

## **IC 23-14-34**

### **Chapter 34. Mandatory Recording of Survey and Plat**

#### **IC 23-14-34-1**

##### **Mandatory recording of survey and plat for certain cemeteries**

Sec. 1. Before granting or selling any burial right in any part of a cemetery developed and platted after March 6, 1953, the owner of the cemetery shall cause to be recorded in the recorder's office of the county in which the cemetery is located an accurate survey and plat of that part of its property in which it proposes to grant or sell burial rights.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-2**

##### **Duties after violations; Class C infraction**

Sec. 2. (a) The owner of a cemetery that has violated section 1 of this chapter shall, not later than January 1, 1998, record in the office of the recorder of the county in which the cemetery is located:

- (1) the original plat of the cemetery; and
- (2) the plats of all additions to the cemetery.

(b) The plats recorded under subsection (a) must:

- (1) be referenced with respect to the section lines of the cemetery (if section lines have been established); and
- (2) show a sufficient number of permanent monuments so there would be no difficulty in making resurveys.

(c) A cemetery owner who violates this section commits a Class C infraction. If the cemetery owner is required by this chapter to record a plat, each period of thirty (30) days after the time allowed by this chapter for the recording of the plat during which the plat remains unrecorded constitutes a separate infraction.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-3**

##### **Transfers to include reference to recorded plat**

Sec. 3. Each transfer of interment, entombment, or inurnment rights issued by the cemetery owner under this chapter must include a reference to the recorded plat.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-4**

##### **Issuance of deeds, certificates, or licenses**

Sec. 4. The owner of a cemetery shall issue a deed, certificate, or license to each purchaser of a burial right in the cemetery. Each deed, certificate, or license issued under this section must be properly signed and acknowledged before a notary public.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-5**

##### **Requirements for recorded surveys and plats**

Sec. 5. A survey and plat recorded under this chapter must:

- (1) show all lots, walks, and drives in the cemetery, all with descriptive names and numbers; and
- (2) include a proper instrument in writing, duly executed and acknowledged by the owner, dedicating the property to cemetery purposes.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-6**

##### **Use of property after recording**

Sec. 6. Except as provided in section 7 of this chapter, the property described in a survey and plat recorded under this chapter shall be held, occupied, and used exclusively for cemetery purposes after the recording of the survey and plat.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-7**

##### **Vacation or alteration of recorded plat**

Sec. 7. (a) Subject to subsection (b), the owner of property described in a survey and plat recorded under this chapter by an instrument properly executed, acknowledged, and recorded may vacate the recorded plat and make and file a new or altered plat and survey of:

- (1) the property described in a survey and plat; or
- (2) a part of the property described in the survey and plat.

(b) The vacation or alteration of a recorded plat under subsection (a) is not valid if it affects burial rights previously granted in the property described in the plat, unless each owner of affected burial rights has consented to the vacation or alteration.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-8**

##### **Defective or incomplete surveys or plats**

Sec. 8. If:

- (1) the owner of a cemetery has recorded an accurate survey and plat of a part of its property in which it has:
  - (A) granted or sold burial rights for at least thirty (30) years; and
  - (B) actually managed and controlled the land as a cemetery for at least thirty (30) years; but
- (2) the survey or plat is defective and incomplete because of a failure to comply with the formalities required by law in force at the time of the recording;

the recorded survey and plat are considered to comply fully with the law as of July 1, 1997.

*As added by P.L.52-1997, SEC.8.*

#### **IC 23-14-34-9**

##### **Violation of chapter; Class B misdemeanor**

Sec. 9. A person who knowingly violates:

- (1) section 1;

(2) section 3; or

(3) section 4;

of this chapter commits a Class B misdemeanor.

*As added by P.L.52-1997, SEC.8.*