

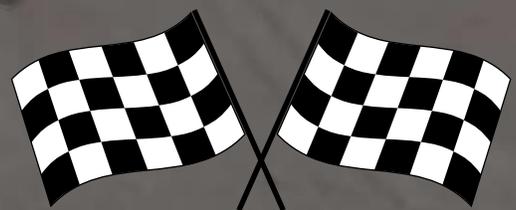
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MAGAZINE

September 2015
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Ladies and Gentlemen, Start Your Engines! Get Revved Up for the NFDA International Expo, Indianapolis, Indiana



NFDA Revs Up For International Expo in Indianapolis
Listing of NFDA Agenda, Speakers, Exhibitors and Workshops
NFDA President Robert "Rob" Moore Special Convention Welcome
The Burial "Loewen vs O'Keefe" Trial - Final Chapter by Jonathan Harr
The History of Cremation - Final Chapter by Todd Van Beck
Do Your Next Steps For Growth Require Access to Capital by Live Oak Bank
Chills and Thrills for October at National Museum of Funeral History
Top Three OSHA Citations in Deathcare by Sandi Addis, RDH ASD "Exercise for Cause" Program

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David Adams



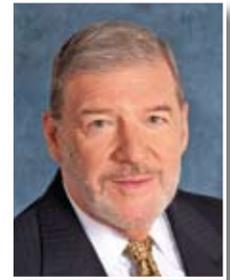
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Blair Nelsen, Former Owner – Nelsen Family Funeral Services, Inc.
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MAGAZINE

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September 2015

Southern Funeral Director Magazine®
Vol. 170 No.7

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notes from the editor

By Robert C. "Rob" Moore, IV, CFSP, CCO NFDA President

It's hard to believe it's been nearly a year since we gathered in Nashville for the 2014 NFDA International Convention & Expo. My wife Pat and I are looking forward to reconnecting with our funeral service friends and colleagues from throughout the world in Indianapolis for the 2015 NFDA Convention.

I am very impressed with the engaging workshops planned for this year's convention. These workshops, were carefully selected by our Professional Development Committee. Like you, the members of this committee are funeral directors who serve families and run businesses – they're keenly aware of the challenges you face. I know you will leave Indy with several ideas from these workshops that you can implement at your business when you return home.

Workshops aren't the only place to discover new ideas – the social and networking events NFDA has planned for attendees will not only help us connect with colleagues we've never met before, but also renew old friendships. When funeral directors get together, we can't help but share ideas; it's great to hear what my peers are doing in different parts of the country to meet the needs of their community.

When we gather, we also like to have fun, and the social and networking events at the NFDA Convention will deliver. While Indianapolis is known as the host of the legendary Indianapolis 500 auto race, there is much more to discover. We'll get a taste of the whole city during events like the Welcome Party at the Indiana State Museum, the Funeral Directors Under 40 Party at The Rathskeller, and the "The Fifth Quarter," our closing celebration at Lucas Oil Stadium.

Don't miss the world's largest funeral expo. Please take time to meet with our vendor partners whose innovative products, services and technologies will help you run a more efficient business that's focused on meeting the needs of people seeking meaningful funerals.

I hope you'll join us for it all in Indianapolis from October 18-21 and if you see me or Pat, be sure to say hello.

The 2015 NFDA International Convention & Expo is sure to be an unforgettable experience!



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Get revved up for the 2015 NFDA International Convention & Expo!

It's not your grandfather's Indy!

Theodore Roosevelt was president, the first Model T rolled off the assembly line and passenger air travel had just begun in 1908 when roughly 200 NFDA members gathered for the 27th annual convention in Indianapolis, Indiana (pictured above). No doubt they had an amazing time in Indy that year, enjoying everything the city had to offer, but they could scarcely imagine the transformation the city would go through in the century ahead.

And what a transformation it has been. Named the #1 Convention City by *USA Today*, Indianapolis is ready to welcome new generations of funeral service professionals – offering amazing food, family-friendly attractions, inspiring historical sites, thrilling sports and top-notch entertainment.

It's not your grandfather's convention!

Prepare for the experience of a lifetime in Indianapolis! You'll want to take advantage of everything this year's convention has to offer:

- Engaging educational sessions by industry experts
- The world's largest funeral service expo
- Unique tours and fun social events
- And much more!

Be sure to stay through Wednesday evening to join your friends and colleagues for an exclusive experience at Lucas Oil Stadium, home of the NFL Colts and Super Bowl 2012! You'll talk about this once-in-a-lifetime experience for years to come!

Member Registration Options

A variety of registration types are available to best meet your schedule and needs. Register by September 11 for special savings! See page 28 for details.

Hotel and Travel

NFDA has secured special rates at several area hotels, all of which are reasonably priced and within walking distance of the Indiana Convention Center. To help you make your room reservations easily, NFDA has arranged for a housing bureau to assist you in booking the perfect room to meet your needs.

To reserve your hotel room and for additional travel information, please visit www.nfda.org/indy2015.



At a Glance (Subject to change)

Friday, October 16

5:30 – 6:30 p.m. NFDA Policy Board Meeting
With At-large Representatives

4:15 – 5:30 p.m.

All-Star Recognition Ceremony

4:30 – 6 p.m.

Funeral Service Foundation
Donor Reception*

Saturday, October 17

7 a.m. – 3:30 p.m. Habitat for Humanity*
7:30 a.m. – 5 p.m. Registration
8 a.m. – 4:30 p.m. NFDA Certified Crematory
Operator Program™
(Preconvention Seminar)*
8 a.m. – 4:45 p.m. NFDA Certified Preplanning
Consultant™ Program
(Preconvention Seminar)*
8:30 a.m. – 4 p.m. NFDA Policy Board Meeting
12 – 5 p.m. NFDA Central
1 – 5 p.m. Specialized Techniques for
Embalming/Restoration Cases
(Preconvention Seminar)*

Tuesday, October 20



Think Pink Day for Breast Cancer Awareness
Tuesday is Breast Cancer Awareness Day
at the 2015 NFDA International Convention
& Expo! Get your pink badge ribbon and
wear pink to show your support!

Sunday, October 18

8 a.m. – 5 p.m. Registration
8 a.m. – 5 p.m. NFDA Central
8:30 – 10:45 a.m. CPC Exam*
8:30 – 10:45 a.m. Funeral Service Foundation
(shotgun start) Golf Classic*
8:30 a.m. – 5 p.m. Workshops
2 – 5 p.m. A Sample of Indy Tour*
6:30 – 8:30 p.m. Welcome Party

7 a.m. – 5 p.m.

Registration

7 a.m. – 5:30 p.m.

NFDA Central

7:30 – 9:30 a.m.

Workshops

9:45 – 11 a.m.

Service of Remembrance

11:15 a.m. – 12:15
p.m.

Workshops

11:15 a.m. – 12:15
p.m.

House of Delegates: Installation
of NFDA President/Executive
Board

12 – 5p.m.

Expo

12:30 – 2 p.m.

Conversation Cafés

Meet the Mentors Reunion●

1 – 5 p.m.

The Hoosier Experience Tour*

5 – 6 p.m.

Heritage Club Reception●

5:30 – 7 p.m.

International Reception●

8 – 11 p.m.

Funeral Directors Under 40●

Monday, October 19

7 a.m. – 5 p.m. Registration
7 a.m. – 5:30 p.m. NFDA Central
7:30 – 9:30 a.m. Workshops
10 – 11:45 a.m. Opening General Session
11:55 a.m. Expo Ribbon Cutting
12 – 5p.m. Expo
1 – 4:30 p.m. Race Through Indy Tour*
4:15 – 5:30 p.m. All-Star Recognition Ceremony
4:30 – 6 p.m. Funeral Service Foundation
Donor Appreciation Reception●

Wednesday, October 23

7 a.m. – 2 p.m.

Registration

7 a.m. – 2 p.m.

NFDA Central

8 – 9 a.m.

Workshops

9 a.m. – 12p.m. Expo

12 – 1:30 p.m.

General Session

1 – 4 p.m.

Segway Tour*

1 – 4 p.m.

Special Engagement

6 – 9 p.m.

The Fifth Quarter at
Lucas Oil Stadium*

* Additional registration required ● By invitation only



Saturday, October 17

Preconvention Seminars



Specialized Techniques for Embalming and Restoration Cases 1 – 5 p.m.

Vernie Fountain, CFSP, Embalmer, Postmortem Reconstructive Specialist, Fountain National Academy



NFDA Certified Preplanning Consultant (CPC) Seminar & Exam Seminar 8 a.m. – 4:45 p.m. (CPC Exam – Sunday, October 18, 8:30 – 10:45 a.m.)

Colleen Murphy Klein, M.A., NFDA Vice President, Professional Development, Brookfield, W



NFDA Certified Crematory Operator (CCO) Seminar

Registration: 8 – 8:30 a.m., Seminar: 8:30 a.m. – 4:30 p.m.

Michael Nicodemus, NFDA Vice President, Cremation Services; Michael Watkins, CFSP, NFDA Senior Vice President, Operations



General Sessions



Opening General Session **Get Switched On! The Incredible Power of Attitude and Activity** Monday, October 19 9:45 – 11:45 a.m.

Chip Eichelberger, CSP, Get Switched On!™

Are you switched on every day for every phone call, every customer, every employee, every time you walk in the door at your business and at home? Recapture the energy that will power the momentum to generate loyal, super-achieving employees. Approved for up to 1 CE hour by APFSP and licensing boards in most states and provinces.



Wednesday General Session **How the Best Get Better!**

*Wednesday, October 21
12 – 1:30 p.m.*

Robert Stevenson, Seeking Excellence Inc., Clearwater, FL

“In life as in nature, today’s peak will be tomorrow’s foothill.” This proverbial double-edged sword cuts to

the core of performance – both business and personal. Approved for 1 CE hour by APFSP and licensing boards in most states and provinces.



Special Engagement **Leading a Life of Legacy: Reverse Engineering Your Life** Wednesday, October 21, 2 – 4 p.m.

Rabbi Daniel Cohen, Senior Rabbi, Congregation Agudath Sholom, Stamford, CT

Popular motivator, mentor and inspirational speaker Rabbi Daniel Cohen will introduce the concept of reverse engineering your life through the prism of personal awakenings and a challenge to maintain a sense of living life with urgency. Approved for up to 2 CE hours by APFSP and licensing boards in most states and provinces.

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Workshops

Sunday, October 18

11:30 a.m. – 12:30 p.m.

Infectious Disease Protection: Complying With the OSHA Bloodborne Pathogens Standard

Edward M. Ranier, Esq., Law Office of Edward M. Ranier, Timonium, MD

Reinventing and Invigorating Your Funeral Business From the Ground Up

Douglas Gober, President/Owner, Gober Strategic Capital, Kenner, LA

Inbound Marketing: The Future of Funeral Home Marketing

John Callaghan, President, Customer Driven Marketing Inc. (DBA FuneralSuccess.com), Farmington Hills, MI

Parasite vs. Plunderer: Family Business Succession Planning

Alan Creedy, Succession Planning Associates, Raleigh, NC; William McQueen, LFD, CPA, JD, LLM, Partner/Attorney-at-Law, McQueen & Siddall LLP, Saint Petersburg, FL

1:15 – 2:15 p.m.

Effective Social Media for Your Funeral Home on a Shoestring Budget

William Spear, Funeral Director, Hansen-Spear Funeral Home, Quincy, IL

1:15 – 3:15 p.m.

What They Didn't Cover in Mortuary School: Advanced Grief Concept

Jason Troyer, Ph.D., Founder, Mt. Hope Grief Services, Maryville, TN

Let's Get the Courageous Conversations Started

Jane Blaufus, CLU, Principal, The Blaufus Group Ltd., Ancaster, Ontario, Canada

Increasing the Value of Ceremony Through an At-need/Preneed System Approach

Candace Franco, Training Director, The Outlook Group Inc., Franklin, OH

The Final Touch: How Not to Mess Up a Good Embalming and How to Overcome a Bad One

Wallace P. Hooker, Funeral Director/Embalmer/Owner, Family & Friends Funeral Home Inc., Wingate, IN

3:30 – 4:30 p.m.

