

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2504:

Maddux

AS INTRODUCED

An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 188 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. After a period of seventy-five (75) years since the last recorded activity on a burial space, as defined by the Perpetual Care Fund Act, and after a reasonable search for heirs and beneficiaries, the burial site shall be abandoned and the right of ownership in the burial site shall revert to the private or public cemetery, after the cemetery has met the requirements of this section.

B. 1. A reasonable search for heirs and beneficiaries pursuant to this section shall include:

- a. Sending a letter of notice by the entity responsible for the cemetery to the last known address of the record property owner, and
- b. Publishing a copy of the description of the abandoned burial space in a newspaper qualified to publish public notices pursuant to Section 106 of Title 25 of the Oklahoma Statutes in the county of the last known address of the record owner for three (3) weeks.

2. If no person proves ownership of the burial space within one (1) year after the publication, the burial space shall be deemed abandoned for purposes of this section.

C. Any person with a legitimate claim to a burial space that has been deemed abandoned pursuant to this section and has been used or sold by the private or public cemetery shall have the claim settled by receiving an equal burial space in an equivalent location as the burial space that reverted to the private or public cemetery.

SECTION 2. This act shall become effective November 1, 2004.

49-2-7141 MD 01/05/04