

BEFORE THE ARKANSAS CEMETERY BOARD

CASE NO. C-10-0174

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ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:

**RIVERCREST CEMETERY;
WILSON, ARKANSAS**

ORDER NO. C-10-0174-11-OR01

ORDER APPROVING APPLICATION FOR AMENDMENT TO PERMIT

The Arkansas Cemetery Board (“Board”) held a special meeting on December 29, 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 an application by Perpetual Gardens, Inc., (“Perpetual Gardens”) to amend the permit of Rivercrest Cemetery. Appearing on behalf of Perpetual Gardens was Mr. Perry Wilson. 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. Rivercrest Cemetery is a perpetual care cemetery located in Wilson, Arkansas. Rivercrest Cemetery is owned and operated by Perpetual Gardens, and licensed by the Board as 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”).
2. On December 13, 2010, Perpetual Gardens filed an application to amend its permit to reduce the boundaries of Rivercrest Cemetery. The original application has since been supplemented to include documents and information requested by the staff of the Arkansas Securities Department (“Staff”).

3. A copy of the Plat of Survey for the amended boundaries of Rivercrest Cemetery is attached as "Exhibit A".

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.

ORDER

IT IS HEREBY ORDERED that the application to amend the permit of Rivercrest Cemetery to reduce the boundaries of Rivercrest Cemetery shall be approved. The Staff shall be authorized to issue the amended permit that the Perpetual Gardens, Inc. Perpetual Gardens, Inc., is hereby ordered to amended permit shall supersede the existing permit, is ordered to record the permit with the Mississippi County Clerk's office, and mail a copy to the Arkansas Department of Health.

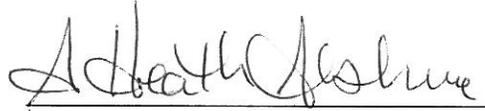
IT IS SO ORDERED.

Dated this 28th day of JANUARY, 2011.

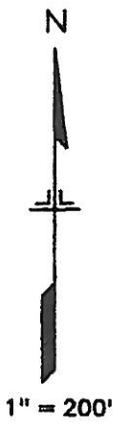
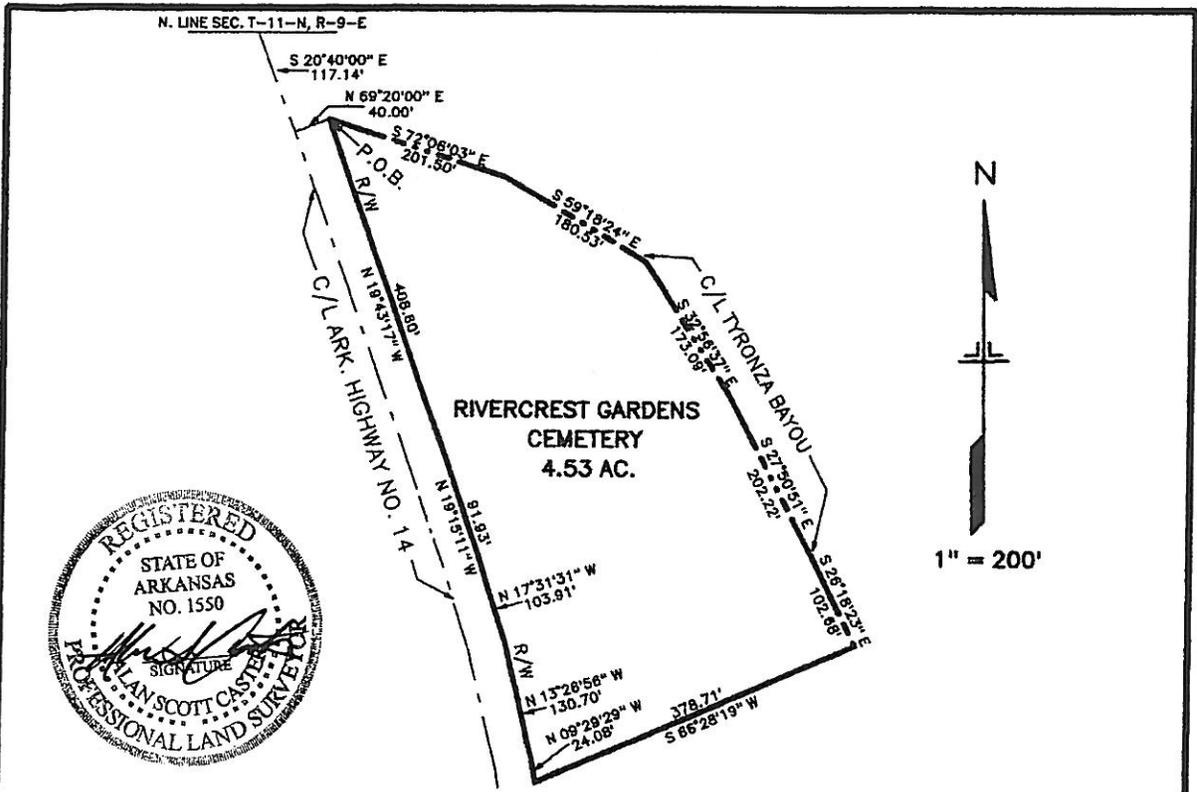
ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



A. Heath Abshire
Secretary



**PLAT OF SURVEY:
RIVERCREST GARDENS CEMETERY
LYING IN SECTION 1, T-11-N, R-9-E, MISSISSIPPI COUNTY, ARKANSAS**

DESCRIPTION:
A 4.53 acre tract of land lying in Section One (1), Township Eleven North (T-11-N), Range Nine East (R-9-E), Mississippi County, Arkansas and being more particularly described as:

Commencing at the intersection of Ark. Highway No. 14 with the North line of Section 1, T-11-N, R-9-E, thence South 20 degrees 40 minutes East 117.14 feet along said Ark. Highway No. 14 centerline, thence North 69 degrees 20 minutes East 40.0 feet to the point of intersection of the East right-of-way line of Highway 14 with the centerline of Tyronza Bayou, said point being the POINT OF BEGINNING, thence the following bearings and distances along the centerline of Tyronza Bayou,
 South 72 degrees 06 minutes 03 seconds East 201.50 feet,
 South 59 degrees 18 minutes 24 seconds East 180.53 feet,
 South 32 degrees 56 minutes 37 seconds East 173.09 feet,
 South 27 degrees 50 minutes 51 seconds East 202.22 feet,
 South 26 degrees 18 minutes 23 seconds East 102.68 feet,
 thence South 66 degrees 28 minutes 19 seconds West 378.71 feet to a point on the easterly right-of-way line of Ark. Highway No. 14, thence the following bearings and distances along the easterly right-of-way line of Ark. Highway No. 14,
 North 09 degrees 29 minutes 29 seconds West 24.08 feet,
 North 13 degrees 26 minutes 56 seconds West 130.70 feet,
 North 17 degrees 31 minutes 31 seconds West 103.91 feet,
 North 19 degrees 15 minutes 11 seconds West 91.93 feet,
 North 19 degrees 43 minutes 17 seconds West 408.60 feet,
 to the point of beginning, containing 4.53 acres more or less.

SEPTEMBER 29, 2010
CASTER LAND SURVEYING
 P.O. BOX 569 MARION, AR 72364
 870-394-6840