

1 AN ACT concerning cemeteries.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Cemetery Protection Act is amended by
5 changing Sections 9, 10, and 13 as follows:

6 (765 ILCS 835/9) (from Ch. 21, par. 21.2)

7 Sec. 9. Presumption of abandonment.

8 (a) When there is no memorial, monument, or marker
9 installed on a cemetery lot; no interment in a cemetery lot;
10 no transfer or assignment of a cemetery lot on the cemetery
11 authority records; no contact by an owner recorded in the
12 cemetery authority records; publication has been made in a
13 local newspaper and no response was received; and 60 years
14 have passed since the cemetery lot was sold, there is a
15 presumption that the cemetery lot has been abandoned.
16 Alternatively, where there is an obligation to pay a cemetery
17 authority, annually or periodically, maintenance or care
18 charges on a cemetery lot, or part thereof, and the owner of
19 or claimant to a right or easement for burial in such
20 cemetery lot, or part thereof, has failed to pay the required
21 annual or periodic maintenance or care charges for a period
22 of 30 years or more, such continuous failure to do so creates
23 and establishes a presumption that the cemetery lot, or part
24 thereof, has been abandoned.

25 (b) Where there is no obligation to pay maintenance or
26 care charges, a cemetery authority may initiate abandonment
27 proceedings under this Act only where it can demonstrate
28 that:

29 (1) the cemetery lot or lots have been sold and
30 unused for more than 50 years;

31 (2) no correspondence has been received from an

1 owner of or claimant to a right or easement for burial in
2 such cemetery lot or lots by the cemetery authority for
3 more than 30 years;

4 (3) no claim or notice of assignment, inheritance,
5 sale, or other transfer of a right or easement for burial
6 in the cemetery lot or lots has been received by the
7 cemetery authority for more than 30 years; and

8 (4) the cemetery authority has attempted
9 unsuccessfully to contact the last known owner of or
10 claimant to the right or easement for burial in the
11 cemetery lot or lots by certified mail, return receipt
12 requested, at the owner or claimant's last known address.

13 (c) Upon a court's determination of abandonment, the
14 ownership of a right or easement for burial in a cemetery
15 lot, or part thereof, shall be subject to sale in the manner
16 hereinafter provided.

17 (Source: P.A. 92-419, eff. 1-1-02.)

18 (765 ILCS 835/10) (from Ch. 21, par. 21.3)

19 Sec. 10. A cemetery authority may file in the office of
20 the clerk of the circuit court of the county in which the
21 cemetery is located a verified petition praying for the entry
22 of an order adjudging a cemetery lot, or part thereof, to
23 have been abandoned. The petition shall describe the
24 cemetery lot, or part thereof, alleged to have been
25 abandoned, shall allege ownership by the petitioner of the
26 cemetery, and, if known, the name of the owner of the right
27 or easement for burial in such cemetery lot, or part thereof,
28 as is alleged to have been abandoned, or, if the owner
29 thereof is known to the petitioner to be deceased, then the
30 names, if known to petitioner, of such claimants thereto as
31 are the heirs-at-law and next-of-kin or the specific legatees
32 under the will of the owner of the right or easement for
33 burial in such lot, or part thereof, and such other facts as

1 the petitioner may have with respect to ownership of the
2 right or easement for burial in such cemetery lot, or part
3 thereof.

4 Where applicable, the petition shall also allege the
5 facts with respect to the abandonment of the cemetery lot or
6 facts about the obligation of the owner to pay annual or
7 periodic maintenance or care charges on such cemetery lot, or
8 part thereof, the amount of such charges as are due and
9 unpaid, and shall also allege the continuous failure by the
10 owner or claimant to pay such charges for a period of 30
11 consecutive years or more.

12 Irrespective of diversity of ownership of the right or
13 easement for burial therein, a cemetery authority may include
14 in one petition as many cemetery lots, or parts thereof, as
15 are alleged to have been abandoned.

16 (Source: P.A. 92-419, eff. 1-1-02.)

17 (765 ILCS 835/13) (from Ch. 21, par. 21.6)

18 Sec. 13. In the event that, at any time within one year
19 after adjudication of abandonment, the owner or claimant of a
20 lot, or part thereof, which has been adjudged abandoned,
21 shall provide written notice to the cemetery authority of his
22 or her continuing claim of right or easement for burial in
23 the cemetery lot or lots, including a correct address for
24 future notices and a payment of a reinstatement fee of \$50
25 or, where abandonment has been presumed pursuant to
26 subsection (a) of Section 9 of this Act, shall contact the
27 court or the cemetery authority and pay all maintenance or
28 care charges that are due and unpaid, shall reimburse the
29 cemetery authority for the costs of suit and necessary
30 expenses incurred in the proceeding with respect to such lot,
31 or part thereof, and shall contract for its future care and
32 maintenance, then such lot, or part thereof, shall not be
33 sold as herein provided and, upon petition of the owner or

1 claimant, the order or judgment adjudging the same to have
2 been abandoned shall be vacated as to such lot, or part
3 thereof.

4 (Source: P.A. 92-419, eff. 1-1-02.)