

IN THE CHANCERY COURT FOR T TWENTIETH JUDICIAL DISTRICT, I		2017								
AT NASHVILLE										
STATE OF TENNESSEE, ex rel., JULIE MIX MCPEAK, Solely in her	DOUNTY CHARACTER OF THE	IAN 31 PI								
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official capacity as Commissioner of	? <del>2</del> 25	بب								
Commerce and Insurance,	) COURT									
Petitioner,	)									
*	) Case No. 14-1642-III									
VS.	)									
VICKIE L. RINGLEY, individually	<u>)</u> -									
and d/b/a/ Hawkins County Memorial Gardens,	)									
Defendant.	)									

#### RECEIVER'S RESPONSE TO COURT'S DIRECTIVE

Pursuant to the Order entered January 12, 2017, Julie Mix McPeak, Commissioner of the Department of Commerce & Insurance, Receiver for Hawkins County Memorial Gardens (hereafter referred to as "HCMG" or the "cemetery"), through her appointed Special Deputy Receiver, Receivership Management Inc., responds to the Court's directives.

- 1. The Court's Order as referenced above directed the Receiver to "file with the Court by February 3, 2017, official documents showing registration of the truck as property of the cemetery or other documents or evidence that the truck is the property of the cemetery."
- 2. When the Receiver took possession of the cemetery on December 10, 2014, it was noted in the First Report:

Mr. Moore took possession of a 1979 Parkwood 14x70 residential mobile home and its contents, a small office (8'x10') and its contents, two storage sheds and their contents, two Ford "baby dump" trucks parked on the cemetery premises, and a short flat utility trailer. No mowing equipment was found on the premises of the cemetery. Locks on all property, but the trucks were changed. These trucks were not currently operable. One of the trucks, a 1996 FORD F350 VIN:2FDKF38F4TCA57585, appears to be titled to

HCMG. The other truck a 2001 FORD F450 SUPERDUTY VIN: 1FDXF47F41ED51590 appears to be registered to Marvin Ringley and Vickie Ringley dba Marvin Ringley Burial Services, a separate company operated by Mr. Ringley. Another vehicle, a 2000 Honda Accord is titled to the cemetery. Ms. Ringley states the car was wrecked by her husband Mr. Ringley in March of 2014 and she does not know where the vehicle is now located.

- 3. The 1996 Ford F350 VIN:2FDKF38F4TCA57585 is titled to Hawkins County Memorial Gardens. A certified copy of the official vehicle registration with the Tennessee Department of Revenue as recorded in the Office of the Hawkins County Clerk is attached as Exhibit 1. This truck was towed to a storage location more than a year ago and is currently held until it can be sold. Under her authority as Receiver, and with the Court's permission, the Receiver believes she may proceed to sell this vehicle.
- 4. The 2001 Ford F450 VIN: 1FDXF47F41ED51590 was left on the cemetery premises, along with the short flat utility trailer for almost three years. Attached as Collective Exhibit 2 are certified copies of the Certificate of Registration Renewal from 2008, the Title for said 2001 Ford Truck, the back of said title showing the 2001 Ford has been sold by Marvin Ringley, Jr., and the Official Vehicle Registration, as certified by the Hawkins County Clerk. Based on this information, Marvin Ringley, Jr. owned these items. The Special Deputy Receiver over the years has requested repeatedly that Mr. Ringley remove these items from the cemetery premises and, if he did not, the Receiver would seek to treat the truck and utility trailer as abandoned property. These items remained on the premises at the time of filing the Receiver's Twelfth Report. However, since that filing, but before the Court's Order, this truck, along with the flat utility trailer, have been removed from the cemetery. It appears, based on Collective Exhibit 2, that Mr. Ringley, subsequently, sold the 2001 Ford F450 Truck on November 14, 2016 to Sherry Gilliam and Roger Goins of Rogersville, Tennessee. Therefore, the Receiver is no longer seeking to sell these items.
- 5. There is a very small modular office that sits next to the office on the cemetery. At the time of taking possession of the cemetery, the Special Deputy Receiver determined that the office did not contain property, other than records, of the cemetery. The sliding door did not

provide protection and the Special Deputy Receiver had the door boarded and sealed up. The contents of the modular office contained items that appeared to have belonged to or were used by Defendant Ringley in the care of her mother. The Receiver does not propose to sell the content of the modular unit office. Ownership of the modular unit office has not been determined; however the unit does sit upon cemetery property. It is old and not in very good repair.