Taking Your Funeral Home to the Next Stage of Business Growth and Profitability

Jon Goldman, Chief Executive Officer, Brand Launcher, Baltimore, MD

New Perspectives and Strategies to Add Value to Cremation Arrangements

Willi P. Heuse, MBA, Funeral Home Owner and CEO, Heuse Bestattungen GmbH & Co., KG, Frankfurt am Main, Germany

Keys to Effectively Resolve Family Complaints – and Avoid Costly Lawsuits

T. Scott Gilligan, Esq., Gilligan Law Offices, Cincinnati, OH; Diana Kurz, CFSP, Newington Memorial Funeral Home, Newington, CT

Is Your Underwear Too Tight? Learn the Letting Go Formula

Cate Collins, Powerful Journey Consultants, Oshawa, Ontario, Canada

The Funeral Director's Guide to Relevant Funerals

Justin Baxley, Senior Vice President, Chief Customer Officer, Foundation Partners Group, Orlando, FL; Lacy Robinson, CFSP, Director of Professional Development, Aurora Casket Company, Aurora, IN

Monday, October 19

7:30 – 8:30 a.m.

The Seven Integrated Components of HR Strategies

Stephanie Ramsey, Client Service Representative, The Foresight Companies LLC, Phoenix, AZ

The Funeral Experience of the Future ... Today!

Brad Rex, President and CEO, Foundation Partners Group LLC, Orlando, FL

7:30 – 9:30 a.m.

How to Obtain Community Support for a New Crematory in Your Market

Carol Lynn Green, Esq., Law Offices of Carol Lynn Green,

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Contact Shannen Mayfield CPA/ABV at planning@federated-funeral.com





Workshops

Bethesda, MD; Laura Green, Ph.D., D.A.B.T., Consulting Toxicologist, Brookline, MA; Michael Nicodemus, NFDA Vice President, Cremation Services, Brookfield, WI

The Role of the Embalmer in Support of Organ and Tissue Donation

Sharon L. Gee-Mascarello, Clinical Instructor, Mortuary Science Program, Wayne State University, Detroit, MI

Take Over My Funeral Home Makeover!

Georganne Bender and Rich Kizer, Kizer & Bender Speaking! St. Charles, IL

Tuesday, October 20

7:30 – 9:30 a.m.

Building Superior Customer Relationships Through Online Marketing

Ashley Montroy, Marketing Director, FrontRunner Professional, Kingston, Ontario, Canada

Creating Loyalty and Lifelong Memories Through Creative Customer Engagement

Valerie J. Wages, CFSP, Employee Development Specialist, VJW Development & Family Services Inc. and President, Tom M. Wages Funeral Service, Lawrenceville, GA

8:30 – 9:30 a.m.

Different Farewells: Building Value in Meeting the Needs of a Diverse Society

Alon Nativ, Aley Shalechet Ltd., Ra'anana, Israel

At the Intersection of Profit and Service: The Funeral Home in 2015

Daniel Isard, President, The Foresight Companies, LLC, Phoenix, AZ

Making Cremation Profitable

John T. McQueen, CFSP, Owner and President, Anderson-McQueen Funeral Home, Saint Petersburg, FL

11:15 a.m. – 12:15 p.m.

Another Day, Another Black Dress

Stephanie Longmuir, Funeral Celebrant, Melbourne, Australia

Preventing Professional Burnout – Increasing Staff Satisfaction and Performance

Jason Troyer, Ph.D., Founder, Mt. Hope Grief Services, Maryville, TN

Using Technology to Work Smarter and Increase Family Satisfaction

Mike Bryan, General Manager, Batesville Technology Solutions, Batesville, IN

Embalming Remains with Conditions Caused by Medical Science and Drug Intervention

Karl Wenzel, CFSP, MBIE, Coordinator, Technical Education and Training, The Dodge Company, Cobourg, Ontario, Canada

11:15 a.m. – 12:45 p.m.

Understanding the Veteran and the Needs of the Grieving Military Family

Ed Hrivnak, Assistant Chief of Prevention and Education for Central Pierce Fire and Rescue, Puyallup, WA

Tuesday, October 20

Conversation Cafés

12:30 – 2 p.m.

Embalming Risk Management for Every Funeral Home

Jzyk S. Ennis, CFSP, CCO, Funeral Service Education Instructor, Jefferson State Community College, Birmingham, AL; T. Scott Gilligan, Esq., Gilligan Law Offices, Cincinnati, OH

Hospice and Funeral Home Collaboration: Opportunities and Challenges

Barbara L. Bouton, MA, FT, National Hospice and Palliative Care Organization, Alexandria, VA; Brenda Kenyon, LCSW, St. Vincent Hospice, Carmel, IN; Maureen Lindley, Vice President of Marketing, Flanner and Buchanan Funeral Centers, Indianapolis, IN

Wednesday, October 21

8 – 9 a.m.

Proven HR Systems for Avoiding Employment Law Liability

Joel Cullum, Senior Vice President, SESCO Management Consultants, Bristol, TN; William Ford, President and CEO, SESCO Management Consultants, Bristol, TN

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Workshops

Cremation Liability Issues for Crematories and Funeral Homes Using Third-Party Crematories

Jack West, National Account Executive, Federated Insurance, Owatonna, MN; Michael Nicodemus, NFDA Vice President, Cremation Services, Brookfield, WI

Funeral Directors Are Poor Businesspeople: Perception, Reality or an Opportunity to Disrupt the Paradigm?

Erin Whitaker, CFSP, CPC, Financial and Management Consultant, The Foresight Companies, Phoenix, AZ

Making the Most of Free Search Engine Marketing for Your Funeral Business

Tom Brems, Director of Search and Analytics, Legacy.com, Evanston, IL

Have the Talk of a Lifetime: Updates and 2016 National Launch

Rob Rosenberg, President and Brand Strategy Director, Springboard Brand & Creative Strategy, Arlington Heights, IL



Events

Habitat for Humanity

Saturday, October 17, 7 a.m. – 3:30 p.m.

Join NFDA as we help Greater Indy Habitat for Humanity make home ownership a reality for a local family. There are three easy ways to support Greater Indy Habitat for Humanity:

- Volunteer for the day
- Donate
- Sponsor the build.

Visit www.nfda.org/habitat for more information.

15th Annual Funeral Service Foundation Golf Classic

Sunday, October 18, 8:30 a.m.

Shotgun Start, Scramble Format

Brickyard Crossing Golf Course, Indianapolis, Indiana Golf Network. Support.

Make a difference while enjoying a day on the links at the NFDA Convention & Expo this year! Join the Funeral Service Foundation for the 15th annual Golf Classic at Brickyard Crossing Golf Course at the Indianapolis Motor Speedway!

The grandeur and excitement utilizes Dye's signature railroad ties as well as large slabs of concrete along creek beds. Perhaps most unique, Brickyard Crossing boasts a four-hole stretch inside the famed Indianapolis Motor Speedway.

Welcome Party

Hosted by 2015 NFDA President Rob Moore and Pat Moore

Sunday, October 18, 6:30 p.m. – 8:30 p.m.

Indiana State Museum

All-Star Recognition Ceremony

Monday, October 19, 4:15 p.m. – 5:30 p.m.

Service of Remembrance

Tuesday, October 20, 9:45 – 11 a.m.

Honoring President Abraham Lincoln

Funeral Directors Under 40: The Rathskeller

Tuesday, October 20, 8 – 11 p.m.

Price per person: \$45 by September 11; \$55 after September 11. Includes one beer flight (five German beers) and a mix of hot and cold appetizers.

The Fifth Quarter Hosted by 2016 NFDA President Bob Arrington and Judy Arrington

Wednesday, October 21, 6:30 – 9 p.m.

Lucas Oil Stadium

Price per person: Adults: \$70 by September 11; \$80 after September 11. Children 6-16: \$40 by September 11; \$50 after September 11. Children under 6: free.

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Able Caskets LLC
ABM Funding Inc.
AC Furniture Company
Academy of Professional Funeral Service Practice
Access Financial Group/Interment Trust Services
Accubuilt Inc.
AFE - Asia Funeral and Cemetery Expo & Conference
afpHORIZON
Aging With Dignity
Aley Shalechet Ltd.
All City Communications
Alternative Solutions USA
Alviti Creations Inc.
Ambassador Associates-Div. of Good Will Publishers
American Academy McAllister Institute
American Airlines Cargo
American Benefit Life Insurance Company
American Cemetery Supplies Inc.
American Coach Sales
American Crematory Equipment Co.
American Funeral Consultants Inc.
American Funeral Supply Company
Amor Memorials Inc.
Applied Lighting Solutions Inc.
Armbruster Stageway
Army National Guard Honor Guard
ASD - Answering Service for Directors
Ashby Company
Astral Industries Inc.
Aurora
B&L Cremation Systems Inc.
Bass-Mollett Publishers Inc.
Batesville
BINZ USA LLC
Bio-Response Solutions Inc.
Bissell Big Green Commercial
BK Hong Kong Tailors
Body Scoop by B-Mobile Inc.
Brooke International
C&J Financial LLC
C&L Containers Inc.
C. J. Boots Casket Company
Cadillac Professional Vehicles
CANA - Cremation Association of North America
Catholic Extension
Cemetery Funeral Supply
Champion Company (The)
Chateau Urns
Chicago Cremation Supplies
Chrysler
Church & Chapel Metal Arts Inc.
Cincinnati Equitable Life Insurance Company
Clark Grave Vault
ClearPoint Federal Bank & Trust
Coldspring Memorial Group
Columbian Financial Group
Commemorative Rosaries
ConnectingDirectors.com
Contemporary Concepts
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Cremation Systems
Cremation.com
Crematory Manufacturing & Service Inc.
Crescent Memorial
Crowne Vault/Cressy Memorial
Crystal Remembrance
Custom Air Trays
Davis Whitehall Co. (The)
Delta Cargo
Department of Defense
Destiny Casket
Directors Choice Assignment Services
Director's Select Retirement Plan - DSRP
DNR Industries Limited
Dodge Company (The)
Doric Products Inc.
Duncan Stuart Todd Ltd.
Eagle Coach Company
Eagle's Wings Air (EWA)
EckCo Products
Eckels
Elegante Brass Company
Eternity's Touch
Eustis Chair
Exotic India
Express Funeral Funding
Extra Packaging
Facultatieve Technologies
Federal Coach Co.
Federated Funeral Directors of America
Federated Insurance Company
Ferno-Washington Inc.
Final Embrace LLC
Fine 'N Rhine - Hong Kong
Ford Acceptance Corp.
Foresight Companies LLC
Forethought Life Insurance Co.
Frazer Consultants
Frigid Fluid Co.
FrontRunner Professional
Funeral Directors' Answering Service
Funeral Directors Life Insurance Company (FDLIC)
Funeral Home Gifts
Funeral Services Inc.
FuneralCall
FuneralNet
funeralOne
FuneralScreen
Funeraltech
Glass Remembrance
Global Mortuary Affairs
Granville Urns
Grateful Glass
Great Western Supply Powered by PROforma
Grieving Together
Haaga Sweeper
Health Care Logistics
Heirloom Bible Publishers
HELPCard (The)
Hepburn Superior-US Chemical
Heritage Memorial Funding
Hilton Funeral Supply
Holland Supply Inc.
Holsag Canada
Homesteaders Life Company
HoverTech International
Howard Miller/Hekman
Hunter Warfield
ICCFA - Int'l Cemetery, Cremation & Funeral Assn.
Implant Recycling LLC



