

**Topic:** Cemetery ceases operations – appoint receiver or trustee

\_\_\_\_\_ moved to amend as follows:

1 In line 4 of the title, delete "and"; after "4767.10"  
2 insert ", and 4767.11"

3 In line 13, delete the second "and"; after "4767.10" insert  
4 ", and 4767.11"

5 In line 408, delete "4767.10" and insert "4767.11"

6 In line 641, after "statement" insert ", including account  
7 statements,"

8 In line 645, after "statement" insert ", including account  
9 statements,"

10 In line 778, delete "4767.10" and insert "4767.11"

11 In line 953, after "cemetery" insert "or any portion of a  
12 cemetery"

13 In line 992, insert:

14 "Sec. 4767.11. Upon receipt of information that the owner  
15 or person responsible for the operation of a registered cemetery  
16 or a cemetery that was required to be registered has ceased  
17 operation of that cemetery, the division of real estate in the

18 department of commerce may investigate for purposes of  
19 determining the cemetery's current status.

20 If the division finds evidence that the cemetery has ceased  
21 operation and a municipal corporation or township has not  
22 assumed day-to-day management of the cemetery, the division may  
23 apply to the court of common pleas of the county in which the  
24 cemetery is located for appointment of a temporary receiver or  
25 trustee. The order appointing the temporary receiver or trustee  
26 shall order the trustee or trustees of the endowment care trust  
27 of the cemetery to make distributions to the receiver or trustee  
28 in accordance with section 1721.21 of the Revised Code.

29 The receiver shall only be paid from the income of interest  
30 and dividends in the endowment care trust being held pursuant to  
31 section 1721.21 of the Revised Code. The receiver may not invade  
32 the principal or capital gains of the trust."

33 The motion was \_\_\_\_\_ agreed to.