

**COPY**

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

STATE OF TENNESSEE, )  
*ex rel.* JULIE MIX MCPEAK, )  
solely in her official capacity as )  
Commissioner of )  
Commerce & Insurance, )  
 )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
 )  
VICKIE L. RINGLEY, individually )  
and d/b/a Hawkins County )  
Memorial Gardens )  
 )  
Defendant. )  
 )

No. 14-1642-III

FILED  
2014 NOV 24 PM 2:02  
CLERK AND MASTER  
DAVIDSON CO. CHANCERY CT.  
DC&M

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**APPLICATION FOR TEMPORARY RESTRAINING ORDER**

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The State of Tennessee, on relation of Julie Mix McPeak, solely in her official capacity as Commissioner of the Department of Commerce and Insurance of the State of Tennessee ("Commissioner"), through her counsel, the Attorney General and Reporter, and pursuant to Tenn. R. Civ. P. 65.03, submits this application for an order temporarily restraining Hawkins County Memorial Gardens (also referred to herein as the "Cemetery") and the Cemetery's owner, Vickie L. Ringley, from engaging in the business of operating a cemetery in violation of the Cemetery Act of 2006, Tenn. Code Ann. Title 46, chapters 1 and 2 ("Cemetery Act") and the Order of Summary

Suspension or interfering with the operation of the Cemetery. Specifically, the Commissioner seeks to prevent Ms. Ringley and anyone else acting on behalf of Ms. Ringley or for the Cemetery from:

- engaging in the business of operating or interfering with the operation of Hawkins County Memorial Gardens in violation of the Cemetery Act and the Order of Summary Suspension;
- exercising or attempting to exercise control of any finances, property, or monies of Hawkins County Memorial Gardens;
- concealing or destroying any books, papers, records, computer data, and other documents related to the operation and management and business activities of Hawkins County Memorial Gardens;
- transferring, withdrawing, concealing, or disposing of any monies held on deposit in any financial institution in any account that is owned by or held for the benefit of the Cemetery or Ms. Ringley, including personal accounts; and
- making any disposition of the Cemetery's assets, wherever located.

Pursuant to Tenn. Code Ann. § 46-1-301(c), the Commissioner further moves that no bond be required in connection with the entry of such restraining order.

In support hereof, the Commissioner would show as follows:

1. The Commissioner, pursuant to her authority under Tenn. Code Ann. § 46-1-312 has filed a Verified Petition for the Appointment of the Commissioner as Receiver of Hawkins County Memorial Gardens and for Extraordinary Relief

("Verified Petition") based on evidence that Ms. Ringley has caused the Cemetery to be impaired and insolvent, has caused the Cemetery to be unable to meet the Cemetery's contractual obligations when they come due, has never established a pre-need merchandise and sales trust account in violation of Tenn. Code Ann. § 46-1-207(b)(2) and therefore not maintained trust funds in the manner required by the Cemetery Act, has misappropriated and misapplied funds that should have been trusted for the protection of customers, and has operated the Cemetery without a valid certificate of registration in violation of Tenn. Code Ann. § 46-1-103. The Verified Petition has been filed contemporaneously herewith and a hearing date has not been set by the Court.

2. The Commissioner now applies for a temporary restraining order for the sole purpose of preventing further violations of the Cemetery Act and the Order of Summary Suspension and preserving the status quo pending disposition of the Verified Petition.

3. The evidence that the Commissioner has tendered in support of this Application establishes that the requirements for the entry of a temporary restraining order under Tenn. R.Civ. P. 65.03 and relevant case law have been met.

4. There is a likelihood of irreparable harm without the entry of a temporary restraining order. Unless Ms. Ringley is restrained by the Court, there is considerable risk that she will attempt to withdraw existing monies and assets that belong to the Cemetery and its customers as well as collect additional monies through unlawful operation of the Cemetery once Ms. Ringley is served with the Verified

Petition and therefore put on notice that the Cemetery could be taken from her in a receivership action. Additionally, without the requested relief, there would be little to prevent Ms. Ringley from destroying or concealing records, especially since Cemetery records are intermixed with personal finances. Any such acts would materially interfere with or defeat the Commissioner's ability to effectively administer the receivership of the Cemetery.

5. Because of the risk of irreparable harm, the balance weighs in favor of prohibiting the destruction or concealment of records or the transfer of disposition of assets in any account controlled by Ms. Ringley or anyone acting on her behalf or for the Cemetery.

6. The evidence produced by the Commissioner establishes good cause for her appointment as receiver of the Cemetery and thus establishes a likelihood of success on the merits.

7. Finally, the public interest would be best served by the maintenance of the status quo until the hearing on the Verified Petition.

8. Good cause exists for dispensing with the requirement to give prior notice of this Application to Ms. Ringley as set forth in section 19.02(a) of the Local Rules of Davidson County Chancery Court. As set forth in Paragraph 4 above and the supporting Memorandum of Law, there is substantial risk that once Ms. Ringley is notified that action is being taken against her by the State, she will attempt to withdraw or possibly impair existing monies and assets that belong to the Cemetery and its customers, wherever located, and possibly conceal or destroy records. The

purpose of the restraining order is to eliminate that risk prior to a hearing on the Verified Petition. Prior notice would only work to undermine that purpose, as it would provide Ms. Ringley ample opportunity to transfer, withdraw, conceal, or dispose of any assets or records prior to the entry of an order restraining her from taking such actions.

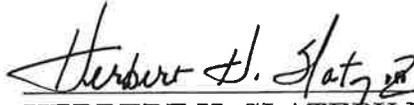
The Commissioner has tendered the following items in support of this Application:

1. Supporting Memorandum of Law;
2. Verified Petition for Appointment of the Commissioner as Receiver;
3. Order of Summary Suspension;
4. Written statements by Vickie L. Ringley;
5. The Affidavit of Adrian Chick;
6. The Affidavit of Robert Gribble;
7. The Affidavit of Gary Gillegie; and
8. The Affidavit of Randall Ramsey.

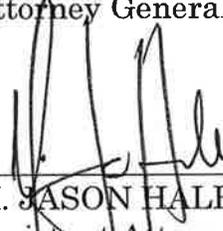
PREMISES CONSIDERED, the Commissioner submits that:

1. The Application ought to be granted;
2. The Court enter a Temporary Restraining Order (submitted as Exhibit A hereto); and
3. No bond be required in connection with the entry of the Temporary Restraining Order.

Respectfully submitted,



HERBERT H. SLATTERY III (9077)  
Attorney General and Reporter



M. JASON HALE (26840)  
Assistant Attorney General  
Financial Division  
P.O. Box 20207  
Nashville, TN 37202  
(615) 532-8812; fax 532-8223

**THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF IN  
THIS CAUSE**

**CERTIFICATE OF SERVICE**

The undersigned certifies that this Pleading will be served on the below listed Defendant at the same time and in the same manner as the Summons and the Verified Petition for Appointment of Commissioner as Receiver for Hawkins County Memorial Gardens and for Extraordinary Relief that has been filed in this cause on the 24<sup>th</sup> day of November, 2014.

Vickie L. Ringley  
536 Carters Valley Loop  
Rogersville, TN 37857

Independence Trust Co.  
P.O. Box 682188  
Franklin, TN 37068

  
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M. Jason Hale