

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 691

An Act to amend and reenact § 57-39.1:1 of the Code of Virginia, relating to cemeteries; abandoned interment rights; notice.

[H 306]

Approved April 9, 2012

Be it enacted by the General Assembly of Virginia:

1. That § 57-39.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 57-39.1:1. Recovery of abandoned interment rights; procedure; rights of owner of record.

A. When interment rights that have been granted by the owner of a cemetery are not used for a period of ~~five~~ 50 years or more, they shall be deemed abandoned and revert to the owner of the cemetery, provided he has complied with the provisions of ~~subsection~~ subsections B, C, and D. For the purposes of this section, "interment" means the same as such term is defined in § 54.1-2310.

B. ~~The~~ If the last known address of the record owner of an interment right or his heirs, assigns, or next of kin is known to the owner of the cemetery or may reasonably be ascertained by the owner of the cemetery, the owner of the cemetery shall send notice by certified mail, return receipt requested, to the owner of the interment right, his heirs or assigns, and any next of kin ~~known to the cemetery at such address~~. The notice shall be sent to the last known address of the owner ~~requesting~~ request the owner's current address, if different ~~than~~ from the last known address, and the addresses of the owner's heirs or assigns. If a written response is received from the person to whom notice was sent by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional ~~five~~ 50 years from the date the response was received by the cemetery. If notice is returned undeliverable or if no response is received by the cemetery within ~~thirty~~ 30 days after notice was sent, the cemetery shall publish a general notice of its intent to declare the interment rights abandoned pursuant to subsection D in a newspaper of general circulation (i) in the county or city where the cemetery is located and (ii) in the county or city of the last known address of the record owner of the interment rights.

C. In cases in which the last address for the last record owner of an interment right or his heirs, assigns, or next of kin is not known to and cannot reasonably be ascertained by the owner of the cemetery, the cemetery owner shall publish a notice, once a week for four consecutive weeks in a newspaper of general circulation in the county or city where the cemetery is located pursuant to subsection D.

~~Such notice~~ D. Notice required to be published pursuant to subsections B and C shall contain the name and business address of the cemetery and the name of the last record owner of the interment rights and shall state the intent of the cemetery owner to declare the interment rights abandoned. If ~~there~~ is no response ~~thereto~~ is received by the cemetery by or on behalf of the record owner or his heirs or assigns within 120 days after publication of the last required notice, the interment rights shall be deemed abandoned and shall revert to the owner of the cemetery. If a written response is received by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional ~~five~~ 50 years from the date the response was received by the cemetery.

~~C.~~ E. If, within ~~thirty~~ 30 years after the interment rights have been deemed abandoned, the record owner, or his heirs or assigns, can prove to the cemetery or a court of competent jurisdiction that he is entitled to the interment rights, the cemetery shall, at no cost, provide a right of interment similar to the one that was abandoned.