



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0264

Introduced 1/18/2005, by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

765 ILCS 835/9

from Ch. 21, par. 21.2

Amends the Cemetery Protection Act. Provides that a cemetery lot or a mausoleum crypt (instead of just a cemetery lot) may be presumed abandoned if the listed circumstances exist. Effective immediately.

LRB094 06182 LCB 36249 b

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 Section 9 as follows:

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

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

26 Upon a court's determination of abandonment, the ownership
27 of a right or easement for burial in a cemetery lot or
28 mausoleum crypt, or part thereof, shall be subject to sale in
29 the manner hereinafter provided.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.