BEFORE THE ARKANSAS CEMETERY BOARD

IN THE MATTER OF EAST MEMORIAL GARDENS TEXARKANA, ARKANSAS	Order Approving Change of Ownership Application Pursuant to Ark. Code Ann. § 20-17-1012 ORDER NO. C-07-006-07-OR01

ORDER

A meeting of the Arkansas Cemetery Board ("Board") was held on March 27, 2007. Considered at the meeting was a request by SCI Arkansas Funeral Services, Inc. ("licensee") to ratify a proposed agreement transferring ownership interests in East Memorial Gardens, Texarkana, Arkansas, to Serenity Cemeteries, LLC ("purchaser").

FINDINGS OF FACT

1. The licensee owns and operates a perpetual care cemetery at Texarkana, Arkansas, within the meaning of the Cemetery Act for Perpetually Maintained Cemeteries, Act 352 of 1977, as amended ("Act"), and is subject to the Act and Board.

2. On February 23, 2007, the licensee and purchaser filed an application with the Board for a change of ownership in the license. On March 6, 2007, the licensee and purchaser filed amendments to the application.

3. The application contained information and documents required in Ark. Code Ann. § 20-17-1012 (a) (2) (A) through § 20-17-1012 (a) (2) (M) and § 20-17-1012 (c) (1). The application contained information and documents required in Rule 8.01 (A) (1) through 8.01 (A) (10) and Rule 11.05 (A) (1) through 11.05 (A) (4) of the Rules of the Arkansas Cemetery Board.

4. No protest to the application was filed.

CONCLUSIONS OF LAW

5. Ark. Code Ann. § 20-17-1012 and Rule 11 require that when any cemetery company subject to the provisions of the Act is to be sold or the ownership otherwise transferred, or a controlling interest in same is sold or so transferred, the cemetery company to whom the current permit is issued or the cemetery company proposing to purchase shall file an application for the issuance of a new permit with the Board, and the Board shall approve the application before a new permit is issued.

6. Ark. Code Ann. § 20-17-1012 and Rule 11 require that an application for change of ownership of a cemetery that is subject to the Act contain certain specific information and documents.

OPINION

7. The licensee and the purchaser have satisfactorily filed the information and documents required by the Act and Rules of the Board to be made a part of an application for a change of ownership of a perpetual care cemetery. The application for change of ownership should therefore be approved.

ORDER

IT IS THEREFORE ORDERED that the change of ownership application shall be approved as filed.

IT IS FURTHER ORDERED that Serenity Cemeteries, LLC shall continue to deposit no less than ten percent (10%) of the gross sales price of lot sales to the Trust Fund for each such paid-in-full burial space contract sold in East Memorial Gardens.

DATED THIS 12th DAY OF ~~MARCH~~ April, 2007.

ARKANSAS CEMETERY BOARD

BETTY FINLEY
Chairperson

MICHAEL B. JOHNSON
Secretary