

Texas Department of Banking

Press Release

Court Appoints Receiver For Live Oak Cemetery

Date: September 16, 2005

On September 15, 2005, a district court in Jefferson County issued a Temporary Restraining Order and Appointed a Temporary Receiver to run the day to day activities for Live Oak Cemetery, Inc. (Live Oak), a perpetual care cemetery located in Nederland, Texas. This litigation became necessary because Live Oak is operating a perpetual care cemetery that is in imminent danger of insolvency and has failed to correct violations of the Texas Health and Safety Code (Health Code).

The Texas Department of Banking (Department) facilitated numerous discussions with representatives of Live Oak and interested parties in an attempt to resolve the ongoing financial problems and continuing violations of the Health Code, without success. After it became apparent that ongoing discussions would not resolve these issues, the Department requested the assistance of the Texas Attorney General's Office to file the receivership action against Live Oak, to protect the rights and interests of purchasers of cemetery property.

A hearing on whether to continue the receivership is currently scheduled to be held on September 28th at 1:30 p.m. in the 172nd District Court of Jefferson County.