

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY PART III  
AT NASHVILLE**

<b>STATE OF TENNESSEE, <i>ex rel.</i>,</b>	)	
<b>JULIE MIX MCPEAK, Solely in her</b>	)	
<b>official capacity as Commissioner of</b>	)	
<b>Commerce and Insurance,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>Case No. 14-1642-III</b>
<b>VS.</b>	)	
	)	
<b>VICKIE L. RINGLEY, individually</b>	)	
<b>and d/b/a/ Hawkins County Memorial Gardens,</b>	)	
	)	
<b>Defendant.</b>	)	

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**RECEIVER’S FIRST REPORT FOR DECEMBER 2014**

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Pursuant to the Order entered December 2, 2014, Julie Mix McPeak, Commissioner of the Department of Commerce & Insurance, Receiver for Hawkins County Memorial Gardens, (hereafter referred to as HCMG) through her appointed Special Deputy Receiver, Receivership Management Inc., causes to be filed this monthly report and states to the Court as follows:

1. The Receiver has provided to the Special Deputy Receiver the regulatory history and historical reporting made by Defendant Ringley in connection with HCMG’s compliance with the provisions of the Tennessee Cemetery Act (Tenn. Code Ann. Title 46). These records include various reports regarding pre-need services and merchandise trust funds and improvement care trust funds.

2. The largest portion of the original records of HCMG is in the custody of the District Attorney General for the Third Judicial District. The Special Deputy Receiver, in consultation with the Department of Commerce and Insurance, is coordinating with the District Attorney General’s Office to scan the records in his office’s possession. This effort commenced on December 15, but was delayed after December 19, 2014 due to the District Attorney’s Office closing for the holidays. Scanning recommenced on January 5, 2015 and is due to be completed

by January 8, 2015. These records include a card catalogue of purchasers, purchaser files, plats and maps, financial information, and interment records. A review of the records does indicate that some grave spaces have been sold more than once. It does not appear that interment records were kept accurately. In addition, it does not appear that the system of recording grave space numbers was consistent with the plat maps. The plat mapping done in 1969 may not have been made by an engineering firm and uses a confusing numbering system; however, the numbering system is useable. The Special Deputy Receiver has begun the process of building an ownership database to compile a master list of owners, sold grave spaces, and unsold grave spaces. The Special Deputy Receiver will utilize the records and information maintained by HCMG and confirmed at some point by a site inspection of the grave spaces. The Special Deputy believes that with this database it will be able to audit and to determine the vacant lots remaining unsold and ownership issues that may remain with persons holding title to lots within the cemetery.

3. Mr. Robert Moore, Jr. of the Special Deputy Receiver's office made an on-site visit to HCMG on December 10, 2014 to take control and possession of the premises. Attempts to contact Ms. Ringley by telephone resulted in a disconnected number. A different number for Ms. Ringley provided by the District Attorney's Office allowed Mr. Moore to leave a message. Ms. Ringley informed Mr. Moore by text message she was currently in Chattanooga and not available to meet with him. However, Ms. Ringley was cooperative and provided information by text concerning financial information, insurance coverage, and property held on the premises of HCMG.

#### **PROPERTY COMING INTO POSSESSION OF THE SPECIAL DEPUTY RECEIVER**

4. At the time of his visit, Mr. Moore took possession of a 1979 Parkwood 14x70 residential mobile home and its contents, a small office (8'x10') and its contents, two storage sheds and their contents, two Ford "baby dump" trucks parked on the cemetery premises, and a short flat utility trailer. No mowing equipment was found on the premises of the cemetery. Locks on all property, but the trucks were changed. These trucks were not currently operable. One of the trucks, a 1996 FORD F350, appears to be titled to the HCMG. The other truck a 2001 FORD F450 Super Duty appears to be registered to Marvin Ringley and Vickie Ringley dba Marvin Ringley Burial Services, a separate company operated by Mr. Ringley. Another vehicle,

a 2000 Honda Accord, is titled to the cemetery. Ms. Ringley states the car was wrecked by her husband Mr. Ringley in March of 2014 and she does not know where the vehicle is now located.

