

BEFORE THE ARKANSAS CEMETERY BOARD

**CASE NO. C-17-0017
ORDER NO. C-17-0017-17-OR01**

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IN THE MATTER OF:

**REST HAVEN MEMORIAL GARDENS;
ARKADELPHIA, ARKANSAS**

ORDER APPROVING APPLICATION FOR TRANSFER OF OWNERSHIP

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on January 31, 2017, 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 for transfer of ownership from Ruggles-Wilcox Funeral Home, Inc. (“Seller”), who owns and operates Rest Haven Memorial Gardens, to Smith Ruggles Wilcox Real Estate, LLC (“Purchaser”). 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. Rest Haven Memorial Gardens is a perpetual care cemetery located in Arkadelphia, Arkansas and is owned and operated by Ruggles-Wilcox Funeral Home, Inc. Rest Haven Memorial Gardens 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”).

2. On December 20, 2016, the Seller and Purchaser submitted an application to the Board proposing a change in ownership of Rest Haven Memorial Gardens. The original

application has since been supplemented to include documents and information requested by the Staff of the Arkansas Securities Department (“Staff”).

3. The Seller and Purchaser have 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 except for the submission of the report of the trustee required by Rule 12.06(b)(3).

4. The Purchaser requested confidential treatment of the financial statement required by Ark. Code Ann. § 20-17-1012(b)(2)(L).

CONCLUSIONS OF LAW

5. 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.

6. 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.

7. 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 transfer of ownership application for Rest Haven Memorial Gardens is approved conditioned the submission and review of the report of the trustee. The Staff is authorized to issue a new permit to the Purchasers for the operation of Rest Haven Memorial Gardens under the name of Smith Ruggles Wilcox Real Estate, LLC. The Purchaser is ordered to record the permit with the Clark County Clerk's office, and mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED.

Dated this 16th day of March, 2017.

ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



B. Edmond Waters
Secretary