

**BEFORE THE ARKANSAS CEMETERY BOARD**

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ARKANSAS SECURITIES DEPT.

**IN THE MATTER OF:**

**OAKLAND FRATERNAL  
CEMETERY, LITTLE ROCK,  
ARKANSAS**

**ORDER NO. C-08-072-08-OR01**

**ORDER**

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on September 30, 2008, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 4 of the Rules of the Arkansas Cemetery Board. Among the matters considered was a complaint against Oakland Fraternal Cemetery (“Oakland Fraternal”), located in Little Rock, Arkansas, filed by Anita Castleberry. Ms. Castleberry participated in the Board’s discussion by telephone. Melinda Raley, Little Rock Deputy City Attorney, appeared on behalf of Oakland Fraternal. 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. Oakland Fraternal is a perpetual care cemetery as defined by the Cemetery Act for Perpetually Maintained Cemeteries, Ark. Code Ann. §§ 20-17-1001 through 20-17-1029 (“Act”). Oakland Fraternal received its permit to operate a perpetual care cemetery from the Board on June 29, 1978.
2. Oakland Fraternal was established in 1861 and is owned and operated by the City of Little Rock.
3. On May 7, 2008, the Board received a letter of complaint from Ms. Castleberry alleging that Oakland Fraternal had failed to keep an adequate record of the burial sites of certain family members. Ms. Castleberry

reported that she had searched for the gravesites of four relatives interred at Oakland Fraternal and that the gravesites could not be located. The complaint also alleged that Oakland Fraternal had failed to properly maintain grave markers at the cemetery. The complaint further alleged that Oakland Fraternal had a significant drainage problem on the cemetery grounds.

4. Oakland Fraternal answered Ms. Castleberry's letter of complaint on June 12, 2008. Oakland Fraternal's answer provided information as to the location of three of the gravesites in question. Oakland Fraternal acknowledged it could not locate the grave of Mr. Harry Castleberry, Sr., who was interred in 1950. Oakland Fraternal has determined the general location of Mr. Castleberry's gravesite from the records kept by the cemetery during the 1950's. Oakland Fraternal further acknowledged the drainage problems at the cemetery and provided the Board with the corrective measures the cemetery was looking into to solve the drainage problems.
5. Ms. Castleberry expressed her concern that Oakland Fraternal could not identify the exact location of Mr. Castleberry's gravesite and her belief that this gravesite once had a headstone. Ms. Castleberry also expressed her concern that Oakland Fraternal's records were incomplete. Ms. Raley represented that there is no gravestone present, and that there are no cemetery records that reflecting the placement of a gravestone on Mr.

Castleberry's gravesite. Oakland Fraternal offered its assistance to Ms. Castleberry in working toward a resolution of this matter.

**CONCLUSIONS OF LAW**

6. An instrument of conveyance or deed for burial lots, plots, or parts thereof shall be issued to the purchaser upon complete payment of the purchase price. Ark. Code Ann. § 20-17-1019(a).
7. The secretary or other responsible officer of the cemetery company shall file and record in its books all instruments of transfer. Ark. Code Ann. § 20-17-1019(c).
8. More specific procedures for the issuance of deeds and maintenance of deed records by cemetery companies were established by the Board in 1978. Rule 17.04, Rules of the Arkansas Cemetery Board.


**ORDER**


The Board finds that it lacks the authority to order any form of relief that would be appropriate in this matter, and the complaint of Ms. Castleberry should therefore be dismissed.

IT IS SO ORDERED.

Dated: November 8, 2008.

**ARKANSAS CEMETERY BOARD**

  
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BETTY FINLEY  
Chairperson

  
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A. HEATH ABSHURE  
Secretary