2015 List of Exhibitors (Current as of April 1, 2015)

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Inman Shipping Worldwide
Insight Books
International Mortuary Shipping LLC
Investors Heritage Life Insurance Co.
J. Stuart Todd Inc.
Jefferson Financial
Jet Blue Airways
Johnson Consulting Group
K2 Products LLC
Kates-Boylston Publications
Keith M. Merrick
Kelco Supply Company
Keystone Funeral Home Design Build
Kindled Memories
Kozak Dry Wash
Lamcraft Inc.
LaserSletch Ltd.
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Madelyn Co.
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MKJ Marketing
Mortuary Lift Company
Mortware
Mt. Hope Grief Services
NADCO Marble
Naser Group
National Alliance for Grieving Children
National Assn. of Colleges of
Mortuary Science
National Directory of Morticians/The
Red Book
National Hospice & Palliative Care
Org./NHF
National Mortuary Shipping
National Personnel Records Center
Natural Legacy USA
New Memorials Direct
NGL Insurance Group
Nixon Consulting Inc.
Nomis Publications Inc.
Nordmark Jacobsen
One Room Funeral Webcasting
Osiris by Funeral Director's Resource
Inc.
Outlook Group (The)
Park Place Equity
Parson Bishop Services Inc.
PartnerShip LLC - NFDA Shipping
Program
Pasco Specialty Products
Passages International Inc.
Pekin Life Insurance Company
Personalized Doormat Company
Physicians Mutual
Pierce Mortuary Colleges
Pittsburgh Institute of Mortuary
Science
Platinum
Polyguard & Co.
Precious Memories
Precoa
Private Label Caskets
Professional Funeral Alliance Inc.
Progressive Environmental Services
Inc.
Promotion In Motion
Raj India Trading Corp.
Regal Line
Remembrance Creations LLC
Remembrance Frame Urns
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RK Productions Inc.
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Inc.
RS Design Gallery
Salem Stones Inc.
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Sauder Funeral Products
Scarf King
ScentAir
Security National Life Insurance
Company
Shanghai Custom Tailors
ShivaShade
Signature Partners Inc.
SinoSource International
SpartaCraft Inc.
SRS Computing
Starmark Funeral Products
SuperNova International
Syndaver Labs
T&J Manufacturing Corporation
Teledelta
Terrybear Urns & Memorials
TESCO
Thacker Caskets
Thermalgraphics
TiesForYou.com
Total Medical Compliance
Touch With Love
TransFirst
Trigard
Trinity Fluids
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Tukios Inc.
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Construction Inc.
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United Heritage Life
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Vantage Products Corp.
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THE BURIAL - Part IV of IV-Final

20 Year Anniversary of the Biggest Story in Funeral Industry History

Winning multi-million-dollar verdicts had become easy for Willie Gary, and he began to want something bigger. Then he met a man with a complaint (Jerry O'Keefe), against a funeral-home empire pioneered by Ray Loewen.

By Jonathan Harr

IV - THE TRIAL, continued

Some days later, Loewen took the witness stand in his own defense. Guided by Sinkfield, he spoke with pride about his company, the hard work he had invested in it, and the cordial relations he kept with the owners of the funeral homes he had acquired. "We're known for our dinner cruises," he told the jury. "We love to entertain funeral directors from across America. They come up in the late afternoon usually, and it's a very pleasant way of establishing relationships, having dinner on our boat."

He recalled few actual details of his dealings with O'Keefe, although he did remember the time O'Keefe and Allred came to Vancouver to discuss the Wright & Ferguson contract. "We had a very pleasant dinner cruise on our boat at that time." He had no recollection of ever saying to O'Keefe that he "didn't object to settling dispute in court." His intentions all along, he insisted, had been honorable. The failure to complete the agreement had resulted from a difference in the valuation of O'Keefe's properties, not from deceit or bad faith.

The subject of Loewen's boat had come up several times during that trial. Gary had been the first to mention it, six weeks earlier, in his opening statement—"A yacht that the company allows him to spend a million dollars a year just to keep," he'd said—and with that single, offhand remark Loewen's lawyers had felt compelled to defend the boat. They did so at great length. One Loewen executive, under a friendly examination by Loewen lawyer, testified that the company did not actually own a boat. "From time to time, we rent a boat."

"Who owns the boat that you rent?" the lawyer asked.

"The boat is owned by a private company which, in turn, is owned by Mr. Raymond Loewen. We rent it on a daily basis. To insure that it's available on short

notice, we pay what's called a standby fee."

And on it went, with a thorough description of how useful the boat was for doing business, and the manner in which the board of directors set the rental rate. At a bench conference with the lawyers the next morning, Judge Graves warned against any more boat talk. "They spent a whole hour yesterday trying to explain that we don't have a big yacht, but we do," the Judge said. "I'm sick of hearing about that. I'm the only person in here without a boat, and I've got to hear about these dinner cruises." But it didn't end there. With Loewen on the witness stand, Sinkfield resumed the subject for reasons no one—not even Loewen, apparently—could fathom. "You mentioned dinner cruises," said Sinkfield. "Is that a boat or is that a yacht?"

"I really don't know the difference," Loewen replied.

"It's a big boat, isn't it?" Sinkfield asked.

"I don't know what's big, but it is one hundred and ten feet long. I'm not sure if that is big."

That was all Gary needed to begin his cross-examination. "Let me ask you this," he said to Loewen. "Does your board of directors know that you don't know the difference between a boat and a yacht?"

"I've had the privilege of entertaining my directors on my boat," Loewen replied.

"Do they know that you don't know the difference between a boat and a yacht?"

"I doubt that they know that," Loewen said.

"Can you land a helicopter on your canoe, boat or yacht, whichever one?"

“My helicopter pilot can land a helicopter on my boat.”

“Oh,” Gary said, “you’ve got your own helicopter and your pilot?”

Three days later in closing arguments, Gary told the jury, “These people just lied, lied, lied, lied. They lied to Jerry and they lied to you. They even lied for no reason. They lie. What about the boat? Nothing wrong with a man having a yacht, but if you’ve got a yacht say it!” He assembled the evidence of the previous two months into a story that appeared nearly seamless in its contours and particulars. It helped that the facts—most of them, anyhow—supported the story. The single weak link—the terms of the contract between O’Keefe and Wright & Ferguson and whether Loewen had actually violated those terms—he brushed effortlessly aside. “You can go with a whole lot of fancy stuff,” he said to the jury, “and I told you that I was just a country boy and I said I might not use big fancy words like everybody else. You said you wouldn’t hold that against me because I wanted to talk common to you. The bottom line is they broke their word and it was intentional and it was malicious.”

And, of course, he told the jury, they also dominated markets, created monopolies, and, worst of all, gouged grieving families. “If you really want to gouge someone, you catch them during that time when they’ve lost a mother or a father or a child. They are helpless. They are there for the picking. Take them, take them. IT’s all about dollars with them.”

After enumerating these sins, Gary methodically enumerated the sums of money that Loewen should pay to O’Keefe for the damages he had inflicted. There were many categories, all attested to by experts in economics and in the funeral business, and in the end it added up to \$105 million. And then, almost as an afterthought, Gary said to the jury, “You may think that is not enough.”

It was late Friday afternoon by the time the lawyers had finished their final arguments, so the jury did not begin deliberating until the following Monday morning at eight o’clock. To reach a verdict, only nine of the twelve jurors had to come to an agreement. Given the length of the trial, the complexity of Judge Graves’s instructions on the law, and, especially, the nine-page

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interrogatory that the jurors had to answer in order to return a verdict, everyone presumed the jury would take days to arrive at a decision.

On commencing the deliberations, the jurors selected a sixty-three-year-old white man named Glenn Millen as their foreman. He was well educated, an electrical engineer by training, and although he lived for the past thirty years in the United States, he was Canadian by birth. He had once served as a juror in a civil case in which the jury had found for the defendant. All in all, he appeared to be the embodiment of the perfect juror for Loewen.

Loewen's lawyers had remained steadfast in the belief that they would prevail on the legal merits of the case, up until the moment on Wednesday afternoon when the bailiff passed the verdict slip to the Judge. Some among them had decided Gary's final argument as "undisciplined and demagogic," a "stream-of-consciousness" rant. The Jackson lawyer who had worked on the case for Loewen since its inception, almost four years earlier, brought his children to the courtroom to witness the announcement of the verdict. Loewen and his wife sat together at the counsel table for the rendering of the verdict. "My senior counsel were telling me that we were ahead on the merits, and I could not believe that we wouldn't win on the merits," Loewen recalled.

"The defense team," Judge Graves remarked later, "never had any idea how out of touch they were with what was going on."

Opposite Loewen, O'Keefe and his wife sat at the plaintiff's counsel table with their lawyers. O'Keefe had instructed his family not to utter a word in the courtroom, whether he won or lost. Cavanaugh had a seat at the end of the counsel table, a vantage point that gave him direct view of Loewen. In answer to the first question—whether Loewen had breached the Wright & Ferguson contract—Judge Graves read that the jury had said "Yes," and had awarded O'Keefe \$31.2 million in compensatory damages. Cavanaugh saw Loewen turn suddenly pale. There were ten questions in all, and each one was answered in the affirmative, followed by a large sum of money. It took the Judge almost ten minutes to read the verdict slip in its entirety. By the end Cavanaugh saw that Loewen looked stupefied, with the glazed eyes and pallor of a man near-clinical

state of shock. The jury had awarded O'Keefe a total of \$260 million.

Indeed, Loewen was in shock. "I could not believe what I was hearing," he said of that moment. "I was absolutely stunned. I thought, This can't be happening."

At Sinkfield's request, Judge Graves polled the jurors, and then he explained that they had one more task remaining. The nature of the proceedings required that they return tomorrow morning to consider the issue of punitive damages, and this meant that there would be a presentation of the Loewen Groups' net worth. The Judge assured the jurors that the presentation would take only one day.

At the courthouse the next morning, Judge Graves called the lawyers into his chambers and informed them that he had received a note from the jury foreman. The note stated that the jurors had already considered punitive damages in returning their verdict. It had been their intention, wrote the foreman, to award a hundred million dollars in compensatory damages and a hundred and sixty million dollar in punitive damages.

Loewen's lawyers immediately asked for a mistrial, on the ground that the verdict was "contrary to the evidence" and that the foreman's note had made it clear that the jurors had "completely ignored the instructions of the Court."

"That motion is denied," the Judge replied, and he went on to say that he felt inclined to accept the note as clarification of the jury's award and let the verdict stand. The parties, of course, had to agree with this. If they did not, he would have to send the jury back to reconsider the verdict. "This note makes it clear they're going to award a hundred million dollars in compensatory damages," the Judge said. "If I go back in there, I'm also going to allow the plaintiffs to put on their evidence of the defendant's net worth."

Gary consulted briefly with his colleagues. They agreed to accept the verdict as it stood, providing Loewen waived any appeal on the failure to present evidence concerning net worth. But Loewen's lawyers refused to make such a deal.

Judge Graves regarded the Loewen legal team with a look of surprise. "I don't think you want to go back

in there,” he said to them. “You already know they’ve given a hundred and sixty million dollars without knowing net worth.”

By now, Gary was having second thoughts of his own. He wanted a clean verdict, one that would survive an appeal by Loewen on procedural grounds, and he also rather liked the idea of talking to this jury one more time. “Let’s try it!” he exclaimed. “Let’s try it!”

When the jurors returned, Gary told them, “You need to have all the cards on the table. And one of the things you didn’t have on the table was how much money these people are worth.”

He called two economists to the witness stand. Both testified that after an examination of the Loewen Group’s annual statements, and formed filed with the Securities and Exchange Commission, they had concluded that the company’s net worth exceeded three billion dollars.

Sinkfield asserted in his presentation to the jury that the Loewen Group had a net worth of only four hundred

and eleven million dollars. But the economist called to testify on Loewen’s behalf stated that, in his opinion, the company was worth between six and seven hundred million dollars.

