

Complaint targets cemetery owner



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CONSUMER WATCH

“Forever” is a long time, but it seems that it’s harder than you might imagine to get a place where your remains can remain undisturbed that long.

Many churches and old community cemeteries throughout Mississippi provide peaceful resting spots that have been maintained for generations, but even these may eventually be lost to the years as current generations die out and new ones emerge.

While in reality, management of any cemetery carries with it the obligations of maintaining it for an unlimited term into the future, many people have been for years trusting in perpetual-care cemeteries. When you agree to purchase a burial plot, you should be reasonably confident the grounds will be well-kept, roads and infrastructure maintained, and markers maintained and repaired as needed. In fact, all new cemeteries built after 2009 (except those operated by churches, religious societies, governments and those in a few other categories) must be considered perpetual-care cemeteries, and subject to the law.

Here in Mississippi, perpetual-care cemeteries are required by state law to hold back 15 percent of all ground burial sales and 5 percent of mausoleum and niche sales to a special account called a perpetual-care trust. The fund is then to be used to defray the expenses involved in maintaining the cemetery. They’re required to file a report every year with the secretary of state’s office to include — among other things — how much money is in the trust fund and how funds have been spent.

But occasionally, the secretary of state takes action against cemetery

operators for alleged failure to adhere to the law. Last week, Secretary of State Delbert Hosemann filed an action against the operators of Magnolia Cemetery and Meridian Memorial Park and the owner of the cemeteries, William E. Arlinghaus, in Lauderdale County Chancery Court. In a statement from Hosemann’s office, he noted the cemeteries house the remains of former U.S. Rep. G.V. “Sonny” Montgomery and “numerous Meridian families.”

In the complaint, Hosemann asked the court to appoint a receiver for the properties who would take over the assets and ensure compliance with state law. “Upon obtaining ownership of both Magnolia Cemetery and Meridian National Park in November 2011,” noted Hosemann in the release, “William Arlinghaus has completely failed to remit to trust the collections for his sales for ground burials (15 percent) and mausoleum/niche sales (5 percent). After examinations were conducted by the Regulation and Enforcement Division of the Secretary of State’s Office, Mr. Arlinghaus failed to trust a total of \$33,349.83 through October 2015.”

Hosemann also noted several consumer complaints had been received, alleging “maintenance neglect” and failure to deliver markers that had been purchased by families or estates.

Hosemann’s office also applied for a temporary restraining order preventing Arlinghaus from continuing to sell preneed policies to consumers. “Care of the final resting place of our families is critical to us as a society,” Hosemann said. “Citizens need to know the funds they place in trust today will provide their care in perpetuity.”

To find out more about buying funeral and related services, the Federal Trade Commission has a special series on the topic titled “Shopping for Funeral Services,” at <http://1.usa.gov/1ox8byi>.

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