

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>STATE OF IOWA, ex rel., DOUG OMMEN, IOWA INSURANCE COMMISSIONER,</p> <p>Petitioner,</p> <p>v.</p> <p>JOYCE FUNERAL HOME, INC., JOYCE-ALESCH FUNERAL HOME, and ANDREW JOYCE,</p> <p>Respondents.</p>	<p>Case No. EQCE085075 Palo Alto Case No. EQCE026838</p> <p>REQUEST FOR APPROVAL OF CLAIMS PROCESS</p>
--	---

COMES NOW the Iowa Insurance Commissioner (hereafter, the “Commissioner”), as Receiver over the estate of the Joyce Funeral Home, and requests approval from this Court of its proposed claims process, and in support thereof, states as follows:

1. The Commissioner initially filed for a receivership when, during the investigation of the funding of a preneed purchase agreement, it became clear that Andrew Joyce was working in California, the Joyce-Alesch bank account was closed, and no one was working at the funeral home.
2. Further investigation revealed a sizeable number of deposits that the Commissioner could not match to a burial, suggesting that hundreds of thousands of dollars in preneed purchase agreements had been sold and the money had not been placed in trust.
3. The receivership was established by Court Order on June 5, 2020, and the Iowa Insurance Division (hereafter, the “Division”) was appointed as Receiver for the Funeral Home.
4. The Commissioner’s goal in this Receivership has been to collect all the assets of the Joyce Funeral Home and to make them available to consumers who were injured by this conduct.

5. The sale of the major asset remaining in the estate, the Joyce Funeral Home building, located at 2302 23rd Street in Emmetsburg, Iowa, closed on December 29, 2021.

6. The result of the Commissioner's efforts to recover assets to date is that the receivership's bank account currently contains \$160,428.59.

7. In addition to collecting assets, the Commissioner has been reviewing records to try to determine the scope of the damage to Iowa consumers by Andrew Joyce's conduct.

8. Prior to filing for receivership, the Commissioner reviewed bank records and sought to match deposits to publicly available death records to develop a list of deposits that were likely paying for preneed purchase agreements. The Commissioner has cross referenced these suspected preneed agreements with documents obtained in the funeral home.

9. The Commissioner has also received complaints from consumers. Based on these complaints, bank records, and the documents reviewed from the funeral home, several categories of victims have become clear:

- a. Those who paid for a preneed purchase agreement and whose money was not placed in trust as required by law;
- b. Those who paid for lettering on a burial monument, but have not received it;
- c. An unfilled promise of a monument replacement due to damage; and
- d. Those who placed orders for cemetery markers, which have not been delivered.

10. The Joyce Funeral Home's records are poor. There are no clear records of customers that have paid for preneed purchase agreements that the Commissioner can use to look for applicable trust accounts. Similarly, the funeral home files do not have clear lists of those who have paid for lettering but not received it.

11. Moreover, in at least one instance, as the Commissioner's investigation was ongoing, Mr. Joyce paid a victim. Mr. Joyce provided another victim's family with a check for

the amount of her unfunded contract, and when the consumer took the check to Mr. Joyce's bank, the account had insufficient funds to cover the check, until the bank checked the night deposit. In another instance, at the time of death of a victim, Mr. Joyce paid for a cremation with Mr. Joyce's mother's credit card.

12. In short, the Commissioner believes that the state of the Joyce Funeral Home's records makes it advisable to have consumers make a claim and confirm that they are owed money before paying out restitution to them. A claims process would also allow victims that the investigation has not yet discovered to seek compensation.

13. Accordingly, the first step in the Commissioner's proposed plan is to issue public notice that a claims process for reimbursement of victims of Andrew Joyce of Joyce Funeral Home in Emmetsburg, Iowa is beginning. Public notice would be accomplished by a press release and classified advertisements in the Emmetsburg Reporter Democrat, the Dickinson County News, and the Des Moines Register for three weeks. In addition, the Commissioner will send a press release to the local radio station, KEMB LP 94.1 FM, to read on their news segments, and will ask KEMB to include the press release on their Facebook page.

14. The Commissioner will also publish notice on the Division website and issue a press release through the Division's list serve, Facebook page, and Twitter account.

15. Second, the Commissioner proposes that victims file a claim form to make a claim. The proposed claim form is attached hereto as Exhibit A. The claim form allows consumers to request reimbursement from the Joyce Funeral Home Receiver.

16. For previously unknown victims, the Commissioner will request documentation to support the claim. The Commissioner will also review the claim in light of the documentation it removed from the Joyce Funeral Home as part of the process to determine the validity of the claim.

17. Suspected victims will be mailed a claim form to try to ensure that they make a claim if they are still owed money.

18. The public notice will commence within 10 business days of the issuance of an order approving this plan. The mailing of a claim form to suspected victims will also occur within 10 business days of an order approving this plan.

19. Victims will have 60 days to make a claim from the first day notice is published.

20. Claims will be reviewed to determine if additional documents are needed.

21. The Commissioner does not know at this time how many claims will be made. After the time for making claims is closed, the Commissioner will propose a plan of distribution to the Court, including the amount of funds to be returned to each victim.

WHEREFORE, the Iowa Insurance Commissioner requests the Court's approval to commence a claims process as outlined above to begin returning the assets of the Joyce Funeral Home Receivership to the victims of the Joyce Funeral Home and Andrew Joyce.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa

/s/ Jordan Esbrook
JORDAN ESBROOK
Assistant Attorney General
Hoover Building
1305 E. Walnut St., Second Fl.
Des Moines, IA 50319
Telephone: (515) 281-8159
Facsimile: (515) 281-4209
E-mail: jordan.esbrook@ag.iowa.gov
ATTORNEY FOR STATE OF IOWA

All parties served via EDMS on
August 3, 2022.