This was, by any measure, an extraordinary and—for Loewen—grievous example of a poorly coordinated presentation by his legal team. But Loewen wasn’t there that day to witness it. He had already left town, unable to face the ordeal of sitting once again in the courtroom.

Gary, of course, exploited the error without remorse. “Members of the jury, they came in here even up to this morning trying to weasel and slip and slide. The net worth of this company went from four hundred and eleven million to almost seven hundred million dollar in less than thirty minutes. That’s what we’ve been dealing with.” He pointed out that Loewen owned nearly eight hundred funeral homes and a hundred and seventy-two cemeteries. “You think,” he said, in a voice pitching high with incredulity, “that Ray Loewen would sell all of that business, all of those companies, for four hundred and eleven million dollars?”



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And he did not fail to point out Loewen's absence. "He didn't even show up today. That's the ultimate arrogance." For all of Loewen's sins, Gary asked the jury to award one billion dollars in punitive damages. In his ringing and powerful voice, his pulpit voice, he repeated uttered the sum with its plosive consonant: "One billion dollars, one billion dollars, ladies and gentleman of the jury." This time, the jurors' deliberation was brief. In less than an hour, they returned a verdict for four hundred million dollars in punitive damages. Along with compensatory damages, the total award came to half a billion dollars.

V - THE SETTLEMENT

The victory party occurred at Mary Mahoney's Old French House Restaurant, in Biloxi, the evening after the jury's final award. A huge throng of revelers gathered for the celebration, which went on for many hours, and was interrupted now and then by calls for quiet and speeches by the lawyers. Willie Gary sang "Stand By Me," and dedicated it to Annette O'Keefe, who had fallen ill with heart palpitations in the waning days of the trial. The bill for the event came to more than eight thousand dollars.

On Monday, November 6th, Judge Graves signed the formal entry of judgment in the amount of five hundred million dollars for the plaintiffs. By then, both parties had begun weighing the consequences of such a staggering verdict. The law of Mississippi required Loewen to post a cash bond of a hundred and twenty-five per cent of the judgment—\$625 million—if he chose to appeal the verdict. One intent of the law was to prevent litigants who had lost at trial from dissipating their assets during the pendency of an appeal. But for Loewen—indeed, for any company, even a very large one—to post a cash bond of that size was no easy matter.

O'Keefe had no doubt that Loewen would like to appeal if he was able. Neither O'Keefe nor Gary relished the idea of an appeal, which could take years to grind its way through the judicial system, and could also, of course, end in a reversal. The day after the entry of judgment, O'Keefe asked Gary to contact Loewen's lawyers with the aim of settling the case. The first meeting took place in New Orleans, in a conference room at the Hotel Intercontinental. Gary later said that it was as if Loewen's lawyers were still "in a coma." They made an offer of less than twenty million dollars.

Angry words were exchanged. They raised the offer to twenty-five million. "You act like you just won the case!" Gary exclaimed. "We got a verdict for five hundred million and that's what we want."

By now, Loewen had begun to suspect that he was the victim of a conspiracy. In time, this suspicion grew to an absolute conviction. He could never adduce the proof to support a conspiracy, yet he saw coincidence and dark synchronicity everywhere. Among other things, he had read a novel by John Grisham called "The Runaway Jury," about a fictional lawsuit tried in Biloxi, of all places, in which a juror conspires to deliver a huge verdict. The trust about his own case, he came to believe, was a conspiracy broader and more twisted than even this fiction. He could not conceive that his circumstances might be the product of his own making, or even just a matter of bad luck.

His circumstances were desperate. Even if, by some miracle, he did manage to post the \$625 million bond, and avoid immediate bankruptcy, that in itself would have serious repercussions for the company. The premium payments and interest would amount to tens of millions of dollars, and it would affect the warranties and covenants made to banks that had financed acquisition of several hundred funeral homes. The lines of credit he had established to fuel the growth of his company would dry up. In public, Loewen kept his usual optimistic demeanor. "We were all operating in the belief that the courts couldn't allow anything of that magnitude, that justice would prevail," one senior executive recalls. "It was just so grossly absurd. We'd thought we'd get through it—that it was just one of those crazy things."

Loewen's lawyers, meanwhile, were working feverishly. They filed motions for a new trial, for a reversal of the verdict and entry of judgment in Loewen's behalf, and, of course, for a deduction in the amount of the award. Judge Graves heard oral argument on these motions on November 20th. He later remarked that he believed the verdict for O'Keefe had been a proper one, although he intimated that he would have awarded a much lesser sum if the case had been tried to the bench. He declined nonetheless to reduce it. That, he believed, was the province of the Mississippi Supreme Court.

After the hearing, Gary said, "They have ten days to post the cash bond. If they don't, my client will proceed

to take over their assets. That's every funeral home they own, every insurance company, every cemetery, their corporate jet, and their yacht." He had Dockins and Allred preparing lists of Loewen's property and drafting notices of seizure.

Loewen's lawyers issued an immediate appeal to the Supreme Court for relief in the amount of the bond, suggesting instead of a bond of \$125 million, but on January 24th the Mississippi Supreme Court ruled that Loewen would have to post the entire \$625 million by noon on January 31st. Shares of Loewen stock plummeted.

The day after the Supreme Court's ruling, Gary wrote a letter to Loewen's lawyers. "Please be advised," it stated, "that as of 12:00 noon, Wednesday, January 31, 1996, we shall start execution on all property, real and personal, that you have in the state of Mississippi and in other states as well." He offered them a last chance "to resolve this case and avoid bankruptcy" by means of settlement. He renewed an earlier offer to settle for

\$475 million.

That same morning, the phones began ringing in Jeremiah O'Keefe's office. Most of the calls came from New York, from brokers and investment houses that had positions in Loewen stock. O'Keefe finally talked to one of the most persistent callers, an industry analyst from Goldman, Sachs.

"You won't settle," the analyst said angrily, "and that's unreasonable."

"That's a lie," O'Keefe said, and went on to say that Loewen apparently did not want to settle. He had not attended any settlement discussions, nor had he sent anyone with authority to settle.

"How much money do you want?" the analyst asked.

"I'm not saying how much. There's no offer on the table."

"I'm calling Loewen right now," the analyst said.

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Later that day, a Loewen vice-president named Larry Miller called and told O’Keefe that Loewen Group had authorized him to negotiate a settlement. “I’m willing to sit down if you are,” Miller said. They agreed to meet at the Ritz-Carlton in Atlanta the next morning at eleven o’clock.

O’Keefe brought Allred with him to Atlanta, where he met Gary, his partner Lorenzo Williams, and Parenti. Miller awaited them in a conference room upstairs with yet another Loewen lawyer, this one from San Francisco. In response to Gary’s demand for four hundred and seventy-five million dollars, Miller offered fifty million. Gary said, “I’m going to hire an undertaker and an embalmer to bury y’all.”

Thus began what Miller later called “a very painful very long, all-night process,” punctuated by frequent tirades and one party or another going off to caucus and regain its composure.

By evening, they had made little progress. The meeting broke up, and each party went out to dinner. Gary asked O’Keefe, “What would you settle for, Jerry?”

Without so much as a pause, O’Keefe said, “Fifty million, what they’ve already offered. I’m not leaving here without an agreement.” Gary shook his head sadly, and O’Keefe could tell that he had disappointed him.

Throughout the day, Gary and Allred had done most of the talking. O’Keefe had remained largely silent. At around eleven o’clock that evening, as Miller recalls it, he turned to O’Keefe and addressed him directly. He said, “Mr. O’Keefe, you have to listen to me and keep your advisers quiet for a minute. You have to decide how much money is enough, how much you really need.”

Miller left unsaid the fact that O’Keefe, at seventy-two, would not have many years left to enjoy the fruits of his victory, and he certainly would not choose to spend those years in litigation, or squabbling with other creditors over the bankrupt remains of Loewen.

Miller did not say these things, but everyone in the room understood them. O’Keefe began to speak, and neither Gary nor Allred interrupted him. O’Keefe told Miller he would accept fifty million dollars in cash, a million shares of Loewen stock at a guaranteed price of

thirty dollars a share, and a note, payable over twenty years, in the amount of two hundred million dollars.

And from this began the final negotiation that would, after more hours of wrangling over structure, guarantees, and sums, finally result in a settlement. By four o’clock in the morning, they had a contract to fax to Loewen for his signature. There remained, however, one small item to agree upon. Loewen would not sign the contract unless he got assurance from Gary that he would not represent a litigant in a case against him for the following three years. Loewen offered to pay a retainer of twenty thousand dollars per year for this assurance, and Gary agreed.

VI - THE FEE

All lawsuits are unique. Most are unique in ways that concern no one but the litigants. They set no new precedents and pose no special legal or intellectual challenges. They occur beneath the threshold of general recognition. In the case of O’Keefe v. Loewen, however, the sheer size of the verdict and the ensuing settlement made news around the country, in the Times and, predictably, on the op-ed page of the Wall Street Journal, under the headline “A SMALL CANADIAN FIRM MEETS THE AMERICAN TORT MONSTER.”

The award was, of course, outlandish and utterly out of proportion both to the damages and to Jeremiah O’Keefe’s expectations. But it was also a rare event, notwithstanding the cries of warning from the Wall Street Journal. Until Gary arrived in Mississippi, the largest previous verdict in that state was \$18 million.

Ray Loewen and his company survived the ordeal. Indeed, it appeared for a while that he was prospering. His stock recovered from a post-verdict plunge to the teens and reached a high of forty-two dollars per share. In two equity offerings the year after the verdict, he raised \$382 million and acquired over half a billion dollars’ worth of funeral homes and cemeteries. He fought off a hostile takeover attempt by his larger and more powerful rival, Service Corporation International. After his near-death experience in Mississippi, he seemed jubilant about the future. Mississippi, it turned out, was not just a bad memory but harbinger. In Loewen’s zeal for growth—a zeal that some said was fuelled by delusions of wealth, grandeur, and power—he grew too fast. He burdened his company

with a crushing debt. Two years after the verdict, he reported a loss of nearly six hundred million dollars. In October of 1998, Loewen was forced to resign as president and C.E.O. of his own company. Less than a year later, in June of 1999, the Loewen Group, with its shares trading for fifty-three cents on the New York Stock Exchange, went bankrupt.

Loewen reportedly now lives in a condominium in Hawaii. He is a pariah in the funeral industry; thousands of former funeral-home owners whose property he bought are left with virtually worthless promissory notes and stock. Lawsuits against him and his company have proliferated like mushrooms in a forest. In legal papers filed during bankruptcy, Loewen executives claim that the O’Keefe litigation has had “a lasting, damaging effect on...their overall financial health.” That claim seems extravagant, given the \$3.2 billion of debt that the company had amassed. But if Mississippi was not the direct cause of Loewen’s woe it also cannot be dismissed altogether. “Sort of like the Titanic popping a rivet,” one of O’Keefe’s sons said.

This September, O’Keefe and a group of investors submitted a proposal to the Loewen Group bankruptcy authorities. He offered to buy, at a price of \$98 million, all seventy-five funeral homes and thirty-four cemeteries (and a single insurance company) that Loewen owned in Mississippi, Alabama, and Louisiana. He is not unaware of the irony in offering to buy Loewen’s property with what was Loewen’s money, but he is, above all else, a shrewd businessman who does not like to let a good opportunity slip by.

