

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE  
20<sup>TH</sup> JUDICIAL DISTRICT  
AT NASHVILLE  
PART II

FILED

2017 DEC 18 AM 9:55

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DAVIDSON CO. CHANCERY CT.

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D.C. & M.

STATE OF TENNESSEE, )  
*ex rel.* JULIE MIX MCPEAK, solely in her )  
official capacity as Commissioner of )  
Commerce & Insurance, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GALILEE MEMORIAL GARDENS, )  
JM&M SERVICES, INC., )  
LAMBERT MEMORIAL CO., aka )  
LAMBERT MEMORIALS, INC. )  
LAMBERT & SONS, INC. )  
JEMAR LAMBERT, MARJE LAMBERT, )  
and MARY H. LAMBERT, and ALL )  
PERSONS ACTING IN CONCERT )  
WITH THEM, )  
 )  
Defendants. )

No. 14-102-II

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ELEVENTH INTERIM REPORT OF THE SPECIAL DEPUTY RECEIVER  
FOR GALILEE MEMORIAL GARDENS

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Pursuant to the Order Appointing Commissioner as Receiver for Galilee Memorial Gardens Cemetery and Granting Temporary Injunction (the "Order") entered by this Court on February 21, 2014, Julie Mix McPeak, Commissioner of the Department of Commerce & Insurance, as Receiver for Galilee Memorial Gardens (the "Cemetery"), through her appointed Special Deputy Receiver, Receivership Management, Inc., hereby files this Eleventh Interim Report regarding the status of the receivership, including describing progress made since the Tenth Report filed June 14, 2017 .

### Progress Made Since the Tenth Report

1. Ground stabilization work began at the Cemetery during July 2017 and has continued since that time. The work has proceeded as follows:
  - a. An initial phase concentrating on areas of the Garden of Paradise and near the back of the Garden of Devotion.
  - b. A second phase, completed in August, installing approximately 180 cubic yards of fill dirt and 2,700 square yards of sod in concentrated destabilized areas of the Gardens of Peace, Prayer, Devotion, and Everlasting Life.
  - c. A third phase, which was completed on October 31, 2017, installing approximately 180 cubic yards of fill dirt and 2,700 square yards of sod in areas of isolated significant grave and marker sinking throughout the Cemetery. This phase also included lifting/straightening at least fifty (50) markers.
  - d. A fourth phase involving realigning two (2) additional grave markers, filling recently discovered sink holes in the Gardens of Gethsemane and Everlasting Life, removal of leaves along the western border of the Garden of Hope, mulching an area near the north border of the Garden of Devotion, removal of marking flags, installing gravel to raise the roadbed to prevent washout in the southeastern part of the Garden of Paradise, and the installation of sod on a stabilized area of the Garden of Paradise.
2. The Special Deputy Receiver successfully located owners of one of the two remaining private vehicles located on the cemetery. The Special Deputy Receiver has been informed that the owner of the red Nissan does not believe that the vehicle is worth the tow bill and, as such, the Special Deputy Receiver plans to recommend to this court a procedure

to handle the vehicle as abandoned property before selling or donating the vehicle to a charity willing to remove it from the Cemetery.

3. Crone Memorials, along with staff from the Special Deputy Receiver, reinstalled thirty-one (31) of forty-three (43) markers at the back of the Cemetery that were successfully identified as belong in the Cemetery. Twelve (12) of the markers are duplicates with some sort of blemish or defect and, as such, were not placed. The remaining markers could not be tied to any person buried at the Cemetery and there are seventy (70) markers that are not intended for use at the Cemetery, as they do not match the style of markers used.
4. On November 16, 2017, the Special Deputy Receiver made a report to the Bartlett Police Department about a theft from the receivership grounds that is believed to have occurred sometime between November 3, 2017, and November 13, 2017, maybe earlier. This theft included thirty-nine (39) granite vases taken from the building at the back of the property, three granite markers, and an air compressor.
5. The Department is currently reviewing bids by GreenScape to perform the following work which, if approved, would be paid from the Cemetery Consumer Protection Account:
  - a. Clearing trees along the borders of the Cemetery. The bid is for \$112,000 if the grounds can support a 16,000 pound crane. In the alternative, they have bid to clear the underbrush and anything smaller than two-inch caliper for \$17,785. The cost for sod in this area is estimated to be as high as \$15,000 to \$20,000.
  - b. Placing an 860 linear foot, 6' height ornamental fence along the north side of the property for a cost of \$45,137.35. The existing gates would be left.

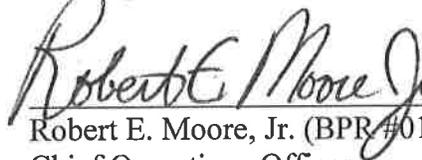
- c. Installing a 2,300 foot chain link fence along the east, south, and west property lines. This installation will cost between \$53,910 and \$72,487.65. In addition, survey markers would likely need to be placed before the start of the installation.
  - d. It has been reported that there is a fire ant infestation at the Cemetery. GreenScape has bid to install "Advion" fire ant bait at a cost of \$1,950 per application.
6. The deposition of Rob Moore is currently set for January 11, 2018, with considerable preparation required.
  7. As of December 7, 2017, costs for this receivership have been approximately \$592,926.27, with \$21,450 having been paid through the Improvement Care Trust Account. All other costs for this receivership have been paid by the Cemetery Consumer Protection Account, which had a balance as of October 31, 2017, of \$409,730.20.

#### **Priorities Going Forward**

1. The Department is reviewing the bids for tree clearing, fence installation, and fire ant baiting, as described above, and will be making a decision on those items soon.
2. The Receiver plans to file a motion in the near future to be set in January 2018 to dispose of the stone markers, equipment, and the stone-setting truck on the Cemetery premises.
3. Upon reviewing the projects set out above and disposing of all remaining stones, vehicles, and equipment on the Cemetery property, the Receiver anticipates that a recommendation will be made regarding the termination of this receivership, as the Cemetery is without substantial assets, the improvement care trust account not being an asset of the Cemetery pursuant to Tenn. Code Ann. § 46-1-204(g), and continuing operation of the Cemetery in receivership is unlikely to result in substantially improved

information regarding the status of the Cemetery nor is it likely to further remediate the Cemetery.

Respectfully submitted,



*by S. H. ... 12/17  
with permission*

Robert E. Moore, Jr. (BPR #013600)  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Eleventh Interim Report of the Special Deputy Receiver has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email as indicated this 18<sup>th</sup> day of December, 2017:

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