

# The Vicksburg Post.

## NEWS

### Green Acres customers fret over future

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By Steve Sanoski

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#### Claims

To register a claim against Green Acres, call Dave Scott at the Secretary of State's Business Regulation and Enforcement Division at 601-359-9055.

Lynn Campbell and her late husband, John, thought they were doing the responsible thing when they purchased pre-need burial services in 1990 at Green Acres Memorial Park.



John Bell kneels near a family plot at Green Acres. (Meredith Spencer\*The Vicksburg Post)

They had carried the weight of arranging the funerals and burials of their parents, and they didn't want to leave their two sons with the same burden.

"We considered the city cemetery (Cedar Hill), but we wanted everything to be taken care of in advance and we didn't want our sons to have to worry about taking care of the upkeep," Campbell said. "So we went ahead and bought and paid for everything — the lots, vaults, markers and opening and closing of the graves" at the 15-acre Green Acres, which promises perpetual care.

After hearing about the lawsuit filed by Secretary of State Delbert Hosemann against Green Acres' owners to recover more than \$373,000 missing from the company's trust account, Campbell fears the roughly \$3,500 she and her late husband paid to Green Acres might not keep her sons from being saddled with the strain of paying for her funeral and maintaining their parents' graves.

#### Green Acres timeline

When Green Acres Memorial Park opened in 1955, it represented a new kind a cemetery, said Charles Riles, local funeral director and president of the Mississippi Board of Funeral Service. More than a cemetery, it was a perpetual care park. "That gave people the reassurance that their loved ones would be taken care of," Riles said. Here's a look at the cemetery's life to now.

**1955** — Green Acres

"I'm concerned about what's going to happen when I die. Is the vault going to be there? Is the grave going to be opened and closed?" she asked. "Are my sons going to have to pay for it even though I already have? I want to have the assurance that my sons will not have to go through any hassles. That's what I've paid for."

She's not the only one. Even though he has no business affiliation with Green Acres, Charles Riles, owner of Riles Funeral Home and chairman of the Mississippi State Board of Funeral Service, said he was on the phone all day Friday with people concerned about their contracts with Green Acres, a burial ground off U.S. 80 East near the Beechwood intersection.

"Our phones started ringing at 8 a.m., and they rang all day long, and I'm sure that's been the case at every funeral home in town. People want to know what's going to happen to their family members' graves, what's going to happen with the money they've paid and what happens if a family member dies on Monday," he said. "The sadness is I don't have the answers to most of those questions, and I don't know if anybody does right now. But there's nobody really for these people to complain to, so I understand their frustrations."

opens; owner's name not available

**Nov. 20, 1955** — Lois Johnson becomes the first recorded interment

**February 1956** — Second burial; five more are recorded in the next 10 months

**1957** — Eight more burials

**1959** — The cemetery is purchased by Vicksburg resident Joe Varner and called Green Acres Memorial Park Inc.

**1989** — 1,653 burials have been recorded

**Nov. 16, 2001** — Sold to Mike Graham, and renamed Green Acres of Vicksburg LLC

**Jan 1, 2002** — Mississippi Pre-Need Cemetery and Funeral Registration Act takes effect

**Dec. 10, 2003** — Last annual perpetual-care trust fund report filed by Graham (with incomplete documentation and never accepted by the Warren County Chancery Court)

**Oct. 19, 2005** — Acting as president of Green Acres of Vicksburg LLC, Stephanie Graham signs a consent agreement with the State of Mississippi agreeing to file annual reports in accordance with the Pre-Need Act

**Nov. 15, 2005** — Request from chancery court clerk for annual perpetual-care fund reports

**March 31, 2006** — Secretary of State's Office

Since 2001, Green Acres has been owned and operated by Houston-based Mike Graham and Associates LLC. The late Joe Varner had owned and operated it from 1959 until his death in 1989, when son-in-law Jim Hobson took over. Today there are about 3,200 gravesites.

John Bell of Vicksburg and his wife, Joan, bought from Varner lots and pre-need services for themselves and their four daughters 36 years ago, after their daughter died at 12 from a battle with cancer. Since, Bell has had to bury another daughter. Now he and his wife are wondering if their daughters' graves will be taken care of and if their remaining contracts with Green Acres will be honored.

