
Department of Consumer Affairs Cemetery and Funeral Bureau

Questions and Answers Regarding East Union Cemetery

Why are the gates locked at East Union Cemetery?

The decision to lock the gates was a business decision made by the Board of Directors of the East Union Cemetery Association. The Bureau was working with the Board of Directors to resolve the issues which led to administrative disciplinary action against its license. However, while developing an agreement that would have allowed the cemetery to remain open and operational, the Board of Directors used money from the principal of the cemetery's Endowment Care Fund for purposes other than what the Endowment Care Fund is legally intended for. The Bureau was left with no choice but to seize the account so that the Endowment Care Fund would be protected and not depleted further. Soon after, the Board of Directors resigned their positions and locked the cemetery gates.

What is an Endowment Care Fund?

The law requires all private cemeteries licensed by the Bureau to establish, maintain and operate an Endowment Care Fund in a trust account. Every time the cemetery sells a "plot" - a burial space in the ground, a crypt space in a mausoleum, or a niche space for cremated remains - the cemetery collects an endowment care amount from the purchaser. All monies collected for endowment care must be placed in the trust account. The initial amount collected from the purchaser is what is referred to as "principal" and can never be utilized. Over time and through investments, the trust account continues to grow and generate interest income, and the interest income is what is available to use for the on-going maintenance of the cemetery into perpetuity.

What is a Special Care Fund?

A Special Care Fund is a trust account established for pre-need and prepayment of services and merchandise relating to the cemetery operation. Services include, but may not be limited to the opening and closing of a casket, placing death notices in newspapers, cemetery counseling and consultation of the beneficiary, etc. Merchandise could include flowers, caskets, urns, markers, headstones, death certificates, notices, or any other tangible object sold, but not delivered, in connection with a funeral and/or cemetery operation.

My spouse is buried at East Union Cemetery and I have a plot next to them that is already paid for. Can I still be buried there?

Yes, as long as the right of interment has been paid for, you retain the right to be buried there. However, it is uncertain at this time how that will be carried out if the cemetery remains closed. We are looking into this issue and will update our Web site with information as it becomes available.

What if my plot is not yet paid in full? Is the money I have paid so far protected? Who do I make the remainder of the payments to?

You should locate and review your contract and gather all receipts for any money you have already paid to the cemetery, along with any documents you have received from the cemetery. We are looking into these issues and will update our Web site with information as it becomes available.

Can I cancel my pre-need contract with the cemetery and get my money back?

Typically, if the board of trustees is unable to perform the services of the Special Care Fund agreement, either prior to or upon the death of the beneficiary of a revocable special care trust, they must pay the entire trust principal (the amount you paid) and all earned income to the beneficiary or trustor without imposing a revocation fee. They must return all monies within 30 days of receiving a written request.

What happens if my spouse dies and the money I have already paid to the cemetery is no longer available?

Unfortunately, you may have to pay for those services again. However, if the cemetery is open and operational when that time comes, and a new Board of Directors is established, they may honor your contract without charging you any additional fees for the merchandise and services that were already paid for.

Can I get into the cemetery so that I can visit my loved one's grave?

The decision to open or close the cemetery gates is one that is made by the Board of Directors of East Union Cemetery Association. The cemetery is a private business, and decisions about the cemetery's operations are business decisions.

When will this situation be resolved?

It is unclear at this time. If the Board of Directors of East Union Cemetery takes no action to resolve the outstanding issues, it is very likely that the license issued to the cemetery will be revoked. If that happens, the cemetery can become licensed at some time in the future when/if a Board of Directors is established and all licensing requirements have been met, including the outstanding issues with the Endowment Care Fund.

Who will maintain the cemetery grounds?

Maintenance of the cemetery is the responsibility of the owner, East Union Cemetery Association.