In the category of ironic outcomes, the matter of Willie Gary’s fee in the Mississippi case is worth noting. The settlement negotiated by O’Keefe and Larry Miller came to \$129 million. Gary was entitled to twenty-five per cent of that sum. He received twelve and a half million dollars of the cash portion of the settlement, and three hundred and seventy-five thousand shares of stock, as his percentage of an eighty-million-dollar non-interest-bearing note. For his part, O’Keefe sold his share of Loewen’s stock when the price reached \$38.70. He called Gary and urged him to do the same, but Gary never did. That stock of course, is now worth practically nothing, and so is the note. O’Keefe believes that Gary was just too busy trying cases to care much about the stock. O’Keefe feels great affection for Willie Gary. After the trial, they saw each other often,

on occasions both formal and informal. When Annette O’Keefe died, in 1998, at seventy-four, of heart failure, Gary attended her funeral. It was held, of course, in Biloxi, at the flagship funeral home of the O’Keefe family, and it resembled the sort of funeral that a head of state might receive, attended by a thousand people.

In speeches at churches, colleges, and law associations, Gary has often remarked on the fact that he—the great-great-grandson of slaves—represented a man who was the great-grandson of slaveowners. This observation could serve many possible ends, social and political, but Willie Gary seems to intend it only as an illustration of individual initiative, of how the work ethic and the will to succeed can triumph over great adversity.

The reference to slaveholding forebears in the sole thing that Gary has ever said to irk O’Keefe. “I’ve told him my family never owned slaves,” O’Keefe says. “My great-grandfather was a dirt-poor farmer. Willie, he gets kind of carried away sometimes. ♦

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The History of Cremation - Part III of III-Final

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CULTURAL NUANCES THAT FIDDLES WITH DEATH ATTITUDES:

Cultures are from a consistency point of view somewhat fickle. Here is an example about the cultures fickle attitudes towards cremation: first, cremation was popular for a couple of centuries, then cremation became unpopular for a whopping fifteen centuries, now cremation has become popular again for the last very brief historically speaking 100 years. Sounds fickle, well it is, and it is fickle because the pesky death rate being 100% and then add human beings to this inevitable mix and the result is that consistency of behavior and consistency in human attitudes flies right out the window. There can be no expectations of consistency, normalcy or standards when we combine the myriad cultural aspects of death and add in cremation.

What is even more fascinating is that given all our fickle cultural behaviors, in the end each specific culture thinks and most importantly feels that the way they do things is the right way to do things. Sociologists call this “ethnocentrism” and ethnocentrism, (meaning the emotional attitude that my culture is the best) is alive and well when it comes to death rituals, and the choices people make concerning the ultimate disposition of their dead. However for all our cultural diversity, historically one gold thread has united most cultures worldwide when the issue of physical death has been concerned, and that common thread was the mystery of death. Throughout the history of death care a sense of true, verifiable, and authentic mystery has surrounded

the death of another human being. For the most part our ancestors looked at the dead and felt strange feelings and sensations, they were filled with awe and reverence, and also fear, and hence many turned to religious thinking to explain what happened to us after we were dead. This mystery of death concept was a powerful and long lasting phenomenon which is still observed today, but things have changed and changed significantly concerning our basic attitudes towards, not cremation necessarily, but towards physical death, and particularly our own physical death as well as towards the concept about a personalized individual mystery of death and hence embracing and learning lessons our ancestors were compelled to learn from the glaring 100% death rate that they most visibly had to confront most every day.

The mystery of death has motivated people to do all sorts of ritualistic activities which ranged from the simple to the bizarre over the centuries. However the mystery of death has been in recent times slowly replaced by another attitude called the denial of death and this combined with several other factors have changed and will continue to change the history of cremation and the history of earth burial significantly. Let us further and in more depth explore this notion of the mystery of death. Over the historic time span that this chapter has been exploring the mystery of death was certainly a prevalent and familiar and constant companion for most of our ancestors and their attitude towards death. Over the ages of time, the mystery of death propelled and motivated people to

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behave in certain ways and to quickly and innocently accept certain ways of thinking as we have read about throughout this chapter. The mystery of death served as a powerful control mechanism and profound influence on how people thought and this control of thought came from the governments of nations, from religious organizations and from cultural mores and folkways for centuries.

For instance in teaching attitudes about the subject of the mystery of death the church historically was very clear. The church taught reverence concerning the dead was to be practiced in both thought and deed and hence the important focal point of a funeral was not the mourner's grief but the symbolism and soul of the corpse. The church was also very clear on how people should think about death, the life hereafter, and what happens to a person after they are dead (heaven or hell).

In fact so powerful was the religious and cultural influences concerning the mystery of death for the ordinary person inhabiting the earth, the rituals and attitudes became set in stone, the prayers required for the transmigration of the soul were set in stone, and the body, the actual physical body had to be returned to the earth intact for the expectation of the literal bodily resurrection of the body. This thinking was set in stone and received powerful government support. Remember there was a time in history that if you cremated someone the punishment was death by the government.

The same accounts can be spelled out for political control and cultural demands concerning the mystery of death. In this or that country the government handles death this way, people comply and this is how things are done. For instance some cremations are controlled exclusively by the government, as are funerals and burials. Culturally speaking, you cannot go five miles in any one direction on the earth where death and attitudes towards the mystery of death is handled in the same way, and even though funerals are deemed a cultural universal, every hamlet on the globe does them differently. The historic cultural response to the mystery of death has been profound. It takes only one visit to Westminster Abbey and a quick tour of the myriad of funerary architecture to verify the accuracy of this idea. The history of cremation has generally over time been a history where the act of cremation itself ended up being an irritating and intolerable affront to

the traditional thinking and cultural attitudes about the sacredness of the mystery of death. However the history of viewing cremation as being irritating and intolerable has not lasted over time; it has changed. The history of cremation has changed, and primary to this change is the cultures definite movement from deferring to the age old concept of the mystery of death to embracing the contemporary attitude of the individual's ability to deny the reality of death. This movement is so new, yet has already had consequences for humanity. However, precisely what will be the outcome of such a cultural shift concerning death has yet to be written.

The utter power of the human's confrontation throughout history with the reality of the mystery of death gave rise to countless rituals and ceremonies that were viewed as inviolate. These rituals, throughout, could not be reformed, changed or altered. As it is with so many traditions, cultural mores and folkways, the customs seem to be judged on the basis of age and point of origin, and hence the mistaken assumption has frequently been made that the older something is, the better it is. Conversely it has many times been equally supposed that if something has its origins outside of one's own culture, comfort level or personal conviction, then whatever that is becomes inferior and unusable. For 1500 years cremation fell under the category of the inferior, the intolerable and the unusable, but no longer. By the shifting of the cultural, religious and governmental attitudes away from the mystery of death to a personal denial of death, the methods of rituals, ceremonies and disposition of the dead have been reformed, have been changed and have been altered. Hence the history concerning cremation is still being written.

What will they write about cremation? What will be said when historians look back at the history of cremation in say 1000 years from now, when yet another ten thousand attitudes have come and gone concerning disposition of the dead? Future historians may well attribute the contemporary acceptance and growing acceptance of cremation to the secular demythologization of the ancient approach to the mystery of death. In other words, living people will become totally immune to the issue of physical death. Is that a possibility? It is odd and interesting that the denial of death (not others' death, a denial of my death) is about as epidemic as it ever has been in history. It is clear that many cultures have succeeded in making death literally invisible

(for example cemeteries in the USA resemble golf courses). The mystery of death, ultimately symbolized throughout history by the corpse, has been replaced. The dead body has been supplanted by the experience, the celebration of the living and by the extremely dangerous and risky modern idea that death really has nothing to do with the living. The corpse then becomes a nuisance, something to be gotten rid of so to speak and gotten rid of fast.

The further any culture distances itself from respecting and/or even being aware of the utter mystery of death and their ultimate connection to this reality, the closer that culture also begins to believe the meaningless idea that death has nothing to do with them.

When the mystery of death no longer fills people with awe or worse when the mystery of death is not even interesting or irritating, when the living replace the essentials of a death ritual (such as being around dead bodies, opened graves, witnessing the cremation) with the experiences of pure party like socialization, then the lessons to be learned in confronting the mysteries of death becomes secondary or are entirely absent, and when the death essentials become secondary many other factors such as expediency, ease, simple, fast and invisible sweep into the death scene void. It seems the issue of identifying the essentials of a death experience comes down to recognizing through discernment and thought what indeed are the essentials which possess depth of thought as compared to the accessories of the death experience which might be shallow and hollow?

Let's explore this idea further. For instance, for the first time literally in the history of the human experience, we live with some basic assumptions about life that we simply expect. They almost appear as our birthright. But people before us and throughout history had no idea about them and if they ever even entertained such fantastic ideas about life and shared them, they would have been easily declared mad.

Here are some cultural assumptions which certainly make up part of the attraction of cremation and also certainly contribute to the demythologizing the mystery of death. For the first time in recorded history and this is particularly true in the West, our life spans have extended themselves into age attainments that just 100 years people would have thought utterly unimaginable. For instance in the United States in 1900 the average man lived to be 43 years old whereby today the average life span is in the late seventies. This fact alone pushes the mystery of death further away than it ever has been in history because it is risky not to speculate and take great comfort in the notion that if I make it to 78, why not 85, then why not live to be 100? This type of life, extended life thinking sets up walls concerning one's own personal awareness of the reality of their own death – this is a form of the denial of death. Compare this to the honest embracing of the mystery of death. The mystery of death approach says



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something quite different and that if I am 78, 85, or 100 then I am honestly closer to my death than ever before, and hence I should feel the urgency to live my life to the fullest, to make amends, to say things that so desperately need to be said. This is the life affirming motivation that respecting and just being aware of the mystery of death has at its core.

Conversely the denial of our own personal death, underestimating the knowledge which is inherent in exploring the mystery of death makes people easily forget and abandon the wisdom lessons to be learned from exploration. But this takes time and one contemporary observation is that many people do not wish to take time to discern and reflect, and make no mistake when this happens it affects our attitudes towards life, towards death and hence when many people adopt this disconnect with death a new history is being written. What has just been explored also has had a tremendous affect on cremation.

Add to this that we are today socialized to stay young, happy, carefree, wealthy and sexy, and when this happens for thousands of people the mystery of death not only falls off people's consciousness. If it is thought about at all, the subject of death becomes a nuisance, a bother, something to be ignored, a bummer and hence a tremendous cultural collision is created because of one simple fact: no matter what the attitude is towards the mystery of death, the death rate is still 100%. Something to ponder, is it not?

The next cultural issue concerns the matter of immediate gratification, getting it done right now, no waiting, no thinking, no patience, no kindness and no bother. Said yet another way getting it done fast and just the way I want it. Our history in death activities teaches us an extremely insightful and wise lesson and here it is: people everywhere on the face of the earth will care or not care for their dead based on the way they have lived their lives. Here is an example of living life: there was a time if you ordered a hamburger, French fries, and a beverage you had to wait 30 minutes and people waited. Today ask this question "Would anybody wait 30 minutes for a Number 4 at McDonalds?" The answer would be a firm no. The concept of immediate gratification has also had a profound impact on the current history which is being written about cremation. Forget the mystery of death ponderings; cremation is attractive to many simply because it simply reflects

how they have lived their entire lives – quick, easy, fast, convenient – and many times contemporary people are not even aware that their life has been devoured by such notions. In this environment the ponderous concepts of the mystery of death can still be found, but it is becoming increasingly rare.

Cremation because it reflects the way contemporary people live life in modern cultures namely – quick, easy, fast - can invade the deeper world of thought represented by the mystery of death and replace it unwittingly with the denial of death. This certainly does not happen all the time, but it does happen, and it is happening more today than ever before in history. Cremation is not in and of itself a contributor to the demythologization of the mystery of death and people's awareness of it. Cremation however is clearly so much easier today than earth burial and the consequences is that human beings seem to be wired to not think too deeply about something that does not come to them with great ease.

