

# HOUSE BILL No. 4065

February 2, 1989, Introduced by Reps. Randall, Bender and Giese and referred to the Committee on Towns and Counties.

A bill to amend section 2 of Act No. 46 of the Public Acts of 1931, entitled as amended

"An act to supplement the laws providing for the establishment, control, maintenance and care of public cemeteries by cities and townships within this state; to define the powers and duties of cemetery boards and other public officials invested by law with the management thereof; to provide for the termination and forfeiture of rights in certain unused burial spaces in such cemeteries; to prescribe and regulate the procedure with reference thereto; to authorize the resale of such spaces and to direct the investment and use of the funds received therefrom; and to repeal all acts or parts of acts inconsistent with the provisions hereof,"

being section 128.12 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of Act No. 46 of the Public Acts of  
2 1931, being section 128.12 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 2. ~~Whenever~~ IF the owner of ~~any~~ A burial space ~~or~~  
5 ~~spaces~~ in ~~any~~ A public cemetery, subject to the provisions

1 ~~hereof shall have failed~~ OF THIS ACT, FAILS and ~~neglected~~  
2 NEGLECTS for a period of 7 years or more to care for and maintain  
3 ~~such~~ THE BURIAL space ~~or spaces~~ in accordance with the laws,  
4 rules, and regulations relating ~~thereto and providing for such~~  
5 TO THE care and maintenance ~~, it shall be competent for~~ OF  
6 BURIAL SPACES, the CEMETERY board ~~or other officials having~~  
7 ~~jurisdiction over such cemetery to~~ MAY institute proceedings for  
8 the termination and forfeiture of the OWNER'S rights and interest  
9 ~~of such owner. Whenever such~~ IN THE BURIAL SPACE. IF THE  
10 CEMETERY board ~~or other officials shall determine~~ DETERMINES  
11 THAT the ~~fact as to such failure and neglect,~~ OWNER HAS FAILED  
12 OR NEGLECTED TO CARE AND MAINTAIN THE BURIAL SPACE, THE CEMETERY  
13 BOARD SHALL ADOPT a resolution reciting ~~such~~ THIS  
14 determination. ~~shall be duly adopted and a~~ A certified copy  
15 ~~thereof~~ OF THE RESOLUTION shall be served on the owner person-  
16 ally by ~~any~~ A competent person ~~,~~ or shall be sent by  
17 ~~registered~~ FIRST CLASS mail to ~~his~~ THE OWNER'S last known  
18 address. If ~~compliance~~ WITHIN 30 DAYS AFTER THE SENDING OF THE  
19 RESOLUTION THE OWNER DOES NOT COMPLY OR MAKE PROVISIONS FOR  
20 COMPLYING with ~~said~~ THE LAWS, rules, and regulations, ~~is not~~  
21 ~~effected, or provision therefore made, within a period of 30 days~~  
22 ~~said~~ THE CEMETERY board may cause a petition to be filed in the  
23 circuit court ~~of~~ FOR the county in which ~~said~~ THE cemetery is  
24 located. ~~, which~~ THE petition shall set forth the facts relat-  
25 ing to the sale and ownership of ~~such~~ THE burial space, ~~or~~  
26 ~~spaces,~~ the OWNER'S failure and neglect to comply with the LAWS,  
27 rules, and regulations for the care and maintenance ~~thereof~~ OF

1 THE BURIAL SPACE, and shall ask for the termination and  
2 forfeiture of the OWNER'S rights ~~of such owner therein. Said~~  
3 TO THE BURIAL SPACE. THE petition shall be noticed for A hear-  
4 ing, on a date not less than 40 days from the date of filing.  
5 ~~A~~ WITHIN 15 DAYS AFTER FILING, A copy of ~~said~~ THE petition  
6 with ~~said~~ THE HEARING notice ~~of hearing thereon~~ shall be per-  
7 sonally served on ~~said~~ THE owner ~~within 15 days after filing~~  
8 ~~or, in lieu of such personal service,~~ OR copies ~~thereof~~ OF THE  
9 PETITION shall be sent by ~~registered~~ FIRST CLASS mail to the  
10 last known address of ~~such~~ THE owner. ~~within said 15 day~~  
11 ~~period and a notice~~ NOTICE of the hearing ~~thereon~~ shall be  
12 published once each week for 3 successive weeks in ~~some~~ A news-  
13 paper of general circulation in ~~said~~ THE county ~~, the~~ IN  
14 WHICH THE CEMETERY IS LOCATED. THE first ~~publication being~~  
15 ~~made~~ NOTICE SHALL BE PUBLISHED not less than 30 days before the  
16 date of hearing. ~~Thereupon, it shall be~~ AFTER THE PETITION AND  
17 NOTICE HAVE BEEN SERVED OR SENT, IT IS the OWNER'S duty ~~of such~~  
18 ~~owner~~ to appear and ~~make~~ answer to the allegations of ~~said~~  
19 THE petition. ~~and in case of his failure so to do prior to~~ IF  
20 THE OWNER FAILS TO APPEAR AND ANSWER ON the day noticed for hear-  
21 ing, ~~his~~ THE OWNER'S default may be entered in the ~~same~~  
22 manner ~~as is or may be~~ provided FOR by law. ~~for the entering~~  
23 ~~of defaults in equity cases generally.~~