

SIONS HAS THE RIGHT TO ACQUIRE BY CONDEMNATION ANY PROPERTY USED AS A CEMETERY, EITHER PUBLIC OR PRIVATE, THEN BEFORE FILING A PETITION FOR THE CONDEMNATION OF SUCH PROPERTY, *the condemnor shall give notice by publication in a newspaper published in each county where any part of the property sought to be condemned is situated, or, if no newspaper is published in such county, in a newspaper having general circulation therein.*

(b) The notice shall contain the following information:

- 1. The name of the condemnor.*
- 2. An identification of the cemetery and a description of the part thereof which is sought to be condemned.*
- 3. The purpose for which the property is sought to be condemned.*
- 4. The court in which the petition is to be filed.*

(c) The notice shall be published at least once a week in each of three successive weeks, the last such publication to be made at least seven days before the filing of a petition.

(d) If it appears to the court at any stage of a proceeding for condemnation before final judgment that there has been a failure to comply with the provisions of this section, the court may suspend such proceeding until due publication is made or may make such order with respect to giving notice as shall be just. No objection based on a failure to comply with the provisions of this section shall be made after final judgment.

Section 4.

The value of the property sought to be condemned and of any adjacent property of the defendant claimed to be affected by the taking shall be determined as of the date of the taking, if taking has occurred, or as of the date of trial, if taking has not occurred, unless an applicable statute specifies a different time as of which the value is to be determined.

Section 5.

(a) The damages to be awarded for the taking of an entire tract shall be its fair market value (as defined in Section 6).

(b) The damages to be awarded where part of a tract of land is taken shall be the fair market value (as defined in Section 6) of such part taken, but not less than the actual value of the part taken plus the severance or resulting damages, if any, to the remainder of the tract by reason of the taking and of the future use by the plaintiff of the part taken. Such severance or resulting damages are to be diminished to the extent of the value of the special (particular) benefits to the remainder arising from the plaintiff's future use of the part taken.

(c) For the purpose of determining the extent of the taking and the valuation of the tenant's interest in a proceeding for condemnation, no improvement or installation which would otherwise be deemed part of the realty shall be deemed personal property so as to be excluded from the taking solely because of the private right of