

BEFORE THE ARKANSAS CEMETERY BOARD

CASE NO. C-14-0031

IN THE MATTER OF:

**CENTER POINT CEMETERY
HAZEN, ARKANSAS**

ORDER NO. C-14-0031-OR01

ORDER APPROVING APPLICATION FOR PERMIT

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on March 12, 2014, 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 the Center Point Cemetery Perpetual Care & Maintenance Corporation (“Applicant”) to approve an application for a perpetual care permit for Center Point Cemetery in Hazen, Arkansas. 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. Center Point Cemetery, Hazen, Arkansas, is a perpetual care cemetery operated by the Applicant.
2. The Applicant charges a perpetual care fee for each lot sale and that fee is placed into a trust fund for the purpose of administration, care, and maintenance of the cemetery. The perpetual care requirement of Center Point Cemetery was promulgated by the Applicant through its Articles of Incorporation dated September 16, 1974.
3. On May 16, 2013, the Applicant advised the staff of the Arkansas Cemetery Board (“Staff”) of a potential violation of the Cemetery Act for Perpetually Maintained Cemeteries for operating a perpetual care cemetery without a permit.

4. On June 13, 2013, the Staff met with Marie Duke, President of the Applicant, Johnny Kee, Vice President of the Applicant, and Gail Wallace, Secretary of the Applicant to discuss the current status of Center Point Cemetery.

5. The Applicant filed its application for a perpetual care cemetery permit on February 25, 2014.

6. At the quarterly meeting held on March 12, 2014, the Applicant requested waivers of certain requirements of Ark. Code Ann. § 20-17-1008 and Rule 8 of the Rules of the Arkansas Cemetery Board from the Board since Center Point Cemetery was already in existence and being ran as a perpetual care cemetery by the Applicant prior to the filing of an application for a perpetual care cemetery permit. The Board granted a motion to waive certain requirements of Ark. Code Ann. § 20-17-1008 and Rule 8 of the Rules of the Arkansas Cemetery Board.

7. Other than those provisions that have been waived, the Applicant has submitted all other documents and information required for the issuance of a perpetual care cemetery permit, pursuant to Ark. Code Ann. § 20-17-1008 and Rule 8 of the Rules of the Arkansas Cemetery Board and meets all statutory and regulatory requirements necessary for approval of the permit.

CONCLUSIONS OF LAW

8. It is unlawful for any person to operate all or part of a cemetery as a perpetual care cemetery or permanent maintenance cemetery without holding a valid permit issued by the Board. Ark. Code Ann. § 20-17-1018(a).

9. An application for a permit to operate a perpetual care cemetery must contain various statements, documents, and other information necessary to provide

justification for the permit. Ark. Code Ann. § 20-17-1008(b) and Rule 8 of the Rules of the Arkansas Cemetery Board.

10. Ark. Code Ann. § 20-17-1008(c) requires an application for a permit to operate a perpetual care cemetery be filed not less than twenty days prior to the Board meeting at which the application is to be considered.

ORDER

IT IS HEREBY ORDERED that the application to operate a perpetual care cemetery is appropriate and should be approved. It is further ordered that the Center Point Cemetery Perpetual Care & Maintenance Corporation deposit no less than twenty percent of the gross sales price of lot sales to the perpetual care fund for each such paid-in-full burial space contract sold in Center Point Cemetery. The Staff is authorized to issue a permit to the Applicant for the operation of Center Point Cemetery by the Center Point Cemetery Perpetual Care & Maintenance Corporation. The Center Point Cemetery Perpetual Care & Maintenance Corporation is ordered to record the permit with the Prairie County Clerk's office, and mail a copy to the Arkansas Department of Health.

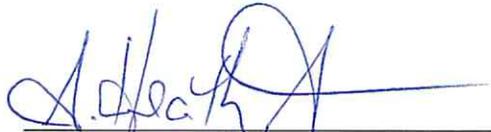
IT IS SO ORDERED.

Dated this 4th day of April 2014.

ARKANSAS CEMETERY BOARD



G. William "Bill" Booker, II
Chairperson



A. Heath Abshure
Secretary