

(Sec. 34-72 Cont.)

sale of lots and such interest as shall from time to time be received, to the point where if the city does not discontinue perpetual upkeep the interest thereon will be sufficient to provide such perpetual upkeep, then any funds realized from the sale of any lots in the cemetery thereafter shall be paid over to the city to reimburse it for the money spent in purchasing and improving such land, together with any cost it has sustained in its upkeep up to that time. Withdrawals from the fund shall never be made to the point that there will not be sufficient funds maintained in the fund so that the interest thereon shall adequately care for the perpetual upkeep, provided such is continued. The fund shall be considered as a trust fund to this extent.

(b) ~~Seventy five percent~~ Two-thirds of all funds collected from residents of Alleghany County and thirty seven and a half percent from non-residents for the sale of lots or grave sections in sections G, I and J of the cemetery, and from the sale of lots or grave sections in section H after December 29, 1959, together with all interest on deferred payments, shall be deposited in the fund provided for in subsection (a) of this section and shall be invested, disbursed, or withdrawn only under the provisions of such fund. ~~Twenty five percent~~ The balance of all funds collected from the sale of such lots or grave sections after the above referenced deposits shall be kept separate from any of the other funds of the ~~city~~ town and shall be known as the Mountain View Improvement Fund and shall be disbursed only at the discretion of the ~~city~~ town council and shall only be spent in connection with improvements and maintenance to the cemetery.

(Code 1963, § 6-34)

State law reference—Authority of city to contract for perpetual care of cemetery lots, Code of Virginia, § 15.1-883.