E. Whitwell  
Board Member