

We have had that issue arise before and the State said "no" to requests from an EC Fund, even for repairs to mausoleum buildings, roads, etc. The only withdrawals allowed are the growth on the funds, but even those are limited, depending on which fund, and how "sold" your developed land is in your cemetery. The "old EC Fund", which cemeteries had prior to July 1, 2000(the date that the new Law, the "Cemetery and Funeral Services Act of 2000", went into effect) allowed for 100% of your growth on the Fund to be used by a cemetery. Under the new Law, though, you are restricted on how much growth you can use on the "new EC Fund". Also, as we discussed at the Admin/Compliance Seminar back in April, a "new EC Fund" was to established on July 1, 2000 for all new deposits into your EC Fund. If no new fund was established and EC deposits continued to be deposited in the "old EC Fund", then the "old" fund became subject the same restrictions as the "new" fund. We have heard of several cemeterians who did NOT establish a NEW EC Fund on 7-1-2000, continuing to make deposits into the OLD EC Fund and also continuing to withdraw 100% of their growth. If so, they are in violation of the 2000 Law(as is their bank/Trustee) and if ever audited by the SOS could be subject to a fine and/or other action by the State. (The State Board of Cemeterians has no authority over trust funds...that is regulated by the SOS staff.)