OTHER MOTIVATIONS FOR CREMATION:

Given all that has so far been said concerning history, it is true that some people find they prefer cremation over earth burial for purely personal reasons – and their reasons are arrived at through careful thought and hence a conviction embracing cremation is arrived at. There have been no overt religious, governmental or cultural influences forcing this decision. The decision has been thought out, investigated independently and the conclusion for that person is that cremation is a wise choice. These people are not in the denial of death, they have confronted honest reality and they have selected cremation. They have embraced a mature attitude towards death, that affirms for them that death is universal, irreversible and inevitable, and these individuals with good solid information select cremation, and many times also these people implement highly creative cultural mourning practices and ritualistic activities, which include an acknowledgement of the mysteries of death. This happens, but it takes time and effort and motivation – these types of learned informed convictions, most times, just don't simply happen.

Then too some people are highly concerned with financial matters (regardless of personal financial wealth or the lack of it) and view funeral expenses as too expensive, and for these people cremation can be an attractive alternative because generally speaking cremation is less expensive than earth burial.

Then also there are the people that make up the distinct movement to simplify life to return to the “good old days” so to speak. These people grow their own food, bake bread at home, they return to canning vegetables and putting up preserves, to home schooling their children, to basically return to a simple way of life. People who adhere to the simplification of life may easily view a traditional earth burial as an unneeded complication in their funeral experience and thus choose cremation to make their death services as simple as possible. However today with the ultra high technology of the simplest cremation and the highly sophisticated and expensive mechanical machines and buildings needed to house such contraptions necessary for cremation, people who adhere to simplification in life are viewing cremation as being far, far from true simplicity. These people who are attracted to simplification are today looking seriously at simple earth burials and they have even chosen a name for this simple back to nature process; they call it “Green Burials.”

Still others are making cremation history by promoting concerns for the protection of our environment and the potential negative environmental impact, and promote and adhere to the notion that cremation might be preferable for environmental reasons. Burial is a known source of certain environmental contaminants, with the casket many times being itself the major contaminant (although this too has improved and changed greatly over the years). However, one of the main arguments which environmentalists raise, concerns the literal burial space and how much is left on the globe for earth burials. Many people feel as if earth burial is taking up way too much of the earth’s available real estate and hence are strong advocates for cremation.

While the concern for “abuse” and use of space for earth burials is laudable, the historic facts tell quite a different story. One of the oldest cemeteries in the United States is located in Boston, Massachusetts, and the oldest date of death of a headstone in this cemetery is 1629. Where then are the people in Boston buried who died in 1628, or 1627? The citizens of Boston were certainly burying people in 1628, but today those old cemeteries which have long been abandoned and forgotten are part of possibly the foundation for some mammoth skyscraper in downtown Boston. We have said in this chapter that nothing lasts forever and well our cemeteries don’t last forever either; they too die

and go away. The idea then that if we keep burying, the world will become a cemetery, is not accurate. True some individual smaller countries have this as a concern, but globally this is simply overstated. Another point concerning this abuse and use of grave space is this. There are five billion (give or take a million) people on the face of the earth. One thousand dead people can be buried on one acre of land in single grave spaces. This means that if 5 billion people all died simultaneously, every human being on earth could be buried in a single grave space on 20234 square kilometers of land. This is about the size of Israel, Slovenia or Wales about 4 times the size of Trinidad and Tobago.

THE HISTORY OF THE DOWN SIDE OF CREMATION

It seems to be in the vogue of things in many places across the globe to proclaim all the great and grand benefits of cremation and indeed there are many great and grand benefits as we have seen. However we need to be complete and examine that historically there have been and there are negatives to cremation. We have already assessed the historical negatives that Judaism and Christianity had against cremation and those negative feelings against cremation are still found in certain Jewish and Christian movements, although the prohibitions are clearly not as strong as they once were. One common negative about cremation is the literal and utter permanency and destruction that happens in most every cremation. Dead bodies can be exhumed from a grave but dead bodies cannot be exhumed from a crematory chamber. Cremation is in fact highly and irrevocably destructive and once it is completed there are no other alternatives, even human DNA is completely destroyed. While this might not be a negative to the general public it has for years been viewed as a serious negative by law enforcement agencies such as the Coroner’s Office and Medical Examiner’s Offices and Police, who most generally take a dim view of cremation in general, of unauthorized cremations and of immediate cremations in particular for obvious medical-legal reasons. It is very difficult to do a forensic autopsy on a bowl of ashes and dust and bone fragments.

THE ULTIMATE DOWNSIDE OF CREMATION – THE RISK

In early 2002, 334 corpses that were supposed to have been cremated in the previous few years at the Tri-State Crematory in the State of Georgia in

America were found intact and decaying on the crematorium's grounds, having been dumped there by the crematorium's proprietor. Many of the corpses were decayed beyond identification and horribly some families even had received cremated remains of their supposed loved one that were in reality made of wood chips and concrete dust.

Crematory operator Mr. Ray Marsh had 787 criminal charges filed against him. On November 19, 2004, Mr. Marsh pleaded guilty to all charges and was sentenced to two 12 year prison terms, one each from Georgia and Tennessee to be served concurrently; he was also sentenced to 75 years probation following his incarceration. Civil law suits were filed against the Marsh family as well as a number of funeral homes who had used the crematory services of Tri-State; these suits were ultimately settled. History has clearly proven that people need credible information about cremation and this leads to our next negative about cremation.

Another historic negative to cremation is the basic naïveté and disinterest of the public concerning the blunt realities of the cremation process itself. The general public knows much more about the realities of what happens when a dead body is buried than when a dead body is burned up. Many people in the public erroneously have the idea that cremation is clean, quick and easy. It may be quick and easy, but keeping it clean is difficult. The negatives of cremations, which the public is basically unaware of is the never ending issue of co-mingling of cremated remains and the destructive nature of the cremation fire process itself. In fact many cremation contracts and authorization forms today state in very graphic descriptions in print the consequences of what a jet blast of fire blowing on a cadaver for several hours will do to the dead body. To some critics these graphic descriptions and blunt information seems uncaring and unfeeling for the bereaved yet from a legal position it is very understandable. Many attorneys have concluded that because of the basic ignorance and hence innocence of the typical cremation client as to what precisely goes on in the cremation process, it is wise to spell out without any candy coating the realities of co-mingling, and spell out in detail just what happens to the dead body once the fire is ignited.

CONCLUSION

There is much activity going on in the cultures' attitudes

towards death, funeral, cremations and burials, and these attitudes are ever changing. Here our assessment of the present culture, with the demythologization of the mystery of death, our attempts to stay young, happy, carefree and wealthy. Add to this our attraction to getting what we want done now with great ease, and then taking a long look at dysfunctional life styles and what influence does organized religion have today as compared to 100 years ago, one can easily paint not a gray colored picture of historic transitions and traditions but instead a multi-colored modern art canvas which has colors running all over the place. This may well be one of the reasons that the history of cremation is changing so fast and as to why cremation has and is making a new and forceful presence in the beginning of the 21st century. But this trend will not last forever, it too will change. It is just a matter of time. What do you think the historians will say about our cremation history and practices in 1500 years? It is a question worth discussion historically speaking of course.

THE DATES:

- Evidence of cremation practices can be traced to prehistoric and preliterate times.
- Historians accept generally that burning of dead bodies began during the early Stone Age, around 3000 B.C. in the general vicinity of Eastern Europe and the Near East.
- During the late Stone Age, cremation began to spread across northern Europe. Decorative pottery urns found in western Russia attest to cremations presence.
- From the beginning to the middle of the Bronze Age (2500 B.C. to 800 B.C.), cremation migrated to the British Isles, Hungary, Northern Italy, Spain, Portugal, Western Asia Minor, Northern Europe, and Ireland.
- 1000 B.C. in the Mycenaean Age, the Greeks started using cremation as an integral part of the elaborate Grecian burial customs. The respected ancient historian Pliny writes about the cremation practice and by the time of the poet and historian Homer, (800 B.C.) cremation had become the dominate method used by the Greeks for the disposal of the dead. Cremation was encouraged for reasons of health and expedient burial of slain warriors in this battle scarred country.
- The early Romans appeared to have copied the Greeks by adopting cremation around 600 B.C., and it became so prevalent that official decrees were issued

in the mid of the 5th century against cremating of bodies within the city walls of Rome.

- The writer Virgil (70 B.C. – 19 B.C.) writes about Roman cremation practices and endorses the “extramural” (outside the city walls) approach to cremation. During the golden age of Rome (27 B.C. – 395 A.D.) cremation was widely practiced and the development of elaborate cremation urns was a prized skill for artisans. Also during this period the columbarium buildings were developed.
- While the practice of cremation was common with the Romans, cremation had become a rare and disliked subject with the Jews and early Christians, who considered it pagan. Judaism clearly preferred the method of sepulcher entombment.
- During the year 400 A.D., the Christianization of the Roman Empire by Constantine had completely eliminated cremation as a possible way to dispose of the dead. The focus had shifted from the human body to being an item of little importance, to the religious conviction that the human body was sacred. For the next 1,500 years earth burial remains the accepted method of disposition throughout Europe. However cremation still happened.
- 177 A.D. the historian Eusebius (263 A.D. – 339 A.D.) describes a Christian persecution in Lyon and afterwards the Romans cremated all the Christian martyrs as a way to mock the Christians theology and belief in a literal bodily resurrection.
- 217 A.D. the Emperor Severus (145 A.D. – 211 A.D.) died and was cremated in York in the British Isles. Seven years later his ashes were returned to Rome.
- 381 A.D. the Emperor Theodosius (347 A.D. – 395 A.D.) forbids burials inside the walls of Rome and this also included cremations.
- 789 A.D. Charlemagne (742 – 814) proclaims that any cremation is punishable by death for those who participate.
- 1300 – Pope Boniface (1235 – 1303) issues the statement that any Catholic who cremates or participates in cremation will be excommunicated.
- 1409 – The first oven which can generate high heat is invented.
- 1428 – Biblical translator John Wycliffe is exhumed and cremated 44 years after his death as punishment for his heresy.
- 1658 – Sir Thomas Browne writes a book

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concerning funeral and cremation practices called HYDRITOTAPHIA OR URN BURIAL.

- 1710 – The wife of the Treasurer of Ireland publically expresses her wish to be cremated.
- 1826 – The first gas oven is invented.
- 1869 – 1872 three Italian scientists work independently to invent an oven which can generate enough heat to easily cremate a dead human body.
- One of the Italian scientists and inventors Professor Brunetti perfected a model and displayed it at the 1873 Vienna Exposition.
- 1874–Sir Henry Thompson (1820-1904), physician to Queen Victoria attends the Vienna Exposition and is intrigued by the cremation oven. Sir Henry eventually starts the Cremation Society of England. Concern with dangerous cemetery conditions in England, hence possible health conditions prompted Sir Henry to begin the cremation society and in turn the first crematory to open in England was at Woking in 1878.
- 1876–Dr. Francis Julius Lemoyne built for his own personal cremation the first crematory chamber in Washington, Pennsylvania.
- 1878 – The first crematory in Germany was built and opened in Gotha.
- The Welch eccentric Dr. William Price attempted to cremate his dead child by himself gets arrested and challenges the legality of cremation in England. The courts side with Dr. Price and his court decision opened up the ability for people in England to cremate their dead.
- 1884 – The first free standing public crematory is built in Lancaster, Pennsylvania. Other forces in the early formation of cremation in the United States came mostly from liberal Protestant clergy who desired to reform burial practices and from

the medical profession concerned with health conditions around old cemeteries, particularly in metropolitan areas.

