

**BEFORE THE ARKANSAS CEMETERY BOARD**

**Case No. C-08-040**

**IN THE MATTER OF**

**EDGEWOOD MEMORIAL PARK  
NORTH LITTLE ROCK, ARKANSAS**

**ORDER NO. C-08-040-08-OR01**

**ORDER**

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on March 26, 2008, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 4 of the Arkansas Cemetery Board Rules. The Board considered a complaint by Harris McNeill and a supplemental complaint by Barbara McNeill against Edgewood Memorial Park, located in North Little Rock, Arkansas. Harris McNeill appeared in person. Barbara McNeill appeared audibly via telephone conference from Clearwater, Florida. Appearing in person and on behalf of Edgewood Memorial Park were Roger Watson and Nolana Farrar. 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. Edgewood Memorial Park is a perpetual care cemetery in North Little Rock, Arkansas, within the meaning of the Cemetery Act for Perpetually Maintained Cemeteries, (“Act”) Ark. Code Ann. § 20-17-1001 through § 20-17-1029.
2. Edgewood Memorial Park is owned or controlled by Forest Hill Funeral Home and Memorial Park East, LLC (“Forest Hill”). Forest Hill is currently under management of a court-appointed receiver, Max Shelton of Memphis Tennessee. (*State of Tennessee, et al. v. Clayton Smart, et al.*, Shelby County Chancery Court, Case No. CH-07-0050-2)

3. On January 28, 2008, the Board received a letter of complaint from Harris McNeill alleging that Edgewood Memorial Park had allowed an improper conveyance of cemetery lots to a relative. A supplemental letter of complaint from Barbara McNeill was received by the Board on February 25, 2008.

4. On February 20, 2008, Edgewood Memorial Park provided the Board with an answer to the letter of complaint denying the allegations of an improper conveyance of the cemetery lots referenced in the aforementioned complaint.

5. Harris McNeill and Barbara McNeill dispute the validity of an instrument of conveyance, and seek disinterment of Jack McNeill.

#### **CONCLUSIONS OF LAW**

6. The Act sets forth the requirements for the issuance of instruments of conveyance or deeds for burial lots in a perpetual care cemetery, but does not authorize the Board to determine the merits of the current dispute. Ark. Code Ann. § 20-17-1019(a) through § 20-17-1019(f).

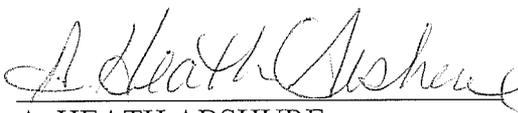
7. The Board's authority to discipline a perpetual care cemetery for violations of Ark. Code Ann. § 20-17-1019 does not include the relief sought by Harris McNeill and Barbara McNeill.

**ORDER**

The Board finds that it lacks the legal authority to grant the relief sought in these complaints. The Board declines to make any finding as to the merits of the complaint submitted, as such findings should be made by a court of law. This Order is not intended to prejudice the legal rights or remedies of any persons affected.

**ARKANSAS CEMETERY BOARD**

  
BETTY FINLEY  
Chairperson

  
A. HEATH ABSHURE  
Secretary

4/17/08 (ms)