

Abandoned

SB234 – Abandoned

This bill fills in more details of the existing law. This bill establishes a process to transfer ownership of an abandoned cemetery to descendants and or non-profit groups.

This bill is needed because sometimes the owner dies and has made no provisions for transfer of ownership.

Abandoned does not mean that the cemetery is **neglected**.

Abandoned is defined as:

- No owner is listed in SDAT
- Property is condemned
- Owner cannot be found
- Ownership cannot be determined
- No title has been conveyed

Once abandonment is established and public notice has been made then the existing court rule 12-204 must be put in place. Public notification must be made in news newspapers, or other general circulations in each county.

This bill requires that Government must make timely and reasonable efforts to contact descendants, and the descendants may bring legal action because of the process.

The propose of this bill is an alternative to allow the transfer to a non-profit, set a sales price and or order a negotiation.

None of these actions supersede the need to protect and preserve the cemetery and maintain respect for the descendants they move through the afore mentioned processes.

There are descendants and loved ones who deserve respect as these functions progress through all the legal and jurisdictional processes. They should never be overlooked as the legal process moves forward.