- 1886 – Pope Leo XIII issues Canon Law 1203 which forbids cremation to Roman Catholics globally and also forbids Roman Catholics from joining cremation societies whose purpose the Roman Catholic Church fears is to deny the bodily resurrection.
- 1899 – “The Modern Cremationist Magazine” began publications.
- 1900 – Crematories sprang up throughout the United States and Great Britain. In 1900 there were already 20 crematories operating in the U.S. and by the time that Dr. Hugo Erichsen founded the Cremation Association of America in 1913 there were 52 crematories in North America.
- 1920 – The first Cremation Act was passed in the British Parliament.
- 1908 – The Catholic Encyclopedia refers to the practice of cremation as a “sinister movement.”
- 1913 – The Cremation Society of American is founded.
- 1937 – The International Cremation Federation is founded.
- 1963 – Vatican II removes the strict prohibition against cremation.
- 1969 – The Mungo Lady is discovered in Australia.
- 1975 – The Cremation Society of America changes its name to the Cremation Association of North American (CANA).
- 2002 – The Tri-State Crematory disaster occurs.
- 2004 – Ray Brent Marsh is sentenced to prison for the Tri-State disaster.
- 2011- The cremation rate continues to grow.

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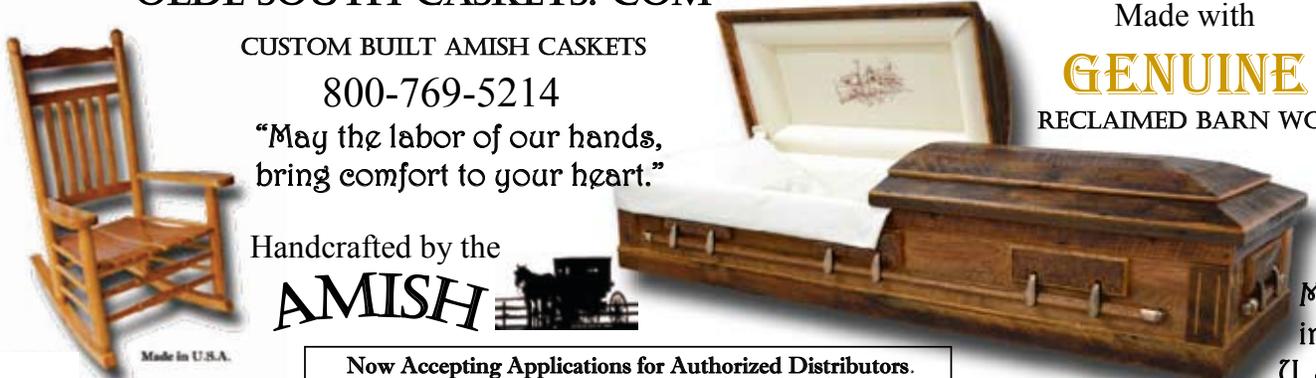
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By: Live Oak Bank

What are your next steps for your funeral home? With industry trends shifting, it is important to plan for the future to maximize the success of your business. If your plans include an expansion, acquisition or refinance and require access to capital, Live Oak Bank is here to help you reach your goals.

Next Steps for Growth

Changes in the industry call for changes in your business. As more and more families choose less traditional services, it is vital that your business accommodate their wishes. Building a new event facility or renovating your current location is one way to grow your business by offering families more options. Live Oak's specialized loan team and our in-house construction team will work with you and your builder to meet your goals. We provide a simplified process; freeing you to focus on your business.

If you've seen consistent growth, maybe it is time to expand your business. If you plan to expand by acquiring another location, we can help. Our lending team focuses on funeral business loans and will guide you through the acquisition process. With industry insight and experience, our team is focused on your success. A third option to help improve your business is to refinance. Refinancing your existing debt can allow you to achieve new savings and improve cash flow. In 2014, Live Oak Bank saved borrowers who refinanced an average of \$5,732 per month*. Our lenders structure loans to fit the specific needs of the funeral home. By finding new savings, you can increase marketing efforts or make improvements to the facilities. (*Refinance savings based on 17 funeral home customers who refinanced with Live Oak Bank in 2014.)

If you've identified your next steps and they require access capital, your next step is to work with a lender. When seeking financing, a borrower often has questions about the loan process and what to expect. What is required to apply for financing and successfully



complete the process? How long will it take to receive funds?

The Loan Process

Depending on the financial institution you choose, the process and the time it takes to receive funding may vary. Generally, once the loan application and all related documents are submitted to the bank, the rest of the process can take anywhere from two weeks to six months. The timing may vary based on the bank's experience with funeral home loans, the borrower's responsiveness in submitting the necessary documents, and the accuracy and completeness of information collected. During each phase of the loan process, a borrower will work with different members of the loan team. The three stages of every loan are application, underwriting and closing.

Application

In the application phase, a loan officer will work with you directly to gather all information needed to prequalify your loan request. First, you will discuss your plan for the loan proceeds. Are you looking to refinance existing debt? Are you looking to acquire a funeral home or expand your current operations? If you are buying or expanding, have the purchase price details available. The lender will need to understand your business and your plans for the future to submit a complete loan application. During the application phase, be prepared to present the following information to your lender:

-Describe your new and/or existing business and the local market. It will be important to understand the competition in the area, as well as the local

demographics. The lender will also need to know about your experience in the subject business and the funeral industry.

-Discuss present revenue breakdown and anticipate future revenue and trends. What percentage of the revenue comes from traditional services, cremations, merchandise sales, etc. This information will help the lender better understand your business. The application includes items such as corporate tax returns, current financial statements and annual call volume as well as your contact information, resume and personal tax returns. Once all the necessary documentation is submitted, a loan proposal will be created and sent to you. After the proposal is accepted, you will move into the underwriting stage.

Underwriting

In the underwriting phase, you will work directly with the underwriter assigned to your loan. The underwriter verifies and analyzes documents submitted during the application phase to determine accuracy and creditworthiness. The underwriter will complete a cash flow analysis and full review and analysis of other pertinent financial information related to both the business and the individual(s) seeking the loan. Additional financial details may need to be

submitted to the underwriter analyzing the business. This information will be part of the credit memo, which is presented to the credit officer who ultimately approves or rejects the loan request. Specific questions regarding paperwork can be addressed directly to your underwriter. By understanding your story, how you got where you are today and your plans for the future, your underwriter will be your advocate and assist you throughout the review process. When your loan is approved, you will receive a commitment letter with the terms and conditions of the loan. Once you provide your signature, you will move into the final stage of the loan process.

Closing

Once a commitment is made by the institution providing financing, the loan closing specialist, or closer, will prepare a closing checklist of all required documentation needed on your loan prior to closing. He or she will contact you to schedule a kick-off call to explain the checklist in detail. All parties involved in the loan, including the borrower, the borrower's legal consultants and the lender, will be included on the call. Your closer will then review and approve all documents received off the checklist and move the loan into the last phase of closing. At this point, final loan documentation, including the Note, Deed of



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ChildrenGrieve.org

Trust, Security Agreement, is prepared and reviewed by your closing team prior to you signing to ensure all necessary information is included.

Throughout the financing process for your funeral home, you will work with a group of specialists who bring your loan to fruition. Understanding the phases of the loan and the roles of the lending team members will help you gather the appropriate information and navigate more easily through the loan process.

Choosing a Lender

You've decided it's time for financing, and you're ready to contact a lender. So how do you decide which lender is right for you? Here are a few questions to ask prospective lenders:

Ask about their funeral service credit policy.

First, do they have one? If not, it's likely that your loan will be put into the category of "just like other real estate loans we finance," which might impact your ability to receive a timely or favorable response to your loan request. Working with a lender who understands the details and jargon of the funeral industry will help simplify the process.

Ask whether any similar loans funded were for start-ups or existing businesses.

Determine what kind of experience the applicants were required to have in order to meet the lender's management requirements. Different lenders will have different requirements or preferences when it comes to the borrower's experience in the funeral industry.

Also, understand the terms of the loan and any loan covenants.

Ask about their loan-to-value, equity, reserve and cash deposit requirements in terms of getting a loan approved.

Ask about the loan size criteria.

Ask how long it takes for approval.

Ask if the loan loans below are available for your loan type.

- Loan terms up to 25 years and no balloon payments
- No loan covenants
- Loan approvals in as little as a week

Choosing a lender who understands the funeral industry and your business will help you achieve your goals.

Not having to explain terminology and nuances of your business allows more time to establish a meaningful business relationship. Live Oak Bank has a unique philosophy to lending, including industry focused lending.

1. At Live Oak Bank, we have a dedicated Funeral Home Lending Team that understands the details of the funeral business. This allows our lenders to structure loans to best meet your needs. At a typical bank, lenders work across various industries without specializing in those industries.

2. Live Oak Bank lends capital based on the business's cash flow. In addition, the goodwill of the business, meaning the owner's hard work and business reputation, are rewarded. A local bank typically lends capital based on 80-85% of the real estate value with no consideration for goodwill. Therefore, the owner gains no credit for the business reputation if real estate value is not adequate.

3. Live Oak Bank offers longer loan terms with no balloon payments or covenants, which allow for lower monthly payments, improving cash flow. Other banks have shorter loan terms that include balloons, offsetting the lower interest rate offered.

4. At Live Oak Bank, we can include all appraisals, environmental and other costs in the loan proceeds. When a bank does not allow these costs to be included in the loan, it creates higher out-of-pocket cost for buyer and seller.

5. Our loan structure is simple. It can include working capital and seller carry options to satisfy any required down payment. A local bank may have a complex loan structure with as many as four loans to satisfy one request.

6. Live Oak Bank's loans do not have a prepayment penalty after three years. Other lenders prepayment penalties may offset a lower interest rates.

Working with a lender who understands your business and is dedicated to your success can provide new opportunities for your business. If you have questions regarding financing for your funeral home, contact our team today at 877.890.5867 or visit liveoakbank.com/funeral.

ACQUISITION FINANCING



Acquisitions are hard. The financing shouldn't be.

Live Oak Bank offers financing to funeral businesses for acquisitions, expansions, successions, remodels and refinancing. Call our funeral home lending specialists at 877.890.5867



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FOR IMMEDIATE RELEASE

Plenty of Chills and Thrills at National Museum of Funeral History in October

From a Haunted House and special Myths & Legends of the Graveyard exhibit to a Halloween Car Show and Dia de los Muertos celebration... families will have a spooktacular time!

OCTOBER OVERVIEW (and some of November!)

WHAT: 4th Annual Haunted House
DATE: October 1 – November 2, 2015
TIME: Monday-Friday 10 am – 4 pm; Saturday 10 am – 5 pm; Sunday 12 – 5 pm
ADMISSION: \$5 Adults; \$3 Kids 11 and under; Tickets are HALF PRICE when purchased with museum admission

WHAT: *Myths and Legends of the Graveyard* exhibit
DATE: October 1 – November 2, 2015
TIME: Monday-Friday 10 am – 4 pm; Saturday 10 am – 5 pm; Sunday 12 – 5 pm
ADMISSION: Museum admission includes *Myths and Legends of the Graveyard* exhibit. Museum admission is: Adults (age 12 and up) - \$10; Seniors/Veterans: \$9; Children age 11 and under - \$7; Children 2 and under – Free.

WHAT: 8th Annual Halloween Car Show
DATE: Saturday, October 24, 2015
TIME: 10 am – 3 pm
ADMISSION: \$3 per person; \$5 per couple/family. Does not include admission into the museum. General admission rates for the museum still apply.

WHAT: Day of the Dead / Dia de los Muertos Celebration
DATE: Sunday, November 1, 2015
TIME: 12 pm – 5 pm
ADMISSION: Museum admission includes Day of the Dead exhibit and activities. Museum admission is: Adults (age 12 and up) - \$10; Seniors/Veterans: \$9; Children age 11 and under - \$7; Children 2 and under – Free.



Houston, Texas (August 20, 2015) – Halloween in Houston wouldn't be complete without a trip to the National Museum of Funeral History. This year, the Museum is celebrating everyone's favorite spooky holiday during the full month of October (and into the beginning of November). Families have the chance to explore a variety of Halloween happenings – from the Museum's annual Haunted House and special exhibit *Myths and Legends of the Graveyard* to the 8th Annual Halloween Car Show (one day only!). The fun continues into early November with the Day of the Dead / Dia de los Muertos celebration, complete with storytelling, costumes, ceramic skull painting, candy and more. *Please note - all events require paid admission to the Museum.*



4th Annual Haunted House

All month long you can get into the Halloween spirit and be "scared to death" at this family-friendly haunted house. Explore different scenes designed to give goose bumps to young and old alike while taking a light-hearted view of a usually very serious subject. The house is rated PG-13 and is recommended for children ages 12 and up. Children under 12 are welcome, but *must* be accompanied by an adult. Admission to the haunted house is half off when you purchase admission to the museum. Bring the whole family and make a day of it!

