

COPY

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

FILED
2014 NOV 24 PM 2:35
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

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

TEMPORARY RESTRAINING ORDER

This cause came to be heard on the Application for Temporary Restraining Order ("Application") of the State of Tennessee on relation of Julie Mix McPeak solely in her official capacity as Commissioner of Commerce & Insurance of the State of Tennessee. Based upon the Application, the supporting affidavits, other supporting documents, statements of counsel, and the entire record, the Court finds that the Application is well grounded and ought to be granted.

FINDINGS OF FACT

In support of the issuance of this Order, the Court makes the following findings of fact:

1. Julie Mix McPeak (“Commissioner”) is the duly appointed and acting Commissioner of Commerce & Insurance of the State of Tennessee. The Commissioner has the authority to bring this action and to seek a temporary restraining order pursuant to Tenn. Code Ann. § 46-1-301 and Tenn. R. Civ. P. 65.03.

2. The Commissioner filed a Verified Petition for the Appointment of the Commissioner as Receiver of Hawkins County Memorial Gardens and for Extraordinary Relief (“Verified Petition”) pursuant to Tenn. Code Ann. § 46-1-312. The Verified Petition is pending and the Commissioner filed this Application contemporaneously with such Verified Petition.

3. Defendant Vickie L. Ringley owns and operates, as a sole proprietorship, Hawkins County Memorial Gardens, a cemetery that is located at 536 Carters Valley Loop, Rogersville, Tennessee. Until December 31, 2013, Vickie L. Ringley, doing business as Hawkins County Memorial Gardens, operated under a certificate of registration issued by the Commissioner.

4. The Commissioner has submitted sufficient evidence to show a likelihood of success on the merits of the relief requested in the Verified Petition. Hawkins County Memorial Gardens’ owner and operator Vickie L. Ringley has caused Hawkins County Memorial Gardens to be impaired and insolvent, has caused Hawkins County Memorial Gardens to be unable to meet the Cemetery’s contractual obligations when they come due, never established a pre-need merchandise and sales trust account in violation of Tenn. Code Ann. § 46-1-207(b)(2) and therefore has not maintained trust funds in the manner required by the Cemetery Act, has

misappropriated and misapplied trust funds, and has operated the Cemetery without a valid certificate of registration in violation of Tenn. Code Ann. § 46-1-103.

5. There is a substantial likelihood that the Commissioner and the public will be irreparably harmed unless the Application is granted and Vicki L. Ringley is restrained from acting prior to a hearing on the Verified Petition. Without the entry of this order for injunctive relief, it is possible that Ms. Ringley will conceal or destroy records or withdraw or transfer funds or sell, transfer, conceal, destroy or dispose of assets and thus render less effective the relief that could be provided through the appointment of the Commissioner as receiver in this cause.

6. The entry of a temporary restraining order in this cause will not impose undue hardship or prejudice upon the Cemetery or Ms. Ringley. A temporary restraining order will preserve the status quo until the Commissioner's Verified Petition for her appointment as receiver of Hawkins County Memorial Gardens can be heard.

7. 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. The purpose of the restraining order is to eliminate the risk that Ms. Ringley will withdraw monies, dispose of assets, or destroy records 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.

ORDER

Now therefore, in view of the foregoing, it is hereby ORDERED that:

1. The Commissioner's Application for a Temporary Restraining Order be and hereby is GRANTED.

2. Pending further orders of the Court, it is hereby ORDERED that Vickie L. Ringley and any person acting on her behalf or for the Cemetery be and hereby are RESTRAINED, ENJOINED, and PROHIBITED from engaging in any or all of the following acts:

2.1. Engaging in the business of operating Hawkins County Memorial Gardens in violation of the Cemetery Act and the Order of Summary Suspension, including establishing, maintaining, managing, operating, improving and conducting the affairs of Hawkins County Memorial Gardens; interfering with the operation of Hawkins County Memorial Gardens; opening or closing graves or mausoleums or lawn crypts; physically entering the property of the Cemetery, except as necessary to:

(a) enter, leave, and return to a personal residence located on a property adjacent to the Cemetery; ^(b) and caring, preserving, or embellishing the property; and (c) *to post a notice at the entry of the cemetery directing questions or needs to the State of Tennessee, c/*

2.2. Exercising or attempting to exercise control of any finances, property, or monies of Hawkins County Memorial Gardens.

2.3. 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.

↳ Lisa Mosby, 615-741-5062. The Defendant Vickie L. Ringley is ordered by the Court to post this notice for the public to be able to contact a representative of the state for information until a Receiver can be appointed.

ETHL

2.4 Transferring, withdrawing, concealing, or disposing of any monies held on deposit in any bank, credit union or other financial institution in any account that is owned by or held for the benefit of the Hawkins County Memorial Gardens or Ms. Ringley, including personal accounts.

2.5 Selling, destroying, concealing, or making any other disposition of the Cemetery's assets, wherever located.

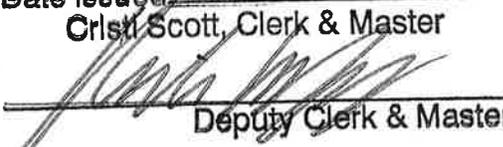
3. The hearing on the Commissioner's Application for Temporary ~~Restraining Order~~ ^{Injunction} is set for the same time as the hearing on the Commissioner's Verified Petition for the Appointment of the Commissioner as Receiver of Hawkins County Memorial Gardens and for Extraordinary Relief, which is set for Tuesday, December 2, 2014 at 9:30 a.m. in Part III of this Court.

4. No bond is required in connection with the entry of the Temporary Restraining Order.

5. This order will remain in effect until dissolved by further Order of this Court or operation of law.

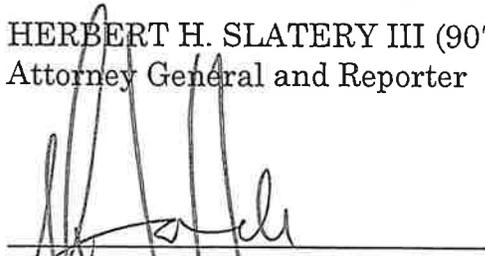
Entered this 2nd day of November 2014 at 2:35.


CHANCELLOR

Date Issued NOV 24 2014
Crist Scott, Clerk & Master

Deputy Clerk & Master

APPROVED FOR ENTRY:

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



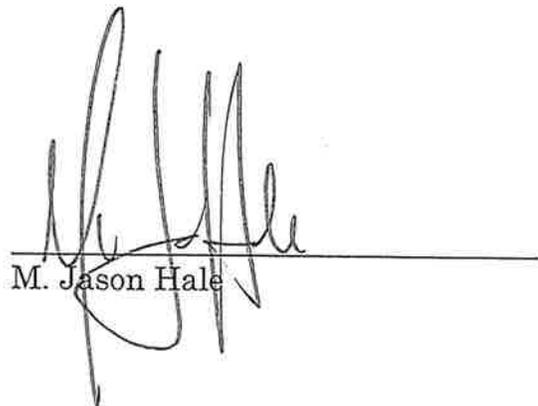
M. JASON HALE (26840)
Assistant Attorney General
Office of the Tennessee Attorney General
Financial Division
P.O. Box 20207
Nashville, TN 37202
(615) 532-8812; fax 532-8223

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 24th day of November, 2014.

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

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



M. Jason Hale