

**523A.811 Receiverships.**

1. The commissioner may notify the attorney general of the potential need for establishment of a receivership if a receivership is requested or consented to by a seller subject to [this chapter](#).

2. The commissioner shall notify the attorney general of the potential need for establishment of a receivership if the commissioner finds that a seller subject to [this chapter](#) meets one or more of the following conditions:

a. Is insolvent.

b. Has utilized trust funds for personal or business purposes in a manner inconsistent with [this chapter](#).

c. The amount of funds currently held in trust for cemetery merchandise, funeral merchandise, and funeral services is less than the amount required in [section 523A.201, subsection 2 or 3](#), as applicable.

d. Has refused to pay any just claim or demand based on a purchase agreement referred to in [section 523A.201](#).

e. The commissioner finds upon investigation that a seller is unable to pay any claim or demand based on a purchase agreement which has been legally determined to be just and outstanding.

f. A receivership has been established for a cemetery subject to [chapter 523I](#) that is owned or operated by a seller who is subject to [this chapter](#).

3. The commissioner or attorney general may apply to the district court in any county of the state for the establishment of a receivership. Upon proof of any of the grounds for a receivership described in [this section](#), the court may grant a receivership.

4. If a seller who is subject to [this chapter](#) owns or operates a cemetery subject to [chapter 523I](#), for which a receivership has been established, the receivership provisions of [section 523I.212](#) shall apply to any receivership established under [this section](#).

[2001 Acts, ch 118, §51; 2007 Acts, ch 175, §30, 31; 2008 Acts, ch 1103, §10; 2017 Acts, ch 14, §1](#)

Referred to in [§523A.812](#)

NEW subsection 1 and former subsections 1 – 3 renumbered as 2 – 4