

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

FILED
JUL 26 P11 2:34
CLERK OF JUDICIAL CHANCERY CT.
D.C. BY

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

Case No. 14-1642-III

MOTION TO AMEND PUBLICATION SCHEDULE FOR BIDDING NOTICE

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., hereby moves the Court for an Order amending the provisions of the Court's July 12, 2017 Order authorizing the publication of a court-approved notice soliciting prospective bidders for the sale of HCMG. Specifically, the Special Deputy Receiver requests that a new Order be entered directing that:

- (1) the Nashville Tennessean be removed from the list of newspapers in which the HCMG bid notice will be published,
- (2) the HCMG bid notice be published in the Kingsport Times for three (3) consecutive Sundays prior to the September 29, 2017 bid submission deadline, and
- (3) the HCMG bid notice be published in the Rogersville Review once a week for six (6) consecutive weeks prior to the September 29, 2017 bid submission deadline.

As grounds for this Motion, the Special Deputy Receiver would show the Court the following:

1. After the issuance of the Court's July 12 Order, the Special Deputy Receiver contacted the three publications designated to publish the HCMG bid notice, namely, the Nashville Tennessean, the Kingsport Times News, both of which are daily newspapers, and the Rogersville Review, which is a twice weekly newspaper. The Special Deputy Receiver received the following quotes for publishing the court-approved bid notice for the fifteen (15) day period required by the July 12 Order:

Kingsport Times:	\$2,156.45
Nashville Tennessean:	\$8,121.00
Rogersville Review:	\$1,210.00
Total	<u>\$11,487.45</u>

2. As this Cemetery is without funds, the costs of this Receivership are being borne entirely by the State of Tennessee through its Cemetery Consumer Protection Account.

3. In an effort to find less expensive options for publishing the bid notice, the Special Deputy Receiver sought price quotes for running the HCMG bid notice in the Nashville Tennessean and the Kingsport Times on three (3) consecutive Sundays. The quoted price for the Tennessean was still high at \$4,073.00.

4. With regard to publishing the HCMG bid notice in the Tennessean, the Special Deputy Receiver believes that any increased public awareness of the sale of HCMG that might possibly be generated from publishing the notice in the Nashville Tennessean *does not justify* the sizable cost. Given the high cost and the distance from the target market, publishing the notice in the Nashville Tennessean is not a feasible or viable option.

5. The Special Deputy Receiver submits that the most prudent and cost effective course for advertising the sale of HCMG is to run the HCMG bid notice in three (3) consecutive Sunday editions of the Kingsport Times, and once a week for six (6) consecutive weeks in the Rogersville Review, which is the newspaper of general circulation in Hawkins County, Tennessee. In addition to the above-referenced published notice, the Department of Commerce and Insurance plans to send an email notice regarding the bid request to those who have registered with the Department to receive certain notices regarding the Burial Services Program and the Board of Funeral Directors and Embalmers. It is expected that this email notification will greatly increase the awareness of the sale of HCMG throughout the State of Tennessee with no extra cost to the receivership.

WHEREFORE, the Special Deputy Receiver requests that this Motion be granted and that the Court enter an Order amending the HCMG bid notice publication procedure as requested in this Motion.

Respectfully Submitted,


Robert E. Moore, Jr. (BPR #017600) w/permission #14217

Chief Operations Officer
Receivership Management Inc.
Special Deputy Receiver
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Gardens
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(615) 370-0051 (phone)
(615) 373-4336 (fax)

NOTICE OF HEARING

A HEARING ON THIS MOTION IS SCHEDULED TO OCCUR ON AUGUST 11, 2017, AT 9:00 A.M. IN PART III 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

I certify that a true and correct copy of the foregoing Motion was served by first-class

U.S. Mail, postage prepaid, upon the following:

Vickie Ringley
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Timothy Simonds *by Hand delivery*
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This 26th day of July, 2017.

Robert E. Moore Jr by Hiestand
Robert E. Moore, Jr.
and by Jamal A. Hiestand 14217