

BEFORE THE ARKANSAS CEMETERY BOARD

**CASE NO. C-17-0018
ORDER NO. C-17-0018-17-OR01**

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IN THE MATTER OF:

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

ORDER

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 a request by Smith Ruggles Wilcox Real Estate, LLC on behalf of Rest Haven Memorial Gardens to ratify a proposed amendment to the Rest Haven Memorial Gardens Trust Agreement. 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 located in Arkadelphia, Arkansas and 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—20-17-1030, (“Act”).
2. The cemetery is owned and controlled by Smith Ruggles Wilcox Real Estate LLC after Board approval at the January 31, 2017 quarterly meeting.
3. On January 30, 2017, Smith Ruggles Wilcox Real Estate LLC filed an amended trust fund agreement with the Board. This permanent maintenance trust fund agreement would amend the cemetery’s current permanent maintenance trust fund agreement and would establish Jeff Smith as trustee.

4. Jeff Smith will comply with the requirements of an individual trustee as required in Ark. Code Ann. § 20-17-1014(b)(3).

5. The proposed permanent maintenance trust fund agreement, which involves a change of trustee, meets all statutory requirements as set forth in Ark. Code Ann. § 20-17-1013(d)(1) and (2).

CONCLUSIONS OF LAW

5. A new permanent maintenance trust fund shall be executed in writing and approved by the Board. Ark. Code Ann. § 20-17-1013(d)(1) and (2).

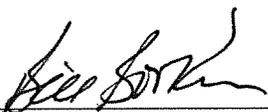
ORDER

The permanent maintenance trust fund agreement proposed by Smith Ruggles Wilcox Real Estate, LLC establishing Jeff Smith as trustee of the Rest Haven Memorial Gardens permanent maintenance trust fund agreement is hereby approved.

IT IS SO ORDERED.

Dated this 16th day of March, 2017.

ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



B. Edmond Waters
Secretary