CEMETERY CORPORATIONS; TRANSFER OF RIGHTS TO MUNICIPAL CORPORATION

Act 10 of 1927

AN ACT to authorize cemetery corporations, partnerships, limited liability companies, and other legal entities to sell, assign, or convey property rights, franchises, and liabilities to a municipal corporation.

History: 1927, Act 10, Eff. Sept. 5, 1927 ;-- Am. 2002, Act 551, Imd. Eff. July 26, 2002

The People of the State of Michigan enact:

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456.181 Cemetery corporations; sale to municipal corporation; definitions.

Sec. 1.

(1) A legal entity organized under any law of this state for the purpose of establishing or maintaining a cemetery may sell, assign, transfer, or convey to any municipal corporation in which the cemetery is located or to any municipal corporation within 10 miles of the municipal corporation in which that cemetery is located all or any part of its assets, rights, franchises, and liabilities. The sale, assignment, transfer, or conveyance may also be as a result of the disposition of the cemetery and its assets and liabilities under a receivership or conservatorship action under section 9 of the cemetery regulation act, 1968 PA 251, MCL 456.529.

(2) The sale, assignment, transfer, or conveyance under subsection (1) may be according to terms as are ordered or mutually agreed upon, under either of the following circumstances:

(a) The owner, partner, or a majority of the owners, stockholders, partners, or members of the stock or other evidence of ownership or control issued by the legal entity present and voting at a special meeting called for that purpose.

(b) Pursuant to an order of a court of competent jurisdiction as described in subsection (1).

(3) As used in this act:

(a) "Legal entity" means a sole proprietorship, partnership, corporation, limited liability company, or any other entity.

(b) "Municipal corporation" means a county, township, city, or village.

History: 1927, Act 10, Eff. Sept. 5, 1927 ;-- CL 1929, 10458 ;-- Am. 1933, Act 185, Eff. Oct. 17, 1933 ;-- Am. 1945, Act 345, Eff. Sept. 6, 1945 ;-- Am. 1947, Act 268, Imd. Eff. June 27, 1947 ;-- CL 1948, 456.181 ;-- Am. 2002, Act 551, Imd. Eff. July 26, 2002

456.182 Resolution of directors; special meeting; transfer of cemetery to municipal corporation.

Sec. 2.

(1) Except as otherwise provided in subsection (2), the governing board of the legal entity, as applicable, may at a regular meeting pass a resolution containing the substance of the contract of conveyance proposed to be entered into between the legal entity and a municipal corporation and calling a special meeting of the owners, partners, members, or stockholders for the purpose of authorizing that transfer.

(2) A cemetery may be transferred to a municipal corporation in which the cemetery is located pursuant to a court order issued as a result of a receivership or conservatorship action conducted under section 9 of the cemetery regulation act, 1968 PA 251, MCL 456.529, without a resolution executed by the governing board of the legal entity under subsection (1).

History: 1927, Act 10, Eff. Sept. 5, 1927 ;-- CL 1929, 10459 ;-- CL 1948, 456.182 ;-- Am. 2002, Act 551, Imd. Eff. July 26, 2002

456.183 Notice of special meeting; publication.

Sec. 3.

(1) Except as otherwise provided for in subsection (2), notice of a meeting pursuant to section 2 shall be given by publication of a notice for 6 consecutive weeks previous to the time of holding the meeting in a newspaper published and circulated in the county in which the legal entity has its principal office or place of business. The notice shall state the time and place of the meeting, its purpose, and the substance of the proposed contract of conveyance. Proof of publication shall be filed with the secretary of the legal entity, as applicable, on or before the date of meeting.

(2) This section does not apply if the sale, assignment, transfer, or conveyance is the result of the disposition of the cemetery and its assets and liabilities under a receivership or conservatorship under section 9 of the cemetery regulation act, 1968 PA 251, MCL 456.529.

History: 1927, Act 10, Eff. Sept. 5, 1927 ;-- CL 1929, 10460 ;-- Am. 1933, Act 185, Eff. Oct. 17, 1933 ;-- CL 1948, 456.183 ;-- Am. 2002, Act 551, Imd. Eff. July 26, 2002

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456.184 Legal rights and privileges unaffected by sale; duties of municipal corporation.

Sec. 4.

(1) The legal rights and privileges, statutory or otherwise, of the owners, stockholders, partners, or members are not affected by the contract or conveyance by which the cemetery property is transferred to a municipal corporation. The municipal corporation shall assume and perform all liabilities, charges, and duties, statutory or otherwise, imposed upon or assumed by the municipal corporation, fully perform all existing contracts or agreements of the cemetery, and carry out and perform all provisions as to maintenance whether imposed upon the legal entity by statute or assumed by its bylaws or other originating documentation.

(2) Any fund for maintenance as provided by statute or by the bylaws or other originating documentation of the legal entity shall be turned over to the municipal corporation and preserved, applied, and used as required under statute or under bylaws or other originating documents.

History: 1927, Act 10, Eff. Sept. 5, 1927 ;-- CL 1929, 10461 ;-- CL 1948, 456.184 ;-- Am. 2002, Act 551, Imd. Eff. July 26, 2002