- 6. Attached as Exhibit 3 is an inventory of the cemetery office containing items that the Receiver would propose to sell along with the cemetery premises itself, should the Court approve such a transfer.
- 7. To reiterate to the Court, the cemetery has no funds. Costs to maintain the cemetery, pay for electricity in the office, driveway repairs, etc. are advanced by Receivership Management Inc. and are reimbursed by the State of Tennessee. Costs for the receivership through October 2016 have totaled at or around \$210,144.73 and these costs have been paid from the Cemetery Consumer Protection Account created by Tenn. Code Ann. § 46-1-105. As of December 31, 2016, the balance of the Account was \$578,631.20. There have been no funds that are property of the cemetery that have come into possession of the Receiver at this time.
- 8. The Receiver is prepared to present at the telephone hearing information concerning the accounting that has been done to identify the total amount that should have been placed into a pre-need services and merchandise trust account. The Receiver is also prepared to provide information concerning those who have died during the pendency of the receivership and the cost of services and merchandise that Ms. Ringley and HCMG should have delivered based upon the pre-need payment for these services and merchandise by the decedents to Ms. Ringley and HCMG.

Respectfully submitted:

Robert E. Moore, Jr. (BPR #013600)

Chief Operations Officer

Receivership Management Inc.

Special Deputy Receiver

Hawkins County Memorial

Gardens

1101 Kermit Drive, Suite 735

Nashville, TN 37217

(615) 370-0051 (phone)

(615) 373-4336 (fax)

### Certificate of Service

I certify that a true and correct copy of the foregoing report was served by first-class U.S.

Mail, postage prepaid, upon:

Vickie Ringley c/o Hawkins County Jail 117 Justice Center Drive Rogersville, TN 37857

Herbert H. Slatery III
Attorney General and Reporter
Timothy Simonds
Assistant Attorney General
Office of the Tennessee Attorney General
Financial Division
P.O. Box 20207
Nashville, TN 37202-0207

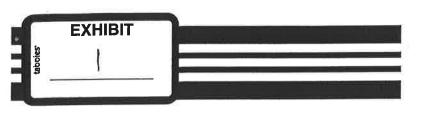
Michael D. Driver Deputy General Counsel, Regulatory Boards Division Tennessee Department of Commerce & Insurance 500 James Robertson Parkway Nashville, Tennessee 37243

Kelett

Robert E. Moore, Jr.

This 3184 day of January, 2017.

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TENNESSEE DEPARTMENT OF REVENUE VEHICLE TAXPAYER SERVICES DIVISION MULTI-PURPOSE APPLICATION

OFFICIAL VEHICLE REGISTRATION

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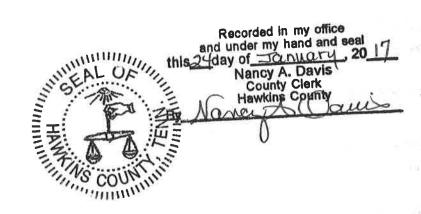
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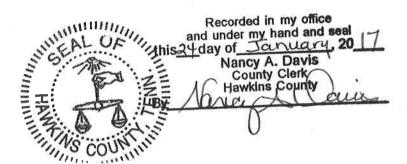
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TENNESSEE DEPARTMENT OF REVENUE VEHICLE TAXPAYER SERVICES DIVISION MULTI-PURPOSE APPLICATION

