



Rep. Angelo Saviano

Filed: 3/17/2005

09400HB3749ham001

LRB094 07674 LCB 43902 a

1 AMENDMENT TO HOUSE BILL 3749

2 AMENDMENT NO. _____. Amend House Bill 3749 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Cemetery Protection Act is amended by
5 changing Section 16 as follows:

6 (765 ILCS 835/16)

7 Sec. 16. When a multiple interment right owner becomes
8 deceased, the ownership of any unused rights of interment shall
9 pass in accordance with the specific bequest in the decedent's
10 will. If there is no will or specific bequest then the
11 ownership and use of the unused rights of interment shall be
12 determined by a cemetery authority in accordance with the
13 information set out on a standard affidavit for cemetery
14 interment rights use form if such a form has been prepared. The
15 unused right of interment shall be used for the interment of
16 the first deceased heir listed on the standard affidavit and
17 continue in sequence until all listed heirs are deceased. In
18 the event that an interment right is not used, the interment
19 right shall pass to the heirs of the heirs of the deceased
20 interment right owner in perpetuity. Except as otherwise
21 provided in this Section, this ~~This~~ shall not preclude the
22 ability of the heirs to sell said interment rights, in the
23 event that all listed living heirs are in agreement, and it
24 shall not preclude the ability of a 2/3 majority of the living

1 heirs to sell a specific interment right to the spouse of a
 2 living or deceased heir. If the standard affidavit for cemetery
 3 interment rights use, showing heirship of decedent interment
 4 right owner's living heirs is provided to and followed by a
 5 cemetery authority, the cemetery authority shall be released of
 6 any liability in relying on that affidavit.

7 The following is the form of the standard affidavit:

8 STATE OF ILLINOIS)
 9) SS
 10 COUNTY OF)

11 AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

12 I,, being first duly sworn on oath depose and
 13 say that:

- 14 1. A. My place of residence is
- 15 B. My post office address is
- 16 C. I understand that I am providing the information
 17 contained in this affidavit to the
 18 ("Cemetery") and the Cemetery shall, in the absence of
 19 directions to the contrary in my will, rely on this
 20 information to allow the listed individuals to be interred
 21 in any unused interment rights in the order of their death.
- 22 D. I understand that, if I am an out-of-state resident,
 23 I submit myself to the jurisdiction of Illinois courts for
 24 all matters related to the preparation and use of this
 25 affidavit. My agent for service of process in Illinois is:
 26 Name Address
 27 City Telephone

28 Items 2 through 6 must be completed by the executor of the
 29 decedent's estate, a personal representative, owner's
 30 surviving spouse, or surviving heir.

31 2. The decedent's name is

1 3. The date of decedent's death was

2 4. The decedent's place of residence immediately before his
3 or her death was

4 5. My relationship to the decedent is
5 and I am authorized to sign and file this affidavit.

6 6. At the time of death, the decedent (had no) (had a)
7 surviving spouse. The name of the surviving spouse, if any, is
8, and he or she (has) (has not) remarried.

9 7. The following is a list of the cemetery interment rights
10 that may be used by the heirs if the owner is deceased:

11
12

13 8. The following persons have an ownership interest in and
14 the right to use the cemetery interment rights in the order of
15 their death:

16 Address
17 Address
18 Address
19 Address
20 Address
21 Address
22 Address

23 9. This affidavit is made for the purpose of obtaining the
24 consent of the undersigned to transfer the right of interment
25 at the above mentioned cemetery property to the listed heirs.
26 Affiants agree that they will save, hold harmless, and
27 indemnify Cemetery, its heirs, successors, employees, and
28 assigns, from all claims, loss, or damage whatsoever that may
29 result from relying on this affidavit to record said transfer
30 in its records and allow interments on the basis of the
31 information contained in this affidavit.

32 WHEREFORE affiant requests Cemetery to recognize the above
33 named heirs-at-law as those rightfully entitled to the

1 ownership of and use of said interment (spaces) (space).

2 THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.
3 (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS
4 PERJURY AS DEFINED IN THE CRIMINAL CODE OF 1961.)

5 Dated this day of,

6 (Seal) (To be signed by the owner or
7 the individual who completes items 2 through 6 above.)

8 Subscribed and sworn to before me, a Notary Public in and for
9 the County and State of aforesaid this
10 day of,

11 Notary Public.

12 (Source: P.A. 92-419, eff. 1-1-02; 93-772, eff. 1-1-05.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".