

**TO: ALL UNSECURED CREDITORS OF PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., PERPETUA HOLDINGS OF ILLINOIS, INC. AND PERPETUA, INC. (CASE NO. 09-34022)**

**RE: RECOMMENDED ACCEPTANCE OF THE DEBTORS' SECOND AMENDED JOINT CHAPTER 11 PLAN OF LIQUIDATION**

**WHO WE ARE:** The Committee was appointed by the Office of the United States Trustee to represent the interest of all creditors in these bankruptcy cases. All of our members have relatives buried at Burr Oak Cemetery. Our members serve without compensation.

**WHAT WE DO:** Since the Committee was formed on November 19, 2009 we have worked:

- to determine the cause of the tragic events at Burr Oak Cemetery;
- to recover as much as possible from those responsible; and
- to negotiate a resolution to the bankruptcy which preserves the sanctity of our loved ones' resting place.

**OUR GOALS:** The Committee focused on the following goals in its negotiations with the Debtors:

- restoring Burr Oak Cemetery as a fitting and proper resting place for our loved ones;
- preserving the memory of those who have been buried at Burr Oak Cemetery;
- compensating those who have been truly victimized by the tragic events revealed in Summer 2009; and
- preventing another tragedy from occurring at Burr Oak Cemetery.

**THE INSURANCE SETTLEMENT:** The Committee has been actively involved in the Debtors' negotiations with its insurers. These negotiations have resulted in a settled payment from the insurance companies. The Court has approved this settlement.

**THE PLAN:** The Committee has worked with the Debtors to negotiate the best allocation of the insurance settlement. The allocation we negotiated provides:

- \$2,600,000 will be set aside for the restoration and maintenance of the Cemetery.
  - Specified uses for the funds include: rebuilding the drainage system, so that Burr Oak does not flood whenever it rains; restoration of the roads in order to provide access to all sections of the Cemetery; installation of a fence to secure the Cemetery; improved landscaping and maintenance; creation of an improved location and marking system, and establishing a befitting memorial at the Cemetery;
- \$2,300,000 will be allocated to compensating those who have been

victimized by the events at Burr Oak Cemetery.

- Under the plan, spouses, fathers, mothers, brothers, sisters, sons and daughters of those buried at Burr Oak may receive \$100 by establishing that their relative is buried at Burr Oak. **EACH CLAIMANT MAY VOLUNTARILY CONTRIBUTE THE \$100 TO THE CEMETERY RESTORATION FUND.**
- For those who can demonstrate that they have suffered a special harm, such as disinterment, the Plan includes a separate victims' compensation fund totaling \$1,800,000.
- Any funds not distributed to claimants will be used for the restoration of Burr Oak Cemetery.

**THE  
CEMETERY:**

Burr Oak Cemetery will not be sold but instead ownership will be transferred to a trust and, at the Committee's request, Patricia Holmes, a former U.S. Attorney and Judge of the Circuit Court will be designated as the trustee for the Cemetery. Ms. Holmes has relatives buried at Burr Oak Cemetery. The Creditors Committee members will serve as an advisory board to Ms. Holmes.

**VOTING:**

The Committee believes that the Plan it has negotiated with the Debtors is the best plan under the circumstances.

More than 6,500 claims have been filed in the Burr Oak Bankruptcy Case by those who claim to have suffered emotional harm as a result of what has occurred at Burr Oak.

The limited settlement funds are not sufficient to both restore the Burr Oak Cemetery and provide a larger pool for compensating individual claimants. Nevertheless, in the opinion of the Committee the Plan represents the best result which can be achieved

**Therefore, the Committee suggests that claimants return the enclosed CLASS 7 BALLOT and vote to ACCEPT THE PLAN OF REORGANIZATION.**