

BEFORE THE ARKANSAS CEMETERY BOARD

CASE NO. C-10-0147

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IN THE MATTER OF:

**BAXTER CREMATORY AND
MEMORIAL GARDENS**

ORDER NO. C-10-0147-10-OR01

ORDER

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on December 8, 2010, pursuant to Ark. Code Ann. § 20-17-1005 and Rule 5 of the Rules of the Arkansas Cemetery Board. Among the matters considered was a request by Ronnie Mayall on behalf of Baxter Crematory and Memorial Gardens (“Baxter Crematory”), located in Mountain Home, Arkansas, to construct a mausoleum at Baxter Crematory. 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. Baxter Crematory is a perpetual care cemetery located in Mountain Home, Arkansas. Baxter Crematory is licensed by the Board as a perpetual care cemetery defined by the Cemetery Act for Perpetually Maintained Cemeteries, Ark. Code Ann. §§ 20-17-2001 through 20-17-1029 (“Act”).
2. Baxter Crematory is owned and controlled by Baxter Crematory and Memorial Gardens, Inc.
3. Baxter Crematory filed an application for amendment of its permit on November 17, 2010, in which it sought the authority to construct a mausoleum on the grounds of Baxter Crematory. The original application has since been supplemented to include additional documents and information.

4. The application contains the required information and documentation as set forth in Ark. Code Ann. § 20-17-1011 and Rule 11 of the Rules of the Arkansas Cemetery Board and meets all statutory and regulatory requirements as set forth for the amendment of a permit of a perpetual care cemetery.

CONCLUSIONS OF LAW

5. A cemetery company proposing to amend its present permit under the Act shall file an application for amendment of the permit with the Board. Ark. Code Ann. § 20-17-1011(a) and Rule 11 of the Rules of the Arkansas Cemetery Board.

6. The application for amendment of a permit must contain various statements, documents, and other information necessary to provide justification for the amendment of the permit. Ark. Code Ann. § 20-17-1011.

7. If the Board finds that an existing permit should be amended, the Board shall issue a new permit. The new permit shall supersede the previous permit. Rule 11.07 of the Rules of the Arkansas Cemetery Board.

8. The cemetery company shall file the new amended permit with the County Clerk in the county in which the cemetery is located and a copy sent to the Department of Health. Rule 11.07 of the Rules of the Arkansas Cemetery Board.

ORDER

IT IS HEREBY ORDERED that the application to amend the permit of Baxter Crematory to construct a mausoleum on the grounds of Baxter Crematory shall be approved. The Staff shall be authorized to issue the amended permit to Baxter Crematory. The amended permit shall supersede the existing permit. Baxter Memorial is ordered to record the amended

permit with the Baxter County Clerk's office, and mail a copy to the Arkansas Department of Health.

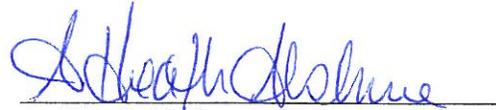
IT IS SO ORDERED.

Dated this 21st day of December, 2010.

ARKANSAS CEMETERY BOARD



Stephen Whitwell
Acting Chairperson



A. Heath Abshure
Secretary