

367.956 Return of deposits, plus income thereon, in cases of default on part of seller.

- (1) If for any reason a person who has entered into a contract for the sale of cemetery merchandise which is paid in full and has made deposits to the trust fund herein required to be made cannot or does not provide the cemetery merchandise called for by the contract after a ninety (90) day request in writing to do so, the purchaser or his heirs or assigns or duly authorized representatives shall be entitled to receive the following: the deposit to the credit of that particular contract, all income those funds have earned; and from the cemetery, the remainder, if any, of the purchase price paid.
- (2) Written instructions to the trustee to refund the amount of money on deposit, or an affidavit by either the purchaser or one (1) of his heirs or assigns or duly authorized representative, stating that the cemetery merchandise contract is paid in full and after a written request the merchandise was not provided, shall be sufficient authority for the trustee to make refund of the deposit moneys to the person submitting the affidavit. The trustee shall not be held responsible for any such refunds made on account of the person's written direction or an affidavit submitted in accord with this section. However, nothing herein contained shall relieve any person from any liability for nonperformance of the contract terms. Except, however, in the event such person cannot deliver the cemetery merchandise sold because of a national emergency, the provision of this section shall not apply.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 331, sec. 50, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 116, se. 15, effective July 13, 1984.