Myths and Legends of the Graveyard exhibit

What secrets do graveyards keep? What do the headstones whisper into the wind for all eternity? As the crow caws “Never More...Never More,” a grave marker tells a tale of death and sorrow and reaches out to speak to us from beyond. We walk through a mist filled graveyard and see symbols on the stones, but what are they trying to tell us? Dare to walk through the garden of slabs and headstones to learn what these centuries’ old carvings mean. Stroll across the boneyard and let other myths and legends reveal themselves like a shadow crawling from within. Ask yourself; are you ready to learn the truth? *Myths and Legends of the Graveyard* is an interactive exhibit taking museum-goers back centuries when symbolism was the language for the dead to speak from beyond. Guests will discover the history and art of tombstone iconography, explore grave rubbing techniques, delight over a variety of ghost stories and haunted tales and more. Storytelling activity dates and times to be announced later.



8th Annual Halloween Car Show

One day only! Come out and see more than 150 cars from classic to contemporary, from motorized to hoof, while helping to support local charities. Enjoy the fall festival atmosphere from 10 am – 3 pm on Saturday, October 24 with face painting and arts and crafts for the kids, great food including BBQ and cupcakes from local vendors, a live DJ, silent auction and more. And – for those who want to enter their car in the show, pre-registration is recommended. Remember – anyone can enter! Consider “dressing up” your car for Halloween and entering it into the contest for the best decorated car. *Blast from the Past Street Machines of Texas* will be judging the car show from 10 am to 2 pm in a variety of categories and issuing a plethora of awards at 3pm. Proceeds go to Star of Hope, Morning Glory Ranch, The Shriner’s Burn Hospital, Houston Food Bank and The USO. Admission is \$3 for individuals or \$5 for couples and families. Admission to the museum is separate and is not included. Free parking is available throughout the area.

Day of the Dead / Dia de los Muertos Celebration

Visit the National Museum of Funeral History on November 1 to learn more about the Latin customs surrounding the Day of the Dead / Dia de los Muertos celebrations held for deceased loved ones. Explore authentic altars made by local artists, commemorate your loved one by leaving them a message in the *Book of the Dead* and bring mementos of the dearly departed to help build the museum’s community altar (*please note - contributed items should be picked up December 1 – 15; contributed items remaining after December 15 will be discarded*). There will be sweet treats, fun activities and a story time for kids from 3:30 – 4:30 pm with special costumed characters.



###

About the [National Museum of Funeral History](#)

The National Museum of Funeral History houses the country’s largest collection of funeral service artifacts and features renowned exhibits on one of man’s oldest cultural customs. Visitors can discover the mourning rituals of ancient civilizations, see up-close the authentic items used in the funerals of U.S. Presidents and Popes and explore the rich heritage of the industry which cares for the dead. The museum is located at 415 Barren Springs Dr., Houston, TX 77090 and is open Monday – Friday from 10 am – 4 pm, Saturday from 10 am – 5 pm and Sunday from 12 pm – 5 pm. Admission is \$10 for adults and children age 12 and older, \$9 for seniors and veterans; \$7 for children 3 – 11 years old; and free for children age 2 and younger. For more information, visit www.nmfh.org, like us on [Facebook](#) or call 281.876.3063.



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ASD Donates \$1,000 to Spastic Paraplegic Foundation as Part of Company's "Exercise for a Cause" Program

Employees at ASD – Answering Service for Directors recently met a company-wide goal of exercising for 1,000 hours on the company's unique Treadmill and Recumbent bike workstations. As part of ASD's "Exercise for a Cause" program, \$1000 was donated by ASD to the Spastic Paraplegia Foundation.

The Spastic Paraplegia Foundation is a volunteer-managed and non-profit organization devoted to finding cures for Spastic Paraplegia and Primary Lateral Sclerosis. This cause is very close to the hearts of everyone at ASD. Family-Member Owner, Kathy Kelley's son, Shane Kelley, suffers from the disease and the company is hopeful the foundation will discover a cure one day soon. Over the past couple years, ASD Employees have been able to contribute to donations made to several other important organizations, including the Breast Cancer Research Foundation, American Cancer Society, Delaware County SPCA (where several of our staff volunteer) and, right now, employees are exercising to help the Choroideremia Research Foundation. ASD was made aware of this important cause by their client, Funeral Director, Mark Devoe. Mark's son suffers from Choroideremia, a rare retinal disease that causes blindness. ASD owners have supported the organization in the past but wanted to offer their employees an opportunity to help as well.

The "Exercise for a Cause" program was born after ASD's owners designed their treadmill and recumbent bike stations, which allow employees to move at a controlled rate while simultaneously answering calls. The company's owners have found that these stations help improve their employees' overall mental and physical health while providing an energy boost to the office. The unique workplace perk was recently featured on a Fox29 News Segment. Visit www.myasd.com/post/1889242-video-asd-s-exercise-workstations-featured-on to see it. ASD's Treadmill and Recumbent bike stations were created in-house at ASD and tested thoroughly to ensure Call Specialists could type with ease while moving their feet. The maximum speed is capped at a slow rate of motion and was designed so that ASD Call Specialists can walk or bike 2.5 miles per hour. During an average week, more than 120 exercise sessions take place at ASD. Employees can accrue 1000 hours for a charitable organization in less

than 2 months. This incentive allows employees to work together toward a common, greater good. "Since installing the Treadmill and Recumbent bike stations at ASD, we have seen a spike in employee moral. Many of our employees have commented that the stations help keep them refreshed and alert throughout the day," says ASD Vice President of Technology, Martin Czachor Jr. "Employees who use these stations benefit from both exercise and the knowledge that they are contributing to an important cause."

About ASD

ASD - Answering Service for Directors has created a new class of answering service exclusively for funeral professionals. Family Owned and Operated, ASD has been helping funeral homes manage their calls and their lives since 1972. With a visionary approach to business, ASD has redefined the way Funeral Directors serve families through combining unparalleled levels of training and advanced technology. For more information, visit www.myasd.com or call 1-800-868-9950.

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Dealer Spotlight: Shields Professional Vehicles

At Platinum Coach we realize a few things about us as a company, and us as people. First, we realize that without a quality staff, the cars that we are so proud to produce wouldn't be possible. They are the backbone of who we are. However, our dependence on a good solid team doesn't stop at the people that build the cars.

The second most important member of our company is the dealer. They are the hands and feet of Platinum Coach. It is the dealers who hit the pavement, make the calls, and bring to you our product. They represent us every single day, and it is because of their valiant efforts that we are successful.

We wanted to do a spotlight on just one of our dealers this month; Shields Professional Sales. The Shields team represents Platinum in the South and for that we couldn't be prouder. We have a lot in common with the Shields team. We value a solid quality product, we respect the importance of the funeral director, and we value the heritage of our family businesses.

Shields Professional Vehicles is a family-owned and operated factory authorized funeral coach dealer. Over the last 40 years, they have built a very strong reputation for providing the absolute best new & pre-owned funeral coaches in the industry, from trusted names such as MK Coach, K2, and Platinum.

Shields have expanded their staff to the southern region of the United States. If you are interested in learning more about Platinum or have questions about our products, their team is eager and ready to help in any way they can.



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Top Three OSHA Citations in Deathcare



While updates to the Occupational Safety and Health Administration (OSHA) standards are fairly predictable in nature and are not updated in a consistent frequency, the enforcement activity may vary from year to year. Watching enforcement activity assists us in making sure each establishment is aware of the standards that impact deathcare in order to increase worker safety awareness and protect firms. It also aids us in abatement requests for case resolution. According to the latest nationwide enforcement statistics, there are a few standards that took the prize for most cited.

Not surprisingly, the number one slot goes to the Hazard Communication Standard. This standard revolves around the premise that workers have the right to know and understand the chemicals they are exposed to. The lack of a Written Hazard Communication plan is one of three citations most often issued.

Next we see another nod to due diligence with citations under the Formaldehyde Standard. Most often the citations

were given due to the establishment not monitoring employees and determining formaldehyde exposure levels.

Still ranking in the top three is the lack of a Written Exposure Plan. This falls under the Bloodborne Pathogen Standard and identifies worker risks and the control measures the employer puts in place to protect the worker. Achieving and maintaining OSHA compliance involves much more than staying ahead of regulatory enforcement. Remember that if it isn't written, it didn't happen and if you protect workers first, they will take care of your firm.

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Vineyard Capital Partners, L.L.C. Recognized in Inc. 5000 with Three-Year Sales Growth of 320%

Vineyard Capital Partners, leading financier to the funeral industry and one of NewBridge Group's key financing sources, recognized as one of the fastest growing private companies in America

Atlanta, GA – Inc. magazine today ranked Vineyard Capital Partners, L.L.C. as NO. 1299th on its 34th annual Inc. 5000, an exclusive ranking of the nation's fastest-growing private companies. The list represents the most comprehensive look at the most important segment of the economy—America's independent entrepreneurs. Companies such as Yelp, Pandora, Timberland, Dell, Domino's Pizza, LinkedIn, Zillow, and many other well-known names gained early exposure as members of the Inc. 5000. "It is very exciting to see one of our key financing sources included in the list with these other great companies," says Jeff Boutwell, President of NewBridge Group. "Their continued growth will provide great funding options for owners who are considering selling their businesses over the next few years." Vineyard's main line of business is providing funding for multiple regional funeral home companies throughout the

country that are acquiring funeral home businesses. These operators are typically implementing a 'hub and spoke' strategy where they own multiple locations in regions that allow for both better operating efficiencies and better service to the families being served. The hub and spoke strategy also produces a better lifestyle for employees and former owners because the support system of the group allows more structured schedules and vacation time in a profession that is known for requiring work schedule for owners of 24 hours a day and 7 days a week.

Vineyard provides funding for funeral home acquisitions and works closely with many funeral home brokers and advisors including NewBridge Group, one of the nation's leading representatives of funeral home owners that are considering a sale of their business. Boutwell credits Vineyard Capital Partners as a primary reason its clients receive a higher price for the sale of their businesses. Easier access to funding leads to higher sale valuations.

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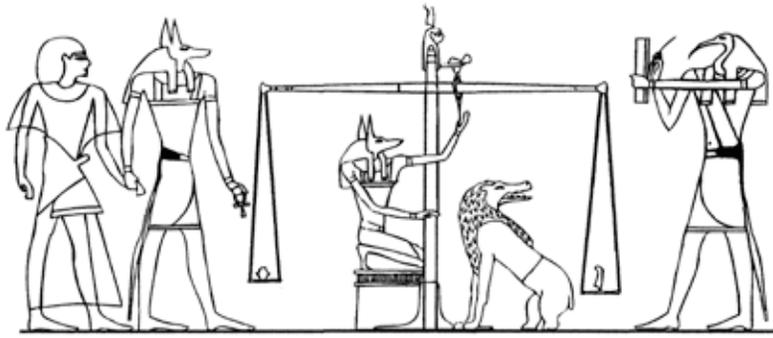
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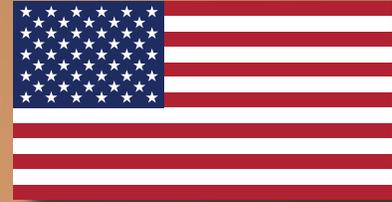
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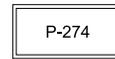
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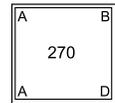
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