

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
CEMETERIES, AND BURIAL SERVICES**

IN THE MATTER OF:

**MEMORIAL GARDENS,
LICENSE NO. 11812**

CASE NO. 19PCC-028

**ORDER APPROVING APPLICATIONS TO TRANSFER OWNERSHIP AND TO
AMEND PERMIT**

The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services (“Board”) held a meeting on February 4, 2020. Among the matters considered was two applications submitted by Raven KS Investments, L.L.C. (“Raven”) and Selected Financial Properties, Inc. (“Selected”). The applications seek to transfer ownership of Memorial Gardens from Selected to Raven, and to amend the permit by way of a reduction of boundaries. L. Guy Dillahunty appeared on behalf of Selected, and Steve Pegram appeared on behalf of Raven. Upon consideration of the statements made and all other matters presented, the Board hereby finds and concludes:

FINDINGS OF FACT

1. Memorial Gardens is a perpetual care cemetery located in Hot Springs, Garland County, Arkansas. Memorial Gardens is licensed by the Board as a perpetual care cemetery defined by the Cemetery Act for Perpetually Maintained Cemeteries, codified at Ark. Code Ann. § 20-17-1001 *et seq.*
2. Memorial Gardens is operated by Selected.
3. Selected and Raven filed an Application for Change of Ownership of Memorial Gardens on or around August 21, 2019, in which they seek authority to transfer ownership of the cemetery to Raven.

4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1012, and the Board's Rule 12. The application also meets all statutory and regulatory requirements necessary for the change of ownership of a perpetual care cemetery.
5. Selected and Raven also filed an application for amendment of the permit by way of a reduction of boundaries.
6. That application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1011, and the Board's Rule 11. The application also meets all statutory and regulatory requirements necessary for the amendment of a permit of a perpetual care cemetery.
7. The application for the amendment of the permit seeks to exclude the following described tract of land:

Part of the SW ¼ NW 1/4, Section 30, Township 3 South, Range 20 West Garland County, Arkansas, being further described as follows:

Commence at the Southwest Corner of the SW ¼ NW ¼; thence N 01° 24' 28" E 454.45'; thence N 85° 22' 37" E 9.65'; thence N 88° 52' 09" E 172.60'; thence S 87° 49' 28" E 269.81'; thence S 87° 12' 31" E 156.64'; thence N 03° 57' 35" E 6.24' to a found aluminum cap on the North Right-of-Way of Highway #70 and the Point of Beginning; thence along the North Right-of-Way of Highway #70 N 84° 08' 22" 271.03' to a found aluminum cap; thence continue along the North Right-of-Way of Highway #70 N 89° 08' 43" W 156.42' to a found aluminum cap; thence leaving the North Right-of-Way of Highway #70 N 01° 24' 33" E 398.14' to a set ½" rebar w/ cap; thence S 87° 08' 56" E 448.19' to a set ½" rebar w/ cap; thence S 04° 25' 37" W 76.03' to a found ½" rebar; thence continue S 04° 25' 37" W 330.92' to the Point of Beginning.

Containing 4.00 acres, more or less.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 20-17-1012(b)(1)(A) and the Board's Rule 12, when there is a proposal to change the controlling interest or ownership of a perpetual care cemetery or any cemetery company, the cemetery company that holds the current permit and the individual or organization proposing to gain the controlling interest shall file an application for the issuance of the new permit. Selected and Raven have complied with these provisions.

2. Pursuant to Rule 12.07, should the Board determine that the seller or transferor and the purchaser or transferee have complied with the statutes and rules, then the Board shall order that a new permit be issued. The new permit shall supersede the old permit.
3. Pursuant to Ark. Code Ann. § 20-17-1011(a) and Rule 11 of the Board, a cemetery company wishing to amend its present permit under the Act shall file an application with the Board requesting that the permit be amended.
4. Pursuant to Ark. Code Ann. § 20-17-1011, the application for the amendment of the permit must contain various statements, documents, and other information necessary to provide justification for the amendment of the permit.
5. Pursuant to Board Rule 11.07, if the Board determines that an existing permit should be amended, the Board shall issue a new permit, which shall supersede the previous permit. Further, the cemetery company shall file the new amended permit with the County Clerk in the county in which the cemetery is located, and it shall also send a copy of the new amended permit to the Arkansas Department of Health.

ORDER

IT IS HEREBY ORDERED that the applications to transfer ownership of Memorial Gardens to Raven KS Investments, L.L.C., and to amend the permit by way of a reduction of boundaries are APPROVED. Funeral Services Division staff is authorized to issue the new permit to Raven, which shall supersede the existing permit. Raven is ordered to record the new permit with the Garland County Clerk's office, and to mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED, this 4th day of February, 2020.



BILL BOOKER

**CHAIR, STATE BOARD OF
EMBALMERS, FUNERAL
DIRECTORS, CEMETERIES, AND
BURIAL SERVICES**