5. Regarding the Parkwood Mobile Home, Defendant Ringley indicated that the mobile home had been used as a residence for her mother who passed away earlier this past year. While at the premises, Mr. James Mike Whittaker visited with Mr. Moore and he provided evidence and a receipt showing he had purchased the mobile home from Defendant Ringley on October 7, 2014. Mr. Moore asked Defendant Ringley to confirm this sale and provide evidence of her ownership of the mobile home prior to any release. Defendant Ringley confirmed the sale of the mobile home and on December 23, 2014, Defendant Ringley provided title information from the Carter County Clerk's Office and a Certificate of Title from the State of Tennessee Department of Revenue listing her as the titled owner. Upon receipt of that information, possession of the mobile home and its contents were released to Mr. Whittaker on December 30, 2014. Mr. Whittaker has been informed he cannot occupy the mobile home while it sits on the premises of HCMG. Mr. Whittaker agreed to have the mobile home removed within 60 days.

6. A larger storage shed found on the premises contained grave digging equipment, power ground tamper, tenting equipment, grave-side seating, and a casket lowering mechanism. No mowing equipment was found in the larger shed. Mr. Marvin Ringley visited with Mr. Moore and indicated that this equipment had been purchased by him, not his wife, Defendant Ringley, from Broome Funeral Home in Rogersville for use by Marvin Ringley Burial Services. In a meeting with Mr. Moore, Mr. Don Broome confirmed his sale of the equipment to Marvin Ringley and, to his knowledge, Defendant Ringley was not involved in the purchase. Based upon this information, the contents of larger shed were released to Marvin Ringley. Mr. Ringley agreed to remove the contents from the premises.

7. A small maintenance shed connected to the small office was apparently used for storage and limited maintenance work on mowing and other equipment. Other than a table top grinder and old tires, no useable equipment was observed.

8. Paper records found in the office which had not been taken by the District Attorney's Office were inventoried, packed and brought back to the Special Deputy Receiver's

office in Nashville where they are currently stored. Attached as EXHIBIT 1 is an inventory of these records.

9. A number of bronze grave markers that had been stored in the cemetery office were taken by the District Attorney's Office. The Special Deputy Receiver is working with the District Attorney to acquire a listing of those markers and establish a procedure to notify rightful owners so they may pick them up or have them placed by a local funeral home or local service provider.

10. Limited financial information exists for HCMG. Investigation by the Special Deputy Receiver revealed that no special operational account was maintained for HCMG. An account in the name of Defendant Ringley used for lot sales, pre-need services and merchandise sales was maintained at First Community Bank of Rogersville. That institution has confirmed it closed the account over a year ago due to insufficient funds. Further, incongruent with representations made by Defendant Ringley on reports to the Commissioner of Commerce and Insurance, it appears that no pre-need services and merchandise trust account was ever maintained in connection with HCMG at this institution. The actual shortage amount has not yet been determined, but the amount is believed to be significant. As Defendant Ringley's sales reports may not be accurate, additional investigation in this area will be required.

11. The Special Deputy Receiver was able to locate the Improvement Care Trust Fund for HCMG. It is currently maintained by Independence Trust Company of Franklin, Tennessee. Attached hereto, as EXHIBIT 2, is the Fourth Quarter 2014 statement. As of December 31, 2014, the Improvement Trust held investments having a market value of \$58,783.65. Use of these funds is limited to the maintenance and upkeep of the cemetery. Shortfalls in this trust have not been quantified. The cemetery has operated since 1969 and it has not been confirmed if the Improvement Care Trust Fund was fully funded at the time Defendant Ringley took control of the cemetery.

