

AN ACT concerning civil law.

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

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

(765 ILCS 835/16)

Sec. 16. When a multiple interment right owner becomes deceased, the ownership of any unused rights of interment shall pass in accordance with the specific bequest in the decedent's will. If there is no will or specific bequest then the ownership and use of the unused rights of interment shall be determined by a cemetery authority in accordance with the information set out on a standard affidavit for cemetery interment rights use form if such a form has been prepared. The unused right of interment shall be used for the interment of the first deceased heir listed on the standard affidavit and continue in sequence until all listed heirs are deceased. In the event that an interment right is not used, the interment right shall pass to the heirs of the heirs of the deceased interment right owner in perpetuity. Except as otherwise provided in this Section, this ~~This~~ shall not preclude the ability of the heirs to sell said interment rights, in the event that all listed living heirs are in agreement, and it shall not preclude the ability of a 2/3 majority of the living heirs to sell a specific interment right to the spouse of a living or deceased heir. If the standard affidavit for cemetery interment rights use, showing heirship of decedent interment right owner's living heirs is provided to and followed by a cemetery authority, the cemetery authority shall be released of any liability in relying on that affidavit.

The following is the form of the standard affidavit:

STATE OF ILLINOIS)
) SS
COUNTY OF)

AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

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

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

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

- 2. The decedent's name is
- 3. The date of decedent's death was
- 4. The decedent's place of residence immediately before his or her death was
- 5. My relationship to the decedent is and I am authorized to sign and file this affidavit.
- 6. At the time of death, the decedent (had no) (had a) surviving spouse. The name of the surviving spouse, if any, is, and he or she (has) (has not) remarried.
- 7. The following is a list of the cemetery interment rights that may be used by the heirs if the owner is deceased:

.....
.....

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

- Address
- Address
- Address
- Address
- Address
- Address
- Address

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

WHEREFORE affiant requests Cemetery to recognize the above named heirs-at-law as those rightfully entitled to the ownership of and use of said interment (spaces) (space).

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

Dated this day of,

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

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

..... Notary Public.

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

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