

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 219  
HOUSE BILL 312

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF SANFORD TO  
CONVEY CEMETERY PROPERTIES AND TRANSFER PERPETUAL CARE  
TRUST FUND.

WHEREAS, the Board of Aldermen of the City of Sanford has by resolution declared the desirability of discontinuing the ownership and operation of cemetery properties belonging to the City of Sanford and has, by said resolution, requested that the City of Sanford be authorized and empowered by law to sell and convey said cemetery properties at private sale, together with all improvements therein and thereupon located, and to transfer to the purchaser or purchasers of said properties the beneficial interest in said City in that certain trust fund for the perpetual care of said cemetery properties established pursuant to the provisions of Chapter 898 of the Session Laws of 1963: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The City of Sanford is hereby authorized and empowered to discontinue ownership and operation of cemeteries and to sell, at private sale, all of the cemetery properties of the City of Sanford, together with all improvements therein and thereupon located.

Sec. 2. In the event the City of Sanford shall receive an offer to purchase all of the cemetery properties presently owned and operated by the City of Sanford, in an amount and upon terms considered by the Board of Aldermen in its discretion to be fair and reasonable, the Board of Aldermen of the City of Sanford is authorized and empowered, by appropriate resolution, to approve such sale and the terms thereof and, when the terms of the sale shall have been complied with, to direct the proper execution and delivery by the Mayor and the City Clerk, in the name of the City of Sanford, of a deed in the usual form and with the usual warranties conveying all of said cemetery properties to the purchaser or purchasers in fee simple.

Sec. 3. The City of Sanford is hereby authorized, empowered and directed to transfer to the purchaser or purchasers of the aforesaid cemetery properties its beneficial interest in that certain trust fund for the perpetual care of cemetery properties of the City of Sanford as established pursuant to Chapter 898 of the Session Laws of 1963, immediately upon the execution and delivery of the deed referred to in Section 2 above, and to make such amendments to the trust agreement establishing such fund as will create in the purchaser or purchasers of said cemetery properties the same duties,

responsibilities, rights and privileges as were formerly imposed and vested in the Sanford Cemetery Commission or in the City of Sanford; provided that no amendment shall be made to the trust agreement which will authorize reduction of the principal of the trust fund below one hundred thousand dollars (\$100,000.00), as therein provided.

Sec. 4. Pending the sale and conveyance of said cemetery properties of the City of Sanford and until the transfer of the beneficial interest of the City of Sanford in the aforesaid trust fund and the amendment of the aforesaid trust agreement as provided in Section 3 above, the Board of Aldermen of the City of Sanford shall have all of the duties, responsibilities, rights and privileges heretofore vested in the Sanford Cemetery Commission.

Sec. 5. Chapter 435 of the Session Laws of 1949, Chapter 1088 of the Session Laws of 1955 and Chapter 898 of the Session Laws of 1963, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1965.