#### **STATUS AND ONGOING OPERATIONS AND NEXT STEPS**

12. HCMG consists of 5 platted "Gardens" and consists of roughly 7,989 grave spaces, plus an unfinished mausoleum holding 36 double crypts. Not all of these spaces are

currently useable. Further, there are platted spaces in an area of the cemetery currently used as a staging area for maintenance and where the mobile home is currently placed that are not included in the figures above. The largest garden, Christus, consists of a large hill ascensible on one side. Other areas are generally flat to slightly sloping. Some of the platted stone walkways were never completed. The cemetery is in need of general maintenance and its walkways and statuary are in need of cleaning. It is well laid and planned and with some minor expense can be made very attractive. At this time it is not reliably known as to how many grave spaces remain unsold. As there are no funds to operate the cemetery and there are disputes regarding ownership of grave spaces, the Special Deputy Receiver is recommending that at the current time, the cemetery cease making sales of new lots. Notices regarding the receivership and contact information for the Special Deputy Receiver have been posted on the door of the office, sheds, and the mobile home. Additional signs may also be placed on the cemetery. The Special Deputy Receiver has employed a local assistant who is available to make on-site visits at its request.

13. Mr. Moore met with representatives of three of the five local funeral homes operating in the Rogersville, Tennessee area. In these meetings, Mr. Moore laid out a procedure whereby current burial right owners may utilize their grave spaces. Under this procedure, in order to exercise a burial right, the holder or their family must provide evidence of the burial right to the funeral home in charge. The funeral home will then contact the Special Deputy Receiver who will review current records to determine if the space is in dispute as having been double sold. If not, and the other information being satisfactory, the Special Deputy Receiver will authorize the burial to occur. All opening, closing, vault purchases, installations, marker purchases, and installations will have to be made by the funeral home in charge. Mr. Moore informed the funeral homes that while many of the burial right holders in HCMG have already paid for openings/closings, vaults, markers and installations of same, there are no cemetery funds currently available for such services. As a result, the services will have to be paid for again and paid to the funeral home in charge. If it is determined in the future that the cemetery may be sold and funds for refunds of double paid services become available, the holders may have a claim on such funds, but in no event is it anticipated that there would be available sufficient funds for refunds of 100 cents on the dollar. Since taking possession, four burials have occurred and the procedure has worked well. An interment log is being maintained by the Special Deputy

Receiver. Mr. Moore intends to maintain open lines of communication with all funeral homes in the area.

14. Ms. Ringley informed us that she ceased maintaining general liability insurance on the cemetery. The Special Deputy Receiver, with approval from the Department of Commerce and Insurance has since acquired general liability coverage.

15. Information concerning theft coverage has been discovered by the Special Deputy Receiver. The Special Deputy Receiver put the carrier on notice and a claim number was issued. The Special Deputy Receiver will be following up on this matter in consultation with the Commissioner of Commerce and Insurance.

16. The Special Deputy Receiver is currently developing reliable records. Once that is achieved, notices regarding the current operational status of the cemetery will be sent to all burial right holders. Burial right holders with disputed grave spaces will also be notified at or about this time. To resolve disputes, the Special Deputy Receiver will apply the same standards utilized in other property disputes so as to determine priority. Those parties whose claims for spaces are defeated will be offered spaces in confirmed unsold areas of HCMG. Disputes that cannot be resolved by the Special Deputy Receiver and/or the Receiver will be submitted to the Court for review.

17. A community meeting will be organized and held to give affected consumers an opportunity to meet and discuss their situations with the Special Deputy Receiver and other interested officials. It is hoped through this process disputed grave spaces can be resolved and an inventory of unsold spaces confirmed. Should a sufficient number of vacant spaces exist, it is possible that the cemetery might be sold in order to resolve any identified shortfalls in the pre-need services and merchandise trust.

Submitted for Entry:

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Robert E. Moore, Jr. (BPR #013600)  
Chief Operations Officer  
Receivership Management Inc.  
Special Deputy Receiver  
Hawkins County Memorial  
Gardens  
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**Certificate of Service**

I certify that a true and correct copy of the foregoing report was served by first-class U.S.

Mail, postage prepaid, upon:

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This \_\_\_\_\_ day of January, 2015

\_\_\_\_\_  
Robert E. Moore, Jr.