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JOHN R. CRONIN  
DAVID H. SKILTON  
CHRISTINE B. SKILTON

June 16, 1995

Mr. Jack Titus  
President  
Oak Hill Cemetery Association  
153 Lake Shore Drive  
Nashua, Iowa 50658

Re: Cemetery Reversion

Dear Jack:

The continued failure by the owner to maintain or care for an unoccupied lot or space under perpetual care or to pay the annual care fee for a period of ten years creates a presumption that the lot has been abandoned. A lot with empty space under perpetual care which has not had a burial for seventy-five years creates a presumption that the empty space is abandoned. After seventy-five years, the foregoing is likewise applicable to an unoccupied lot for which perpetual care has been provided by will, Court order, contract or as provided by law. But in these cases, the cemetery cannot sell this unoccupied space until three years after notice was served on the recorded owner or his or her heirs. Abandonment shall not be deemed complete unless after the ten year or seventy-five year period there is given notice to the recorded owner or if his address is unknown, then to his heirs declaring the lot to be abandoned. Notice shall be by personal service on the owner or his heirs or by certified mail and if the address is unknown, by publication in a newspaper of the County where the cemetery is located. If the owner or his heirs pay the annual care charges within one year, the presumption of abandonment shall no longer exist, but such owner shall be required to make full payment for future perpetual care. Where abandonment has been completed as above set forth, the cemetery may sell the abandoned space and

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Mr. Jack Titus  
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convey title thereto and credit the proceeds to the perpetual care fund and cemetery operational fund.

I hope this will be of assistance to the cemetery in activating dormant spaces.

Very truly yours,

CRONIN, SKILTON & SKILTON



JOHN R. CRONIN

JRC:ras

# Affidavit of Publication

STATE OF IOWA }  
Chickasaw County } ss.

*Carmen Conblein*

being first duly sworn on oath say that I am the publisher of the THE NASHUA REPORTER, a weekly newspaper, published in the English language at Nashua, in Chickasaw County, Iowa, and of general circulation at said town of Nashua, and that the annexed is a true copy of *Notice of Claimed Abandonment* which was published in said newspaper for *1* consecutive weeks, and that the date of the first publication was in the issue of said paper, bearing date of *December 6, 1995*

Publisher

Publication Fee, \$ *3/20*

Subscribed in my presence and sworn to before me by the said *Carmen Conblein* this *11* day of *December* 19 *95* Notary Public in and for said county



## NOTICE OF CLAIMED ABANDONMENT OF CEMETERY SPACES IN OAK HILL CEMETERY ASSOCIATION, NASHUA, IOWA

TO: THE HEIRS, DEVISEES, EXECUTORS, ADMINISTRATORS,  
ASSIGNS OR SUCCESSORS OF E.E. BAUMBACH, AND  
TO: THE HEIRS, DEVISEES, EXECUTORS, ADMINISTRATORS,  
ASSIGNS OR SUCCESSORS OF R. B. HARDIN

That the records of the above named Association show ownership of grave spaces 1, 2 and 3 in Lot 49, Block 13 to be in the name of E. E. Baumbach, and that there has been a failure by said owner, or his heirs, to maintain or care for the same or to reimburse the Association for improvements for more than ten years last past. That the records of the above named Association show ownership of grave spaces 1, 2, 3, 8 and 9 in Lot 45, Block 11 to be in the name of R. B. Hardin, and that there has been a failure by said owner, or his heirs, to maintain or care for the same or to reimburse the Association for improvements for more than ten years last past. That the last burial in Lot 49, Block 13 was more than thirty-six years ago and the last burial in Lot 45, Block 11 was more than seventy-five years ago thereby creating a presumption that the aforesaid spaces have been abandoned. Section 566.21, Iowa Code. Unless within one year from the time of published service of this notice you pay any past due charges against said Lots and, otherwise, reinstate your claim to ownership therein, your abandonment will thereupon be determined as affirmed and complete and the Cemetery Association, as reversionary owner, may sell the same and convey title thereto.

Dated November 22nd, 1995.

OAK HILL CEMETERY ASSOCIATION  
BY: JOHN R. CRONIN, ITS ATTORNEY  
CRONIN, SKILTON & SKILTON  
First Nashua State Bank Bldg.  
205 Brasher Street, P. O. Box 53  
Nashua, Iowa 50658

RESOLUTION

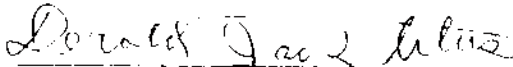
WHEREAS, there are unoccupied portions of cemetery lots within the confines of Oak Hill Cemetery Association and that the abandonment thereof may establish reversion to the Association, and

WHEREAS, the records of the Association show ownership of grave spaces 1, 2 and 3 in Lot 49, Block 13 to be in the name of E.E. Baumbach and grave spaces 1, 2, 3, 8 and 9 in Lot 45, Block 11 in the name of R.B. Hardin and that there has been a failure by said owners, or heirs, to maintain or care for the same or to reimburse the Association for improvements for more than ten years last past, and

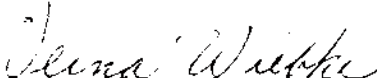
WHEREAS, Section 566.21, Iowa Code, is applicable.

NOW, THEREFORE, BE IT RESOLVED that the President and Secretary of said Association; namely, Derold (Jack) Titus and Verna Wiebke, respectively, be and are hereby authorized to proceed forthwith pursuant to the provisions of Chapter 566, Iowa Code, in establishing reversionary rights in the name of the Corporation and they are further authorized to engage legal counsel for such purpose.

PASSED AND ADOPTED this 19th day of October, 1995.

  
DEROLD (JACK) TITUS - President

ATTEST:

  
VERNA WIEBKE - Secretary

ROW 21, BLK 13, LOT 49, 1, 2 & 3 - E. E. BAUMBACH, Resold to Bruce Chamney, 1996.  
ROW 19, BLK 11, LOT 45, 1, 2, 3, 8 & 9 - R. B. HARDIN, Resold to Ernest Vetter, 1996.

