

# Reclamation Process and Expectation

# State Code for Reclamation

1. As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a municipal council or cemetery maintenance district board may pass a resolution demanding that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the county recorder, city recorder, or town clerk notice of any claim to the lot, site, or portion of the cemetery.
2. The municipal council or cemetery maintenance district board shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service of process in a civil action. The resolution shall notify the owner that the owner shall, within 60 days after service of the resolution on the owner, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the lot, site, or portion of the cemetery for a burial.
3. If the owner cannot be personally served with the resolution of the municipal council or cemetery maintenance district board as required in Subsection (2), the municipal council or cemetery maintenance district board shall:
  - a. publish the resolution for the municipality or cemetery maintenance district, as a class A notice under Section 63G-30-102, for three weeks; and
  - b. mail a copy of the resolution within 14 days after the publication to the owner's last known address, if available.
4. If, for 30 days after the last date of service or publication of the municipal council's or cemetery maintenance district board's resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of the cemetery for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in the municipality or cemetery maintenance district.

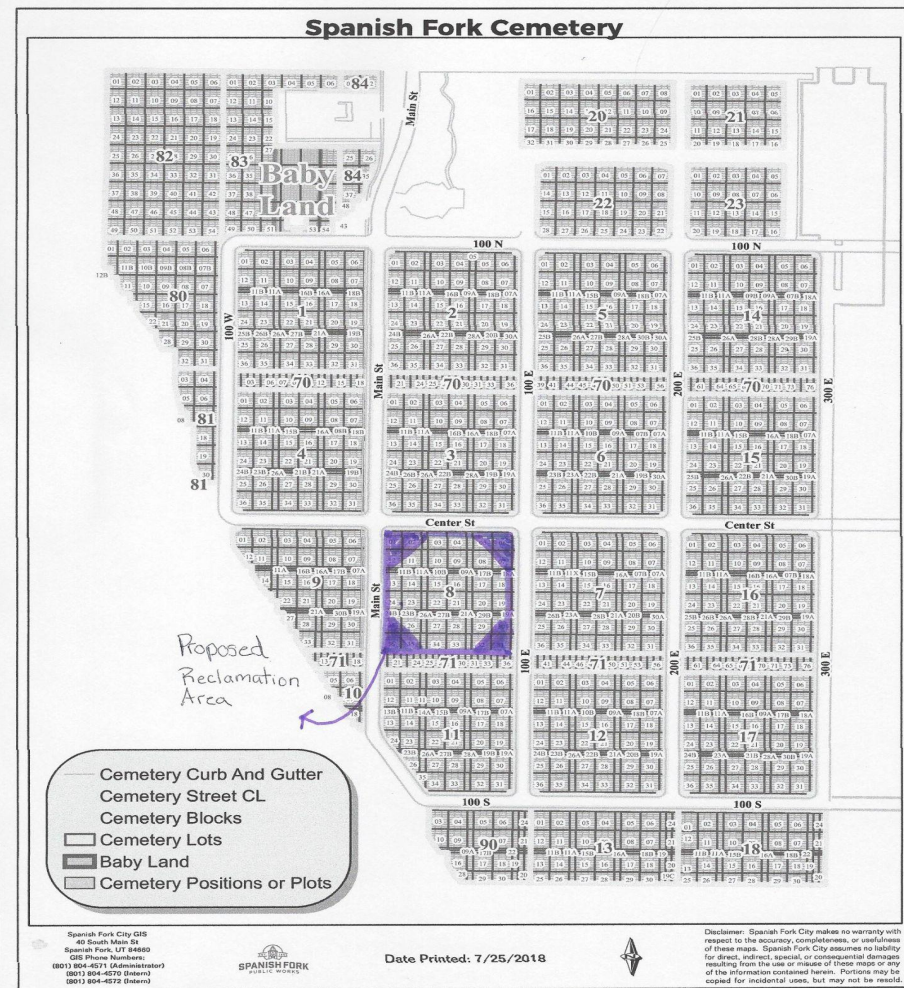
# Abandonment Standards according to Utah State 8-5-3

**8-5-3 Abandonment -- Standards -- Prima facie evidence.** The fact that the grantee or holder of a lot or parcel in a cemetery has not used portions of the lots or parcels for the purpose of burial for more than 60 years shall be prima facie evidence that the grantee or holder had abandoned the lots or parcels if during that time the grantee or holder:

- (1) has not provided the care to the lots or parcels provided uniformly to all lots or parcels within the cemetery;
- (2) has not given to the municipality or cemetery maintenance district a written notice of claim or interest in the lots or parcels; or
- (3) has not kept the lots or parcels free of weeds or brush.

# Goal and Current Status

- Our Goal is to complete the reclamation process in a single block to evaluate the amount of work needed to replicate it over the whole cemetery. We would like to provide a sample of how many plots we might be able to reclaim throughout the cemetery.
- To get lots into the names of the people likely to utilize them
- We decided to use Block 8 as a sample. A public interest and a good amount of reserved plots that seemed to fit the time frame was our deciding factor.
- Of the 337 lot reserved in this block we found 27 that fit all the criteria for abandonment and possible reclamation about 7.7% the reserved plots. The value of these lots based on our current pricing \$27,000 if all lots were sold to residents \$35,100 based on an average between resident and nonresident pricing.
- Reclamation of these lots would provide 1 to 2 months of lots sales. Pushing back our need for expansion.



# Steps to Move Forward

We have currently Identified all the plots up for reclamation in Block 08 and prepared a resolution for the council's approval.

## Remaining Steps

1. File a Copy of resolution with city recorder.
2. Serve a copy of the resolution to owner if still living or possible. Allow 60 days for a response
3. Post a copy of the resolution on the city website and on the state public notice site for 3 weeks.
4. Post a copy at the cemetery office and on the area of the reclamation
5. Mail a copy of the resolution to last known address of the owner.
6. If for 30 days after the last date of service there is no response then the burial rights shall be terminated and returned to the city.
  - a. (If at any point after reclamation a owner or person with legal interest can show proof of right the city has to provide a replacement lot of the city's choosing)

# List of currently reclaimable lots

Location	Owner	Last Used	Location	Owner	Last Used
08.01.12	John R. Thomas	12/21/1918	08.11B.03	Sarah Hardman	02/05/1958
08.04.01	Hannah C. Boyack	09/23/1956	08.12B.01	Mary C. Thomas	11/10/1944
08.08.05	MCCONNELL, MINNIE G.	1959	08.19.03	GEORGE SINNETT	1915
08.08.11	MCCONNELL, MINNIE G.	1959	08.19.04	GEORGE SINNETT	1915
08.08.12	MCCONNELL, MINNIE G.	1959	08.19.05	GEORGE SINNETT	1915
08.08.12	MCCONNELL, MINNIE G.	1959	08.33.17	WHEAT, HENRY	1913
08.18.01	David B. Bowen	10/28/1959	08.33.18	WHEAT, HENRY	1913
08.18.02	David B. Bowen	10/28/1959	08.33.19	WHEAT, HENRY	1913
08.18.03	David B. Bowen	10/28/1959	08.33.23	WHEAT, HENRY	1913
08.18.04	David B. Bowen	10/28/1959	08.33.24	WHEAT, HENRY	1913
08.18.05	David B. Bowen	10/28/1959			
08.18.06	David B. Bowen	10/28/1959			
08.18.15	David B. Bowen	10/28/1959			
08.18.16	David B. Bowen	10/28/1959			