OFFICIAL VEHICLE REGISTRATION

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NEW OR CURRENT TITLE NUMBER TRANSACTION REGISTRATION ONLY NUMBER **O01** 99192539 DWNER INFORMATION "LEGAL STATUS: 1 (AND) 2 (OR) 2 ENTER NAME CODE IN BOX 1 (SAME) 2 (DIFFERENT) 3 (MULTIPLE LAST NAMES) 4 (COMPANY) 5 (OVER 28 CHARACTERS) MIDDLE INITIAL LAST NAME FIRST NAME MIDDLE INITIAL AST NAME **DAVID SHERRY GOINS** GILLIAM ADDRESS 1 (MAILING) ADDRESS 2 (PHYSICAL) 3265 HWY 11W STATE ZIP CODE CITY STATE ZIP CODE ROGERSVILLE TN 37857 \*PLACARD/HEARING IMPAIRED CLS/YR "INSURANCE POLICY # NTY OF RESIDENCE/PRINCIPAL BUS OR INCORP LOCATION PURCHASE DATE ·LEASED 0 ·SERVICE OPTIONS 4232934169 HAWKINS 037 11/14/2016 SEE REVERSE SIDE FOR INSTRUCTIONS ÆHICLE INFORMATION MAKE MODEL YEAR BODY TITLE BRAND - translation CODE TYPE OF FUEL - translation CODE 1FDXF47F41ED51590 2001 2 **FORD** 1FD TR U DIESEL ODOMETER ACTUAL (0) NOT ACTUAL (8)
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JEN CODE FIRST LIENHOLDER Recorded in my office LIEN DATE and under my hand and seal this 24 day of Januar TREET Nancy A. Davis County Clerk IEN CODE SECOND LIENHOLDER LIEN DATE **Hawkins County** TREET ZIP CODE CITY LEGAL STATUS LESSEE / REGISTRANT INFORMATION(OWNER OF PLATE) NAME CODE IAME NAME DDRESS STATE ZIP CODE CITY EHICLE COST / TAX INFORMATION \*(required for Title & Registration Transactions) TAXABLE AMOUNT \*TAX EXEMPTION REASON / SALES TAX # TRADE IN ALLOWANCE 1,000.00 1,000.00 EALER NAME DEALER ADDRESS DEALER # Required for Duplicate Titla - T.C.A. 55-3-115 (aubmit illegible or altered Certificate of Title) STOLEN RTN'D DUE TO NON DELIEVERY ALTERED ILLEGIBLE ider penalties of perjury. I hereby certify all information provided is true and correct to the best of my knowledge, and acknowledge that it is not the responsibility of the Motor Vehicle Division its assignees to determine the accuracy of the information provided by me or on my behalf. IGNATURE OF CERTIFIER/OWNER POWER OF ATTORNEY/AUTHORIZED SIGNATURE(IF APPLICABLE) DATE 01/18/2017 VOICE NUMBER COUNTY NAME DATE OF APPLICATION BY AUTHORITY OF REGISTRAR OF MOTOR VEHICLES(COUNTY CLERK) CO NUMBER **HAWKINS** 37 11/15/2016 **NANCY A. DAVIS EricB** 16320 @ (total fees collected indicated certifies this form as a valid registration)

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### **HCMG INVENTORY**

#### QUANITY DESCRIPTION

SERIAL#

- 1 OAK COMPUTER ARMOIRE
- 1 7 DRAWER OAK DESK
- 2 OFFICE CHAIRS WITH ARMS
- 2 OFFICE CHAIRS WITHOUT ARM
- 1 DESK CHAIR
- 1 13 GALLON TRASH CAN
- 1 HALF MOON SMALL TABLE
- 1 HEART SHAPED SMALL TABLE
- 2 LARGE ROLODEX ROUND
- 1 DELL MONITOR

15 INCH-SERIAL REMOVED

1 MOUSE

CORD

1 KEYBOARD

CORD

1 SPEAKER SET

**CORD** 

- 1 BROTHER TYPE WRITER
- 2 WATSON 3 DRAWER FILE CABINETS
- 1 DELL ALL IN ONE PRINTER

CN-OH6565-48730-56H-1489

- **6 VASE COVERS**
- 1 LASKO HEATER
- 1 SMALL HEATER
- 1 HOOVER QUICK BROOM
- 1 JUNK ALL IN ONE SHARP FAX
- 1 BUG ZAPPER
- 4 PICTURES
- 1 WINDOW AIR CONDITIONER
- 2 CONCRETE FLOWER POTS
- 10 2005 MARKER EMBLEMS
- 1 2011 MARKER EMBLEM
- 1 2012 MARKER EMBLEM
- 1 2006 MARKER EMBLEM
- 1 1940 STRUGILL EMBLEM
- 1 MASONIC EMBLEM
- 1 FLYING WING EMBLEM
- 4 MOUNTING KITS
- 1 STAND FILE CABINET
- 1 ROUTER