

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

FILED  
2020 FEB 28 PM 12:57  
CLERK OF COURT  
DAVIDSON COUNTY CHANCERY CT.  
En D.C. & M

STATE OF TENNESSEE, )  
*ex rel.* HODGEN MAINDA, solely in his )  
official capacity as Commissioner of )  
Commerce & Insurance, )

Plaintiff, )

v. )

No. 14-102-III

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. )

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**RECEIVER'S NOTICE IDENTIFYING ENTITY WILLING TO ASSUME  
RESPONSIBILITY FOR MAINTENANCE OF GALILEE MEMORIAL GARDENS  
UPON TERMINATION OF THE RECEIVERSHIP**

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Pursuant to the Court's December 5, 2019 Order, Hodgen Mainda, Commissioner of the Department of Commerce & Insurance, as Receiver for Galilee Memorial Gardens (the "Cemetery" or "Galilee"), through his appointed Special Deputy Receiver, Receivership Management, Inc., files the requested Notice identifying an entity that is willing to assume responsibility for the maintenance and upkeep of the Cemetery following termination of the Receivership pursuant to the terms of its written proposal submitted to the Special Deputy Receiver.

In its written proposal (a copy of which is attached to this Notice), **Red and Blue LLC**, a Tennessee limited liability company, is willing to provide the following improvement care services at an annual cost to the Cemetery of \$23,500.00:

- Lawn Maintenance at the Cemetery to be performed every two weeks during the months of April through September each year, and
- Supervision of the lawn maintenance activities

Additional services that would be performed and supervised by Red & Blue LLC (and paid for by the Cemetery's Improvement Care Trust at an additional cost) on an as-needed basis, would include:

- Periodic tree and shrub trimming service
- Mulching of the planting beds, if necessary
- Repair of the fence, if ever required

Red and Blue LLC will NOT provide the following services:

- Grave location services
- Marker setting service
- Cemetery merchandise
- Any and all work not specifically stated in the above proposed or as-needed items.

Red and Blue LLC will also seek, in coordination and to the satisfaction of the Trustee of the Cemetery's Improvement Care Trust, acceptable general liability insurance coverage.

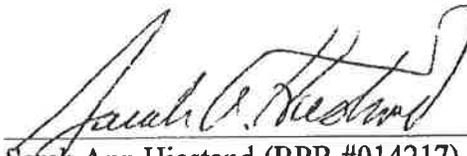
Red and Blue LLC proposes to commence its services at the Cemetery on or about April 1, 2020.

Red and Blue LLC is not willing to accept ownership of the Cemetery. Further, should the earnings of the Cemetery's Improvement Care Trust prove to be insufficient to fund full payment

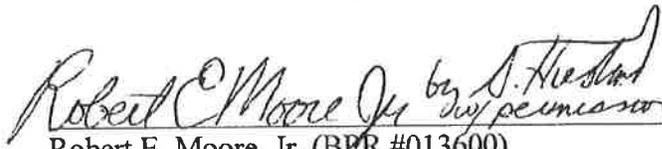
to Red and Blue LLC for the services included in the attached proposal, Red and Blue LLC would reserve the right to terminate the agreement, thereby relieving the company of all obligations for providing improvement care services at the Cemetery.

The Commissioner as Receiver for Galilee Memorial Gardens Cemetery and Special Deputy Receiver believe Red and Blue LLC's written proposal is reasonable and is the best available option for the maintenance and upkeep of the Cemetery.

Respectfully submitted,



Sarah Ann Hiestand (BPR #014217)  
Senior Ass't Attorney General, Financial Division  
C. Scott Jackson (BPR #011005)  
Deputy Attorney General, Financial Division  
Timothy R. Simonds (BPR #013952)  
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P.O. Box 20207  
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(615) 741-6035; 615-532-8223 (fax)  
e-mail: Sarah.Hiestand@ag.tn.gov;  
Scott.Jackson@ag.tn.gov;  
Timothy.Simonds@ag.tn.gov



Robert E. Moore, Jr. (BPR #013600)  
President, Receivership Management, Inc.  
Special Deputy Receiver  
Galilee Memorial Gardens  
510 Hospital Drive, Suite 490  
Madison, TN 37115  
(615) 370-0051 (phone); (615) 373-4336 (fax)  
email: rmoore@receivermgmt.com

*Jeff Feibelman by St. Hiestand*  
Jeff Feibelman (BPR # 7677) *with permission*  
Burch, Porter, and Johnson  
130 North Court Avenue  
Memphis, TN 38103  
(901) 524-5109; 901-524-5024 facsimile  
e-mail: [jfeibelman@BPJLAW.com](mailto:jfeibelman@BPJLAW.com)  
Special Counsel to the Receiver

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Notice has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email this 28<sup>th</sup> day of February, 2020:

Robert D. Meyers  
Danielle Rassoul  
Glankler Brown, PLLC  
6000 Poplar Avenue, Suite 400  
Memphis, TN 38119  
Ph: 901-525-1322 fax 901-525-2389  
Via email to [rmeyers@glankler.com](mailto:rmeyers@glankler.com); [drassoul@glankler.com](mailto:drassoul@glankler.com)

