

## HOUSE BILL No. 2165

By Representative Gordon

1-26

---

9 AN ACT concerning cemeteries; relating to the revestment of title to  
10 lots.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Cemetery" means any publicly-accessible cemetery owned by a  
15 religious or private organization.

16 (2) "Cemetery corporation" or "corporation" means any person, in-  
17 dividual, firm, partnership or organization which owns a cemetery.

18 (3) "Grave space" means the piece of ground designated within a  
19 cemetery for the burial of a single person.

20 (4) "Cemetery lot" or "lot" means any platted lot, grave space or  
21 designated piece of ground within a cemetery.

22 (5) "Lot owner" means the purchaser of a cemetery lot or such pur-  
23 chaser's heirs, administrators, trustees, legatees or assigns.

24 (b) Whenever any cemetery corporation has conveyed to any person  
25 the right of interment upon a cemetery lot and the deed or conveyance  
26 thereto from such corporation or its predecessor in title or the predeces-  
27 sor of such title owner provides that the lot shall be held subject to all  
28 the regulations of the corporation, and the lot owner named in such deed  
29 or conveyance neglects or refuses to observe such regulations, for the  
30 period of 10 successive years, the corporation may revest such corporation  
31 with the title to the portion of such lot not actually used for burial pur-  
32 poses and not including two additional grave spaces adjacent to any burials  
33 then on such lot, in the manner specified in subsection (c).

34 (c) If the lot owner is a resident of the county in which the cemetery  
35 is located, the cemetery corporation may cause to be served upon such  
36 owner, in the manner prescribed by law for the service of a summons in  
37 a civil action, a notice specifying the amount unpaid for lot care upon  
38 such lot, and specifying a time within which the same must be paid to  
39 the cemetery corporation. Such period of time shall not be less than 30  
40 days from the date of the service of such notice. The notice also shall  
41 specify that upon the failure of such owner to pay the amount specified  
42 in the notice within such specified time that the cemetery corporation  
43 with the title to the portion of such cemetery lots not actually used for

1 burial purposes.

2 If the lot owner is not a resident of the county, the cemetery corpo-  
3 ration may cause the notice required by this subsection to be published  
4 once in the official county newspaper and shall cause a copy of such notice  
5 to be served on the owner thereof by return receipt mail addressed to  
6 the owner's last known address. The notice shall specify a time for pay-  
7 ment not less than 30 days after the completed service of such notice by  
8 publication thereof.

9 (d) If the lot owner fails to pay the amount specified in the notice  
10 within the time specified, the rights of such lot owner may be deemed  
11 abandoned, and the cemetery corporation may bring an action against all  
12 such lot owners, uniting as many such lot owners as it desires in one  
13 action, to have the rights of such owners in such lots terminated and the  
14 property restored to the cemetery corporation free of any right, title or  
15 interest of all such persons and their heirs or assigns. Such action shall  
16 be brought in the district court of the county in which the lot is located  
17 and shall be determined in the same manner as other actions to quiet  
18 title to real estate.

19 (e) Nothing in this section shall be construed to require a cemetery  
20 corporation to impose a fee for lot care.

21 (f) The failure of any lot owner to comply with the regulations of the  
22 cemetery corporation for at least 15 successive years, shall be prima facie  
23 evidence that such person has abandoned such lots.

24 (g) A certified copy of such judgment quieting title may be filed in  
25 the office of the register of deeds in and for the county in which such lot  
26 is located.

27 (h) Any notice and all proceedings conducted pursuant to this section  
28 in relation to any such cemetery lot, shall describe by metes and bounds  
29 the portion of such lot unused for burial purposes. The cemetery corpo-  
30 ration shall leave sufficient ingress to, and egress from, any grave upon  
31 a cemetery lot, either by dedicated streets or alleys in the cemetery, or  
32 by leaving sufficient or the unused portion of such lot for such purpose.

33 (i) This section shall not apply to any lot for which a perpetual care  
34 contract has been entered into between a cemetery corporation and the  
35 lot owner.

36 (j) Compliance with the provisions of this section shall revest the  
37 cemetery corporation with, and divest the lot owner of, the title to such  
38 portion of such cemetery lot unused for burial purposes, as though the  
39 same had never been conveyed to any person. Except as provided herein,  
40 the cemetery corporation shall have, hold and enjoy such reclaimed por-  
41 tions of such lot for its own uses and purposes, subject to the laws of this  
42 state, and to the charter, bylaws, rules and regulations of such cemetery  
43 corporation. Any such lot shall not be conveyed for a period of one year

1 from the date of the entry of judgment re-vesting title to the lot with the  
2 cemetery corporation. If, at any time during such one-year period, any  
3 person entitled to such cemetery lot, pays or causes to be paid to the  
4 cemetery corporation all unpaid amounts due for lot care subsequent to  
5 the date of such notice, the expenses of the service of the notice and any  
6 additional amount due for lot care subsequent to the date of such notice,  
7 as prescribed by the bylaws, rules and regulations of such cemetery cor-  
8 poration, and takes out and pays for a perpetual care contract upon such  
9 lot, the cemetery corporation shall reconvey such lots to the person law-  
10 fully entitled to the same.

11 (k) This section shall apply to any cemetery as defined by subsection  
12 (a) whether or not it imposes a fee for lot care.

13 Sec. 2. This act shall take effect and be in force from and after its  
14 publication in the statute book.