

# Cemetery Law

Like other businesses, cemeteries encounter numerous legal issues that can sometimes impact their very existence.

As with our other business clients, we help cemetery operators anticipate, address, and resolve those challenges, enabling them to continue their important role with the families and communities they serve.

We've become well known for our work with financially troubled cemeteries throughout Michigan. Mark Zausmer has acted as conservator for such entities, advising and counseling management regarding:

- Regulatory compliance, including licensing
- Real estate transactions such as cemetery sales, purchases, and changes in control
- Establishment and administration of merchandise and perpetual care trusts
- Negotiation and implementation of supplier contracts

- Lawsuits involving allegations of cemetery negligence
- Representation in disputes regarding interment or entombment rights
- Representation in business disputes among industry stakeholders

The work we've done on behalf of our cemetery clients has been significant and meaningful, and we're proud of the results we've delivered.

## Cemetery Commissioner v Albion Memory Gardens, et al.

In December 2006, Mark Zausmer was appointed – at the request of Michigan's Cemetery Commissioner and Attorney General – as the Conservator of 28 Michigan cemeteries whose trust funds had been looted by their prior owner, leaving the cemeteries on the brink of financial collapse. This included some of Michigan's best-known historic cemeteries, including Woodlawn Cemetery in Detroit.

Mr. Zausmer and a team of Zausmer attorneys jumped in to manage the operation of these cemeteries and to begin the efforts to recover over \$60 million in missing trust funds. Despite significant financial challenges, all of the cemeteries were able to keep their gates open during this crisis, testament to our prudent management and cooperative relationship with state regulators and the supervising court. By mid-2008, Mr. Zausmer had overseen the sale of the cemeteries to a reputable operator as well as the recovery of millions of dollars for the cemeteries' trust funds.

## Cemetery Commissioner v Chapel Hill Memorial Gardens, et al.

Because of his experience with the 28 cemeteries described above, Mark Zausmer was the natural choice to serve as Conservator for another Michigan Cemetery that experienced financial crisis resulting from corrupt actions by its former owner. Again, Zausmer attorneys oversaw the operation and successful sale of the cemetery while spearheading efforts to recover misappropriated funds.

Our experience overseeing the management of troubled cemeteries has provided us with an unprecedented opportunity to engage in every aspect of cemetery law from the perspective of the business owner. In doing so, we have developed important industry contacts and excellent relationships with regulators, to the benefit of our cemetery clients.



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