Attorneys for Intervenor, Shelby County, Tennessee

Emily Walker, CTFA, VP & Trust Officer  
Commercial Bank & Trust Company *Certified*  
Trust Division  
P.O. Box 1090  
Paris, TN 38242  
Via email to [EWalker@cbtnet.com](mailto:EWalker@cbtnet.com)  
Trustee of Trusts for Galilee Memorial Gardens

Douglas Berry  
Miller & Martin  
401 Commerce Street, Suite 720  
Nashville, TN 37219  
615 744-8620; [Doug.Berry@millermartin.com](mailto:Doug.Berry@millermartin.com)

For City of Bartlett, requesting notice of proceedings

Jemar Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Marje Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Mary H. Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Individual Defendants in Receivership case, pro se

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Handel R. Durham, Jr.  
Jonathan Mosley  
22 North Front Street, Ste. 760  
Memphis, TN 38103  
ph: 901.543.0866 fax: 901.543.0865  
Via email to [hdurham@durhamslaw.com](mailto:hdurham@durhamslaw.com); [jonathan.mosley@jtmosleylaw.com](mailto:jonathan.mosley@jtmosleylaw.com)

Coleman Garrett  
295 Washington Av, Suite 2  
Memphis, TN 38103  
Via email to [cwgarrett@bellsouth.net](mailto:cwgarrett@bellsouth.net)

Counsel for Lamberts in Shelby County cases

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Courtesy Copy to:

Kathryn E. Barnett  
MORGAN & MORGAN-NASHVILLE, PLLC  
810 Broadway Suite 105  
Nashville, TN 37203  
Phone: (615) 490-0943  
Via email to [kbarnett@forthepeople.com](mailto:kbarnett@forthepeople.com)

Howard B. Manis  
THE COCHRAN FIRM  
One Commerce Square  
40 South Main Ste. 1700  
Memphis, TN 38103  
Phone: (901) 523-1222  
Via email to [hmanis@cochranfirmidsouth.com](mailto:hmanis@cochranfirmidsouth.com)

Class Counsel (Plaintiffs *Wofford* case-Shelby County)

John R. Branson  
Jacob A. Dickerson  
Baker, Donelson, Bearman, Caldwell & Berkowitz  
First Tennessee Building  
165 Madison Avenue, Suite 2000

Memphis, TN 38103

(901) 526-2000

Via email to [jbranson@bakerdonelson.com](mailto:jbranson@bakerdonelson.com)

Defense Liaison for Funeral Homes in Shelby County Class cases

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Brent M. Hays, Esq.

MerrittWebb

315 Centerview Drive, Suite 263,

Brentwood, TN 37027

Person requesting notice of proceedings.



SARAH ANN HIESTAND

# Red & Blue, LLC

6722 Neshoba  
Memphis, TN 38120  
(901) 331-1975

February 21, 2020

Mr. Rob Moore  
Receivership Management  
510 Hospital Drive, Suite 490  
Madison, TN 37115

Dear Mr. Moore:

As I understand it, the Commissioner/ Receiver and the Trustee of the Improvement Care Trust may be seeking an entity to procure continued landscape maintenance and upkeep of Galilee Memorial Gardens at 8283 Ellis road, Bartlett TN, 38133, Parcel ID: B0158 00132C

In that vein, Red and Blue LLC propose the following:

- Lawn Maintenance to be performed every two weeks from April through September
- Supervision of the above activities
- Billing, bookkeeping, etc.

Cost is \$23,500.00

Cost increases due to rising gasoline costs, labor costs, etc. will be determined on a yearly basis in April.

Items not included above but to be performed, supervised and paid for by the Improvement Care Trust as an extra on an as-needed basis:

- Periodic tree trimming service
- Periodic trimming of the shrubs
- Mulching of the planting beds, if necessary
- Repair of the fence, if ever required

This proposal does NOT include:

- Grave location services
- Marker setting service
- Cemetery merchandise
- Any and all work not specifically stated in the above proposed or as needed items.

The gates will remain open and never be closed.

To be clear, Red and Blue LLC is not liable for anything other than the landscape maintenance and is specifically limited to the services offered in the above proposed or as needed items. Further, when the Improvement Care Trust's funds reach a zero balance, Red and Blue LLC will have no further obligations on or regarding this property.

Red and Blue LLC will seek, in coordination and to the satisfaction of the Improvement Care Trustee, acceptable General Liability Insurance coverage.

The start date for this contract shall be on or about April 1, 2020.

FILED

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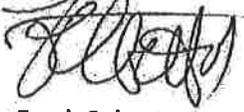
CLERK OF DISTRICT  
DAVIDSON COUNTY CHANCERY CT

D.C. & M.

February 21, 2020  
Mr. Rob Moore  
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Thank you for this opportunity!

Sincerely



Frank Colvett  
Red and Blue LLC

(I/We) agree to the above terms and conditions:

\_\_\_\_\_

date: \_\_\_\_\_