

1 AN ACT in relation to property.

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 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  
9 shall pass in accordance with the specific bequest in the  
10 decedent's will. If there is no will or specific bequest  
11 then the ownership and use of the unused rights of interment  
12 shall be determined by a cemetery authority in accordance  
13 with the information set out on a standard affidavit for  
14 cemetery interment rights use form if such a form has been  
15 prepared. The unused right of interment shall be used for  
16 the interment of the first deceased heir listed on the  
17 standard affidavit and continue in sequence until all listed  
18 heirs are deceased. In the event that an interment right is  
19 not used, the interment right shall pass to the heirs of the  
20 heirs of the deceased interment right owner in perpetuity.  
21 This shall not preclude the ability of the heirs to sell said  
22 interment rights, in the event that all listed living heirs  
23 are in agreement. If the standard affidavit for cemetery  
24 interment rights use, showing heirship of decedent interment  
25 right owner's living heirs is provided to and followed by a  
26 cemetery authority, the cemetery authority shall be released  
27 of any liability in relying on that affidavit.

28 The following is the form of the standard affidavit:

29 STATE OF ILLINOIS )  
30 ) SS  
31 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

1 deceased:

2 .....

3 .....

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

7 ..... Address .....

8 ..... Address .....

9 ..... Address .....

10 ..... Address .....

11 ..... Address .....

12 ..... Address .....

13 ..... Address .....

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

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

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

29 Dated this ..... day of ....., .....

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

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

1 ..... day of ....., .....

2 ..... Notary Public.

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