"This whole thing has just got us both very upset," Bell said. "I just can't understand how they can sell these plots and then the money just disappears. It's not right, and I bet you Joe (Varner) would be having a fit right now if he knew this was going on."

Hosemann said he spoke with Linda Graham, the wife of the late Mike Graham, on Friday, and she said two employees would remain in Vicksburg for the time being. However, he added, Graham could not assure him that vaults and other pre-paid services would be provided as needed. For those who have deeds to their burial sites, Hosemann said they will not lose them, but he could not guarantee anyone would receive the burial services they've paid for.

Riles said some people have asked him if he thinks they should have their family members moved to another cemetery. For now, he is advising people to wait and see what happens with the lawsuit.

"I'm telling them to not be afraid that something is going to happen to the graves out there. The state of Mississippi is very protective of cemeteries, and there is no doubt the graves at Green Acres will be protected by the state and our local government," said Riles. "When it comes to the pre-need services, however, I can tell you that when this happens to a funeral home, the majority of the time the money is lost."

Jimmy Vessel, a Vicksburg dentist, is among the customers who have visited the cemetery since Hosemann filed his lawsuit.

At the burial site Thursday, Vessel pointed out that services — grass mowing and opening and closing of graves — are ongoing, but some markers are lacking.

Both of his parents are buried at Green Acres, but the paid-for bronze plaque to mark the site where his mother's remains were buried nearly a year ago has not been installed.

On Friday, Chancellor Vicki Roach Barnes ordered a temporary restraining order against Green Acres and froze all of the company's known bank accounts. A hearing is set for Feb. 2 to begin digging into the company's contracts, accountings and operating records since 2001. While \$220,000 has been frozen in a trust account to pay for the "assured perpetual care" promised on the entrance sign of Green Acres, it cannot be used to offset burial costs. The balance of the trust fund for those costs is \$221.60 — \$373,813.80 less than should be there, Hosemann said.

"What they've done with the money they've made through the

says required annual pre-need report not received

**Nov. 7, 2006** — Final cease and desist order issued to Green Acres of Vicksburg LLC for not complying with annual reporting requirements of the Pre-Need Act; Green Acres ordered to stop selling pre-need contracts and its registration is revoked

**Dec. 31, 2007** — Mike Graham dies

**July 8, 2008** — Chancery court clerk requests annual perpetual-care fund reports

**October 2008** — Files are removed from Green Acres' office; days later, the office is dismantled and removed from the property

**Oct. 6, 2008** — Secretary of State Business Regulation and Enforcement Division audit begins of Green Acres' contracts, documents and bank statements

**Jan. 22, 2009** — Secretary of State Delbert Hosemann announces that \$373,000 is missing from Green Acres' pre-need trust fund and sues for a temporary restraining order to freeze all bank accounts of Green Acres of Vicksburg LLC

**Feb. 2, 2009** — Chancery Court hearing set for 9 a.m. to begin legal proceedings to restore and protect trust funds, assess penalties, appoint a conservator and obtain a permanent injunction prohibiting Green Acres from selling pre-need

years, I don't know. I think it's been squandered and they have tried to cover it up with lies as long as they could," said Campbell.

Hosemann has pledged to recover lost payments. The state might have to take over the cemetery, and Hosemann said if that's the case, a temporary manager will be sought locally until it can be sold.

Riles said the larger issue at hand is the regulation and oversight of cemeteries in the future to ensure others in the state don't go through what so many people in Vicksburg are going through.

"Mississippi is one of the few states that does not have a regulatory board over cemeteries, and now we're seeing that cemeteries can have problems that need some oversight," Riles said. "There will be a law that comes out of this, you can count on it. To go through all this and have no good result come from it would be a sin."

Bills have been introduced in the Senate and House that would form a loss-recovery program and other measures to protect people who have paid for pre-need burial services, said Hosemann.

"I think this is the largest cemetery failure in the state of Mississippi that I have ever known of," said Riles, who has been in the business 49 years. "There's an important word in all of this: dignity. Ask yourself: is all of this dignified?," he said. "There are people who won't even step on a grave. They'll walk around rather than step on a grave. And now we have this."

Staff writer Pamela Hitchins contributed to this report.

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