

**BEFORE THE ARKANSAS CEMETERY BOARD  
CASE NO. C-15-0012**

**IN THE MATTER OF:**

**NEW ROSEMONT MEMORIAL PARK CEMETERY;  
BENTON, ARKANSAS**

**ORDER NO. C-15-0012-15-OR01**

**ORDER APPROVING APPLICATION FOR TRANSFER OF OWNERSHIP**

The Arkansas Cemetery Board ("Board") held its quarterly meeting on May 8, 2015, 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 New Rosemont Memorial Park Cemetery ("New Rosemont") from New Rosemont Corporation ("Seller") to Smith - New Rosemont Cemetery, LLC ("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. New Rosemont is a perpetual care cemetery located in Benton, Arkansas and is owned and operated by New Rosemont Corporation. New Rosemont 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 April 21, 2015, the Seller and Purchaser submitted an application to the Board proposing a transfer of ownership of New Rosemont 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. The Purchaser requested confidential treatment of the financials of Smith - New Rosemont Cemetery, LLC, and the Board approved.

#### **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 New Rosemont is approved and the financial portion of the Purchaser's application be kept confidential. The Staff is authorized to issue a new permit to the Purchasers for the operation of New Rosemont. Smith - New Rosemont Cemetery, LLC is ordered to record the permit with the Saline County Clerk's office, and mail a copy to the Arkansas Department of Health.

IT IS SO ORDERED.

Dated this 26<sup>th</sup> day of May 2015.

**ARKANSAS CEMETERY BOARD**

  
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G. William "Bill" Booker, II  
Chairperson

  
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B. Edmond Waters  
Secretary