

April 13, 2011

RE: Burr Oak Cemetery Cases
Case No. 09-34022

Dear Client:

Please be advised that this matter, which has been pending in the United States Bankruptcy Court, has settled for \$7.65 million dollars. There was also a plan of reorganization confirmed by the bankruptcy judge which provides for the allocation of the insurance settlement proceeds to the creditors and the restoration and maintenance of the cemetery. This plan allows the cemetery to remain open for future burials, and ownership will be transferred to a trust, which will be overseen by Patricia Holmes, a former US Attorney and Judge of the Circuit Court.

A solicitation of materials should have been sent to you, with a ballot to either accept or reject this plan, including a letter from the Creditor's Committee recommending you vote to accept the plan. **If you did not receive said materials, enclosed please find a copy of both letters.** This letter is to give you a synopsis of said solicitation materials without a recommendation of how to vote. Please note that your vote must be returned on or before **MAY 13, 2011, at 4:00 P.M. Central Time.** There should be a self-addressed envelope with the return address for your ballots. If you have already received and returned your ballot, please do not vote again.

Under the plan, there are different class allocations of the insurance settlement proceeds to vote on. Your claim should fall **ONLY** under Classes 7A-C or 9A-C. Class 7A-C provides for spouses, fathers, mothers, brothers, sisters, sons and daughters to receive \$100 regardless of how many burial sites you have claimed. If you choose not to receive the money, you can voluntarily donate it to the restoration of the cemetery. Class 9A-C claimants are those people who can *prove* that your loved one's grave was disturbed. This would happen through a trial and you would have to provide concrete evidence, such as DNA testing, that a casket is missing or disinterred. Please keep in mind that you would have to bear the costs of proving that your loved one's grave was disturbed.

If the plan is not accepted by the claimants, the insurance settlement proceeds will be withdrawn, and the pending bankruptcy case will be converted into a Chapter 7 bankruptcy case because there will be no funds to maintain the cemetery. If you vote to reject the plan, and the plan is accepted, your claim is dismissed and you are barred from any monetary recourse.

We understand that the solicitation materials are complicated to understand. Therefore, if you should have any questions, please contact Kristin Atherton at 312-795-0511. Thank you in advance for your anticipated cooperation in this matter.

Very Truly Yours,

HARVEY L. WALNER & ASSOCIATES, LTD.

Shelby H. Kanarish

GOLD & COULSON

Arthur S. Gold

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

victimimized 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.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Chapter 11 Cases
)	
PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., <i>et al.</i> ,)	Case No. 09-34022
)	(Jointly Administered)
)	
Debtors.)	Hon. Pamela S. Hollis

**CLASS 7A, 7B AND 7C, 8A, 8B AND 8C AND 9A, 9B AND 9C BALLOT
(TRUST CLAIMS) BALLOT FOR ACCEPTING OR REJECTING DEBTORS' MODIFIED
SECOND AMENDED JOINT PLAN OF LIQUIDATION**




This ballot relates to the Modified Second Amended Joint Plan of Liquidation (the "Plan") of Perpetua, Inc., Perpetua Holdings of Illinois, Inc. and Perpetua-Burr Oak Holdings of Illinois, Inc. (collectively, the "Debtors") filed by the Debtors on April 5, 2011. YOU MUST HOLD A TRUST CLAIM RELATED TO A DECEDENT AT BURR OAK CEMETERY TO USE THIS BALLOT.

Please note that the Plan in Article V provides for the implementation of a Channeling Injunction. Pursuant to the Channeling Injunction, Holders of Claims against the Debtors arising from or in any way related to activities at the Burr Oak Cemetery prior the Effective Date shall be forever barred from asserting such claims against certain Protected Parties, including, to but not limited to (a) the Debtors and their current and former officers, directors, employees, shareholders and secured creditors, (b) The Travelers Indemnity Company, Inc., St. Paul Fire and Marine Insurance Company and Harleysville Lake States Insurance Company, Harleysville Group, Inc., and each of their respective past, present and future shareholders, parent corporations, companies or partnerships, subsidiaries, affiliates, divisions, associated, merged or acquired companies or operations and their respective predecessors, successors and assigns, (c) the Consolidated Debtor, (d) the BOC Trust, (e) the Cedar Park Purchaser, (f) PSF, (g) Mesbic and (h) the Official Committee of Unsecured Creditors. The complete provisions of the Channeling Injunction (and defined terms therein) are set forth in detail in Article V and Exhibit 1 to the Plan. You should review the Plan and the accompanying Disclosure Statement (the "Disclosure Statement") with respect to the Claims being released and enjoined against the Protected Parties before you vote.

TO HAVE YOUR VOTE COUNT, YOU MUST TIMELY COMPLETE AND RETURN THIS BALLOT. IF THE PLAN IS CONFIRMED BY THE BANKRUPTCY COURT IT WILL BE BINDING ON YOU WHETHER OR NOT YOU VOTE.

The undersigned, holding a claim or interest in the Class designated below:

[Check only one box]

- Classes 7A-C (Direct Trust Claim Automatic Payment Option)** 
- Classes 8A-C (Indirect Trust Claims Trust Distribution Only)** 
- Classes 9A-C (Direct and Indirect Trust Claims – TDP Determination Process)** 

by this Ballot, hereby:

[Check only one box]


Accepts



Rejects



the Joint Plan of Liquidation of the above-named Debtors.

 25043411004222
HARVEY L WALNER
HARVEY L WALNER & ASSOCIATES,
LTD.
33 N LASALLE ST., SUITE 2700
CHICAGO, IL 60602

Dated: _____

Print or type name: _____

Signed: _____

[If appropriate] By: _____

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as: _____

Address: _____

The original of this completed ballot form must be delivered by First Class Mail, overnight delivery or hand delivery to: (A) if by First Class Mail – BMC Group, Inc., Attn: Perpetua Claims & Ballot Processing, P.O. Box 3020, Chanhassen, MN 55317 (B) if by Overnight or Hand Delivery, BMC Group Inc., Attn: Perpetua Claims & Balloting Processing, 18750 Lake Drive East, Chanhassen, MN 55317, so that it is actually received on or before May 13, 2011 at 4:00 p.m. (prevailing Central Time).

Please also note that: If a ballot is received after the voting deadline, it will not be counted.
Ballots submitted by facsimile or email will not be accepted.
Unsigned ballots will not be counted.
Any executed ballot that does not indicate either an acceptance or rejection of the Plan or that indicates both an acceptance and a rejection of the Plan will not be counted.
If you cast more than one ballot voting the same claim prior to the voting deadline, the last ballot received before the voting deadline will supersede any prior ballots.