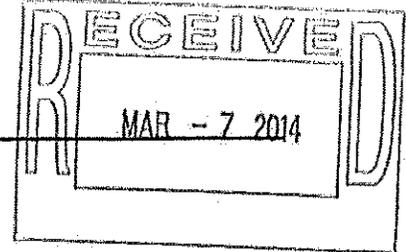


**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT**

IN THE MATTER OF:)	ADMINISTRATIVE
THE ESTATE OF DAVID E. SMITH)	PROCEEDING NUMBER:
D/B/A SMITH FUNERAL HOME)	
519 OWENS STREET)	
COLUMBIA, MS 39429)	LPR-14-0932
<i>Respondent</i>)	



AMENDED CONSENT AGREEMENT

I. Jurisdiction

Finding it appropriate in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi ("Division"), on behalf of the Secretary of State, having the power to administer and provide for the Mississippi Preneed Cemetery and Funeral Registration Act, Mississippi Code Annotated Sections 75-63-51 to 75-63-75 ("Act"), and Respondents do hereby enter into this Amended Consent Agreement ("Agreement"). This Agreement settles all of the Division's allegations of violations of the Act by the Respondents.

II. Agreement

In consideration of a final resolution of the matters set forth in Paragraph I, and of other considerations set out hereinafter, the Division and Respondents hereby agree, stipulate, and undertake as follows:

1. Respondent admits the jurisdiction of the Division as to all parties and matters herein under the authority of the Act.
2. Smith Funeral Home, Inc. (hereafter "Smith") is a preneed provider that is registered with the Mississippi Secretary of State's Office. Registration number 120000207.
3. Respondent hereby admits to the following violations of the Act:
 - a. Smith, in violation of Mississippi Code Annotated Section 75-63-59(3), did not fund or underfunded at least thirty-eight (38) preneed contracts. At the time of this

agreement, Twenty-two (22) of these contracts have already been serviced, Ten (10) have current paid-up insurance as the funding mechanism, Three (3) are funded by insurance that is currently being paid up, and Three (3) belong to persons who cannot be located dead or alive.

4. Smith is currently being run by an Administratrix as part the Estate of David E. Smith. The Division recognizes that the estate is attempting in good faith to correct preneed violations and compliance issues in the perpetration of which the estate was not involved. For this unique reason, the Division extends this offer to resolve violations without penalty.
5. Smith agrees to continue to pay premiums on the Two (2) preneed contracts for Onetta Jackson and Savannah Peters until such time as these policies are paid up or the preneed contracts are serviced.
6. Smith further agrees to keep Fifteen Hundred Fifty Dollars (\$1,550.00) in a separate, restricted bank account for the remaining Three (3) persons (Jerrie Williams, Versie Pace, Sr. and Frazier Foster) who cannot be found dead or alive until such time as these people are located. At the time these people are located, their portion of the funds set aside should either be used to fund an insurance contract associated with the amount of their preneed contract or, if they have already passed on, given to their estate or next of kin.
7. The Secretary of State's Office will re-examine Smith in June 2015 to determine compliance with this Agreement.
8. As a result of this Agreement and full compliance with its terms, the Secretary of State agrees not to pursue any further actions against Smith regarding the aforementioned violations.
9. Respondent agrees to comply with the provisions of the Act as currently enacted and any future amendments thereto.
10. Nothing contained herein shall be construed as limiting Respondent's rights to contest any finding or determination made by the Division or by a court of competent jurisdiction

concerning an alleged failure by Respondent to comply with any of the terms and provisions of this Agreement.

11. Respondent is aware of its right to a hearing on this matter at which it may be represented by counsel, present evidence, and cross-examine witnesses. Respondent hereby irrevocably waives the right to such a hearing.
12. Respondent understands that the entry of this Agreement represents the settlement of regulatory claims by the Division against the Respondent.

III. Acknowledgement

The parties acknowledge that they have read this Agreement in its entirety and fully understand the rights, terms, and obligations of each contained therein and they have been vested with the express authority to enter into this agreement. The parties further acknowledge that they have not been threatened or otherwise coerced into entering into this Agreement.

The undersigned hereby acknowledge and agree to the terms and conditions of the foregoing Agreement by written consent.

So Agreed, this the 6 day of March, 2014.

SMITH FUNERAL HOME

BY: Angie Adams
Ms. Angie Adams
Administratrix for
the Estate of David E. Smith

Date: March 6, 2014

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE
In his Official Capacity

BY: Amy C. Foster
Amy C. Foster;
Senior Attorney
Regulation and Enforcement

Date: 3/11/14