

1 AMENDMENT TO SENATE BILL 1431

2 AMENDMENT NO. _____. Amend Senate Bill 1431 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
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

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

6 The following is the form of the standard affidavit:

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

10 AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

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

13 1. A. My place of residence is

14 B. My post office address is

15 C. I understand that I am providing the information
16 contained in this affidavit to the
17 ("Cemetery") and the Cemetery shall, in the absence of
18 directions to the contrary in my will, rely on this
19 information to allow the listed individuals to be
20 interred in any unused interment rights in the order of
21 their death.

22 D. I understand that, if I am an out-of-state
23 resident, I submit myself to the jurisdiction of Illinois
24 courts for all matters related to the preparation and use
25 of this affidavit. My agent for service of process in
26 Illinois is:

27 Name Address

28 City Telephone

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

32 2. The decedent's name is

33 3. The date of decedent's death was

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

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

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

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

12
13

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

17 Address
18 Address
19 Address
20 Address
21 Address
22 Address
23 Address

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

33 WHEREFORE affiant requests Cemetery to recognize the
34 above 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
3 PERJURY. (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF
4 PERJURY IS 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.)".