

**BEFORE THE ARKANSAS CEMETERY BOARD**

**CASE NO. C-17-0122  
ORDER NO. C-17-0122-17-OR01**

**IN THE MATTER OF:**

**MEMORY GARDENS;  
CEMETERY HOPE, ARKANSAS**

**ORDER APPROVING APPLICATION FOR TRANSFER OF OWNERSHIP**

The Arkansas Cemetery Board (“Board”) held its quarterly meeting on September 21, 2017, 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 for transfer of ownership of Memory Gardens Cemetery (“Memory Gardens”) from Memory Gardens Cemetery, Inc. dba Memory Gardens Cemetery (“Seller”) to the FFA Cemetery Arkansas Group, LLC (“Purchaser”). Seller sold all assets in Memory Gardens to the Purchaser. 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. Memory Gardens is a perpetual care cemetery located in Hope, Arkansas and is owned and operated by Memory Gardens Cemetery, Inc. dba Memory Gardens Cemetery. Memory Gardens is 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 20-17-1030 (“Act”).

2. On August 25, 2017, the Seller and Purchaser submitted an application to the Board proposing a transfer of ownership of Memory Gardens to the Purchaser. The

original application has since been supplemented to include documents and information requested by the Staff of the Arkansas Securities Department (“Staff”).

3. The Seller and Purchaser have submitted all documents and information required for a transfer of ownership of a perpetual care cemetery, pursuant to Ark. Code Ann. §§ 20-17-1012(b)(2)(A)—(M) and Rule 12 of the Rules of the Arkansas Cemetery Board and meet all statutory and regulatory requirements necessary for approval of the proposed transfer of ownership except for a copy of a current title opinion that reflects that the current permit holder has good and merchantable title to the land covered by the permit, as required by Ark. Code Ann. § 20-17-1012(b)(1)(F) and proof that the Seller’s limited liability company is properly registered as required by Rules 8.07(a)(1)&(2) and 12.04(a).

#### **CONCLUSIONS OF LAW**

4. Ark. Code Ann. § 20-17-1012(b)(1)(A) states that when a change is proposed in the controlling interest or ownership of a perpetual care cemetery or any cemetery company, the cemetery that holds the current permit and the individual or organization proposing to obtain ownership or gain control of the cemetery shall file an application for the issuance of a new permit.

5. An application for transfer of ownership of a perpetual care cemetery must contain certain specified fees, documents, statements, and accountings. Ark. Code Ann. § 20-17-1012(b)(2) and Rule 12 of the Rules of the Arkansas Cemetery Board.

6. If the Board finds that the seller and purchaser have complied with the Act and the Rules of the Arkansas Cemetery Board, the Board shall order the issuance of a new permit to the purchaser. Rule 12.07 of the Rules of the Arkansas Cemetery Board.

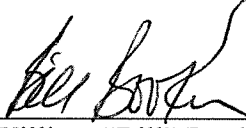
**ORDER**

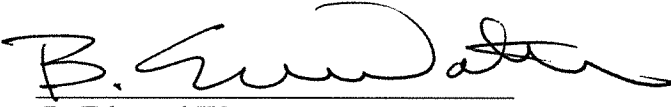
IT IS HEREBY ORDERED that the transfer of ownership application for Memory Gardens is approved. The Staff is authorized to issue a new permit to the Purchasers for the operation of Memory Gardens to FFH Arkansas Cemetery Group, LLC. FFH Arkansas Cemetery Group, LLC is ordered to record the permit with the Hempstead County Clerk's office, and mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED.

Dated this 1st day of <sup>March, 2018</sup>~~December, 2017~~.

**ARKANSAS CEMETERY BOARD**

  
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G. William "Bill" Booker, II  
Chairperson

  
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B. Edmond Waters  
Secretary