



Ohio Revised Code

Section 517.073 Authority for reentry for unused lots or rights.

Effective: March 20, 2019

Legislation: House Bill 454 - 132nd General Assembly

(A) The board of township trustees may reenter a lot for which the terms of sale or deed was executed before July 24, 1986, or an entombment, including a mausoleum, columbarium, or other interment right for which the terms of sale or deed was executed before September 29, 2015, if the board determines the lot or right is unused and adopts a resolution creating a procedure for right of reentry in accordance with this section. The resolution shall state that the board of township trustees has the right of reentry to the cemetery lot or right purchased before July 24, 1986, or before September 29, 2015. At least one hundred eighty days before reentering a lot or right, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the lot or right will cease unless the owner or owner's heir responds by that date. If the owner's address is unknown and cannot be obtained reasonably, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

If the owner responds by the specified date, the township shall offer the owner all of the following:

- (1) To continue the owner's interest in the lot or right;
- (2) To compensate the owner by paying the owner eighty per cent of the owner's original purchase price; or
- (3) To compensate the owner by providing the owner an available lot or right, as applicable.

To establish reentry, the board shall pass a resolution stating that the owner has not responded by the specified date or has opted to receive other compensation, and that the board reclaims its interest in the lot or right. The board may repurchase a cemetery lot or right from its owner at any time at a price that is mutually agreed upon by the board and the owner.

(B) At least one hundred eighty days before a termination date for use of a cemetery lot for which



the terms of sale or deed was executed before July 24, 1986, and contained a termination date, or an entombment, including a mausoleum or columbarium, for which the terms of sale or deed was executed before September 29, 2015, and contained a termination date, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice to the owner of an unused lot or right to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner or owner's heir responds by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

If the owner responds by the termination date, the township shall offer the owner all of the following:

- (1) To contract for renewal;
- (2) To compensate the owner by paying the owner eighty per cent of the owner's original purchase price; or
- (3) To compensate the owner by providing the owner an available lot or right, as applicable.

In order to establish reentry, the board shall pass a resolution stating that because of the lack of response to notice that provided a termination date or because the owner opted to receive other compensation, the board reclaims its interest in the lot or right. The board may repurchase a cemetery lot or right for which there is a termination date from its owner at any time at a price that is mutually agreed upon by the board and the owner.