

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF ARKANSAS**

**IN THE MATTER OF  
CHANGE OF OWNERSHIP OF  
MITCHELL FUNERAL HOME, INC.**

**RESPONDENT**

**AID NO. 2018- 86**

**ORDER**

Now on this day the matter of Change of Ownership of Mitchell Funeral Home, Inc. is taken under consideration by Allen Kerr, Insurance Commissioner (“Commissioner”), with the Arkansas Insurance Department (the “Department”) appearing through Associate Counsel, Amanda Gibson, and from the facts, matters and other items before him, the Commissioner finds as follows:

**FINDINGS PRESENTED**

1. The Commissioner has jurisdiction over the sale and licensing of prepaid funeral benefit contracts and prepaid funeral benefit organizations in this State under Ark. Code Ann. §23-40-107(a).
2. Mitchell Funeral Home, Inc. (referred to herein as “Seller”), is licensed by the Department to administer prepaid funeral benefit contracts in this State. The Seller desires to transfer ownership of its prepaid funeral benefits contracts to Westwood Funeral Services, III, L.L.C. (“Purchaser”).
3. The name of the funeral home will be Mitchell Funeral Directors, L.L.C. The Purchaser is currently licensed to sell prepaid funeral benefits contracts.

4. Pursuant to Ark. Code Ann. § 23-40-122(c), the Commissioner is required to approve a transfer or change of ownership of prepaid funeral benefits contracts.

5. The Department has received, reviewed and approved the proposed change of ownership, which includes an Asset Purchase Agreement that has been executed by Seller and Purchaser. Based upon the Seller's detailed list of outstanding and unfulfilled prepaid contracts, as of August 28, 2018, the number of contracts to be transferred and assumed by the Purchaser is 335, and totals \$1,865,928.49

6. Pursuant to Ark. Code Ann. § 23-40-113(c), the Commissioner hereby finds: 1) the organization set forth in the application holds a valid, current permit pursuant to the provisions of the Arkansas Prepaid Funeral Benefits Law; 2) the accounting required is complete and accurate; and 3) all additional information and documents have been filed with and approved by the Department. The Purchasers have also tendered the requisite filing fees. Pursuant to Ark. Code Ann. § 23-40-113(d), the Commissioner waives any additional requirements not necessary or appropriate in the public interest or for the protection of contract purchasers.

**WHEREFORE, IT IS HEREBY ORDERED:**

That the above described change of ownership between Purchaser and Seller has been approved pursuant to Ark. Code Ann. § 23-40-113(c).

IT IS SO ORDERED this 5th day of September, 2018.

  
ALLEN KERR  
INSURANCE COMMISSIONER  
ARKANSAS INSURANCE DEPARTMENT