

(3) SHALL DISTRIBUTE THE REMAINING PROCEEDS OF THE SALE AMONG THE PARTIES ACCORDING TO THEIR INTERESTS.

(C) EFFECT OF JUDGMENT.

A JUDGMENT FOR THE SALE OF A BURIAL GROUND PASSES TO THE BUYER OF THE BURIAL GROUND THE TITLE TO THE BURIAL GROUND FREE OF THE CLAIMS OF:

- (1) THE OWNERS OF THE BURIAL GROUND; AND
- (2) THE HOLDERS OF BURIAL LOTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 16, § 119.

In the introductory language of subsection (a) of this section, the reference to the authority of a court to pass a judgment for sale of a burial ground for another purpose is added to state explicitly what only was implied in the former law.

In subsection (c)(1) of this section, the former reference to "their successors or assigns" is deleted as needless.

As to the procedure for sale of burial grounds, see Md. Rules J70 through J73.

Defined term: "Burial" § 5-101

5-502. ACTION FOR SALE OF BURIAL GROUND IN BALTIMORE CITY FOR ANOTHER PURPOSE.

(A) AUTHORIZED.

AN ACTION MAY BE BROUGHT IN ACCORDANCE WITH THE MARYLAND RULES AND A COURT MAY PASS A JUDGMENT FOR SALE OF A BURIAL GROUND IN BALTIMORE CITY FOR ANOTHER PURPOSE IF:

(1) THE GROUND HAS BEEN DEDICATED AND USED FOR BURIAL;

(2) BURIAL LOTS HAVE BEEN SOLD IN THE BURIAL GROUND AND DEEDS EXECUTED OR OTHER WRITTEN INSTRUMENTS ISSUED TO BUYERS OF THE LOTS WITHOUT PROVISION BEING MADE FOR PERPETUAL CARE OF THE LOTS; AND

(3) MORE THAN 75% OF THE AREA OF THE BURIAL GROUND:

(I) HAS BEEN ABANDONED; OR

(II) IS HARMFUL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

(B) WHO MAY BRING ACTION.