

Judge allows cemetery to be declared abandoned

Transfer of Riverview now awaits passage of a bill in the legislature

By **TERRI SANGINITI**
Staff reporter

With no liability insurance and no prospect of a sale, a federal bankruptcy judge Friday approved a trustee's request to have Riverview Cemetery's land declared abandoned.

The court's action makes it easier for another party to take over the cemetery and be free of any past liabilities, authorities said.

Riverview filed for Chapter 7 bankruptcy in June saying

there was no money left in the perpetual care fund to maintain the 87-acre cemetery, which has 36,000 graves.

In handing down her ruling, U.S. Bankruptcy Judge Mary F. Walrath said she could not allow the estate's trustee to be saddled with the liability risk of keeping the uninsured property.

The cemetery's liability insurance lapsed last February, court-appointed trustee Jeffrey L. Burtch told the court.

Burtch said he could not sell the cemetery, or even give it

away. The trustee said he was unable to administer the estate or maintain the cemetery because there is no money.

"I only have one solution, and that is to give it back to the former owner," Walrath said.

Responsibility for Riverview now reverts back to the cemetery's original owners to dispose of the property.

The 129-year-old cemetery is owned by the Independent Order of Odd Fellow Grand Lodge, Lodges No. 1 and No. 34, and the Knights of Pythias Grand Lodge of Pennsylvania.

The judge deferred a request from representatives of 125 families with loved ones buried at Riverview to have the cemetery's historical books and

records stored in a secured neutral location until a new owner is named.

Odd Fellows lawyer Dennis Phifer said an agreement already has been signed with a party who intends to take over the cemetery. He said he could not make public the owner's identity because of a gag order imposed in Chancery Court.

The state Attorney General's Office sued the non-profit cemetery at 3300 N. Market St., last year, asking the court to make them pay restitution to customers, give a full accounting of cemetery records, and make extensive efforts to locate misplaced graves.

The state and Riverview's attorneys have been in mediation

talks in Chancery Court since late July trying to work out a settlement.

Deputy Attorney General Ohla Rybacoff said Friday resolution of the Bankruptcy Court's abandonment issue indirectly cleared the property's title so that it can be transferred out of the hands of the Odd Fellows to a new owner.

"It's a step forward for all sides," Rybacoff said.

However, Phifer said the cemetery cannot be transferred to another party until pending legislation is passed by the state.

The legislation, introduced by state Sen. Harris McDowell III, D-Wilmington North, was tabled on the Senate floor last week. It will not be revisited

until the legislature reconvenes in March, Phifer said.

"It will allow the acquirer to have a fresh start and not have to address any claims of the transferor," Phifer said.

Cemetery activist Grace Duffy, in court representing the 125 families, said no one sought input from the community about the new owner.

Duffy said she feared that owner would be in no better a position to financially operate the cemetery than the present owners.

"We think the solution we've found is a workable one," Phifer replied.

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