

1 AN ACT concerning civil law.

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

4 Section 1. Findings. The General Assembly finds:

5 (1) "An Act to create the Rosehill Cemetery Company",
6 approved February 11, 1859 (hereinafter "the 1859 Act"),
7 created the Rosehill Cemetery Company and constituted its
8 charter. The 1859 Act appears on pages 29 through 33 of the
9 "Private Laws" portion of the volume "Laws of the State of
10 Illinois, Passed by the Twenty-first General Assembly,
11 Convened January 3, 1859". (The pages of that volume are not
12 numbered in a single sequence. The portions labeled "Public
13 Laws" and "Private Laws" have separate page numbering.)

14 (2) "An Act to amend "An act to create the Rosehill
15 Cemetery Company," approved February 11, 1859", approved
16 February 13, 1863 (hereinafter "the 1863 Act"), amended the
17 charter of the Rosehill Cemetery Company as set forth in the
18 1859 Act. The 1863 Act appears on pages 174 through 177 of the
19 volume "Private Laws of the State of Illinois, Passed by the
20 Twenty-third General Assembly, Convened January 5, 1863".
21 Among other things, the 1863 Act: required 10% of the proceeds
22 received from the sale of lots by the Rosehill Cemetery Company
23 to be reserved and set apart until the sum reserved and set
24 apart amounted to \$100,000; required that sum to be kept as a

1 fund (hereinafter "the reserve fund") for the preservation,
2 maintenance, and ornamentation of the cemetery; created the
3 Board of Trustees of the Rosehill Cemetery; required the
4 Rosehill Cemetery Company to pay the amounts reserved and set
5 apart to the Board of Trustees of the Rosehill Cemetery;
6 imposed various requirements upon the investment of funds by
7 the Board of Trustees of the Rosehill Cemetery; and imposed
8 various requirements regarding the composition and selection
9 of the Board of Trustees of the Rosehill Cemetery.

10 (3) On September 15, 1983, a decree was entered by the
11 Circuit Court of Cook County in Rosehill Cemetery Company et
12 al. v. Chicago Title and Trust Company et al., No. 83 CH 339,
13 which dealt with various matters involving the successor to the
14 Rosehill Cemetery Company as well as 4 funds dedicated to the
15 care and upkeep of the Rosehill Cemetery, including the reserve
16 fund. Regarding the reserve fund, the Court found:

17 "4. On July 6, 1894, a decree was entered by the
18 Circuit Court of Cook County in Case No. 120206, Lunt and
19 Farwell vs. The Rosehill Cemetery Company et. al., which
20 found that the Reserve Fund had reached \$100,000, and
21 ordered that it be administered by lot owner trustees
22 pursuant to the Amendment to Charter, with The Northern
23 Trust Company of Chicago, Illinois acting as custodian of
24 the securities in which said Reserve Fund is invested."

25 Regarding the reserve fund, the Court ordered:

26 "5. That, upon the purchase of the assets of Rosehill

1 Cemetery Company, the dissolution of Rosehill Cemetery
2 Company, and the commencement of the operation of Rosehill
3 Cemetery in perpetuity by Rosehill Memorial, Inc., the
4 Reserve Fund and the trustees thereof shall continue to
5 operate in the manner provided, since 1863, by Section 7 of
6 the Charter of Rosehill Cemetery Company as amended by the
7 Special Act approved February 13, 1863 and pursuant to the
8 provisions of the first paragraph of Paragraph Second of
9 the decree entered on July 6, 1894 by the Circuit Court of
10 Cook County in Case No. 120206, Lunt and Farwell vs. The
11 Rosehill Cemetery Company et. al., and said trustees shall
12 continue to expend the income therefrom with the advice of
13 Rosehill Memorial, Inc."

14 (4) The Board of Trustees of the Rosehill Cemetery have
15 administered the reserve fund in accordance with the 1863 Act.
16 The 1863 Act must be amended to enable the Board of Trustees of
17 the Rosehill Cemetery to manage the reserve fund according to
18 modern investment principles and to ensure the continued
19 operation of the reserve fund.

20 Section 5. "An Act to amend "An act to create the Rosehill
21 Cemetery Company," approved February 11, 1859", approved
22 February 13, 1863, is amended by adding Sections 14.1 and 14.2
23 as follows:

24 (Private Laws 1863, p. 174-177, Sec. 14.1 new)

1 Sec. 14.1. Notwithstanding any other provision of law, as
2 an alternative to the investment provisions of Sections 3
3 through 7 of this Act, the Board of Trustees of the Rosehill
4 Cemetery may invest assets of the fund created under Section 2
5 of this Act in accordance with Section 5 of the Trusts and
6 Trustees Act or any successor provision.

7 (Private Laws 1863, p. 174-177, Sec. 14.2 new)

8 Sec. 14.2. Notwithstanding any other provision of law, as
9 an alternative to the provisions of Sections 3 and 10 of this
10 Act concerning the number of trustees and the manner of
11 electing trustees, the Board of Trustees of the Rosehill
12 Cemetery may adopt bylaws establishing procedures for the
13 governance of the Board, including, but not limited to, the
14 number of trustees and the manner of electing trustees.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.