

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

2017 MAY 17 PM 2:45

FILED

CLERK OF CHANCERY CT
 DAVIDSON COUNTY TENNESSEE
 J. D. C. & M.

STATE OF TENNESSEE,)
ex rel. JULIE MIX MCPEAK, solely in her)
 official capacity as Commissioner of)
 Commerce & Insurance,)

Plaintiff,)

v.)

No. 14-102-II

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.)

MOTION FOR THE APPROVAL OF MARKER PLACEMENT PROCEDURE

COMES NOW, 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., by and through undersigned counsel, and hereby moves this Court for an Order approving the Special Deputy Receiver's marker placement procedure.

The Special Deputy Receiver has, currently pending in front of this Court, a Motion for the Placement of the Marker of Shannon Boyland. However, the Special Deputy Receiver is aware that the situation regarding the placement of markers at the Cemetery is larger than a single circumstance. As stated in previous filings to this Court, the Special Deputy Receiver

believes that the records of the Cemetery have been gathered and reconstructed to the extent feasible given the condition of the records. These records, as has been reported, are unreliable. However, the Special Deputy Receiver believes that placement of markers at the Cemetery is an important moment for families and, as such, comes to the Court to request approval of markers following this procedure:

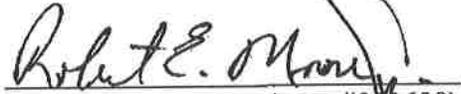
1. The Special Deputy Receiver may approve placement of a marker, without seeking further leave of the Court, on a plot where the records of the Cemetery indicate that a person is interred. It is understood that multiple people may be shown by the records as buried in a single spot and, as such, if a marker has already been placed on the plot, then the Special Deputy Receiver may approve placement of a second or subsequent marker on that plot, as well.
2. The Special Deputy Receiver may approve placement of a marker, without seeking further leave of the Court, on a plot where the records, in corroboration with additional information received from family, loved ones, or such other people as may be relied upon, indicate that a person is interred. This may result in the identification of a plot not indicated in the records of the Cemetery depending on the weight of the evidence provided, in the discretion of the Special Deputy Receiver. If a marker has already been placed on the plot, then the Special Deputy Receiver may approve placement of a second or subsequent marker on that plot, as well.
3. The Special Deputy Receiver may designate an area of the Cemetery not previously used for burials as a memorial section and may approve placement of a marker, without seeking further leave of the Court, on a plot assigned by the Special Deputy Receiver in such section.

4. If the Special Deputy Receiver cannot determine the placement of a marker as provided above, or cannot reach an agreement regarding the position of the marker with the person making the request for the placement of the marker, then such person making a request shall come before this Court and this Court shall determine how, if at all, such marker shall be placed.
5. The Special Deputy Receiver shall keep track of the placement of all markers placed pursuant to an Order issued pursuant to this motion and report such placements to this Court in the status reports required by this Court every six months.

In support of this motion, the Special Deputy Receiver would state that there have been multiple inquiries to the Special Deputy Receiver's office for the placement of markers. The procedure set out above is intended to provide for a marker to be placed as close as can be determined by the Special Deputy Receiver to the resting place of a person. Further, as the procedure may result in multiple markers being placed on a single plot, the Special Deputy Receiver has also requested the authority to identify a memorial area where markers may be placed without obstruction. As set out above, if no agreement can be reached with the person making the request for such placement then the person making the request still has the option to file a motion before this Court. The Special Deputy Receiver believes that this procedure will allow the majority of instances of marker placement to be resolved without appearing before this court and will provide those affected by the circumstances leading up to this Receivership an opportunity to place a marker in the Cemetery in honor of their loved one.

WHEREFORE, the Special Deputy Receiver requests that this Motion be granted and that the Court enter an Order approving the procedures as set out in this Motion.

Respectfully submitted,



Robert E. Moore, Jr. (BPR #03600)
Chief Operations Officer
Receivership Management Inc.
Special Deputy Receiver
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NOTICE OF HEARING

A HEARING ON THIS MOTION IS SCHEDULED TO OCCUR ON JUNE 2, 2017 AT 9:00 A.M. IN PART II OF THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE. IF NO RESPONSE TO THIS MOTION IS TIMELY FILED AND PERSONALLY SERVED PURSUANT TO LOCAL RULE § 26.04, THE MOTION MAY BE GRANTED BY THE COURT WITHOUT A HEARING.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion for the Approval of Marker Placement Procedure has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email this 17th day of May 2017:

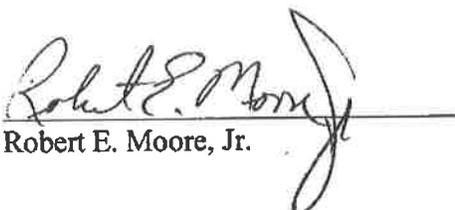
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Robert E. Moore, Jr.