

IC 23-14-40

Chapter 40. Joint Burial Rights in MultiSpace Plots

IC 23-14-40-1

Application of chapter

Sec. 1. This chapter applies to:

- (1) all burial rights in cemeteries organized or created after June 14, 1939; and
- (2) cemeteries that:
 - (A) were in existence on June 14, 1939; and
 - (B) do not have a rule or regulation in conflict with this chapter.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-2

Application of chapter; multispace plots

Sec. 2. This chapter applies to burial rights in a burial plot containing more than one (1) interment, entombment, or inurnment space.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-3

Certain burial rights owned with right of survivorship

Sec. 3. Any burial rights that are held in joint tenancy by two (2) or more persons who are not husband and wife are owned with the right of survivorship.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-4

Burial rights held in joint tenancy by husband and wife

Sec. 4. If the owners of burial rights held in joint tenancy are husband and wife, the title shall be recognized as a tenancy by the entirety, and the right of interment, entombment, or inurnment shall be vested and controlled equally by both while living, or, after the death of one (1) spouse, by the surviving spouse or the surviving spouse's successor in interest.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-5

Burial rights of joint tenants

Sec. 5. In a grant of burial rights to two (2) or more persons as joint tenants, each joint tenant has a vested right of interment, entombment, or inurnment of the joint tenant's remains in the burial plot. Upon the death of a joint tenant, the title to the burial rights previously held in joint tenancy immediately vests in the survivor or survivors, subject to the vested right of interment, entombment, inurnment for the remains of the deceased joint tenant owner.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-6

Rights of surviving joint tenant

Sec. 6. If an affidavit by a competent person that:

- (1) sets forth the fact of the death of one (1) joint tenant; and
- (2) establishes the identity of the surviving joint tenant, who is named in the instrument of grant of burial right in a cemetery plot;

is filed with the cemetery in which the plot is located, the affidavit is complete authority to the cemetery to permit the use of the unoccupied portion of the plot in accordance with the direction of the surviving joint tenant or the successor in interest of the surviving joint tenant.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-7**Waiver or termination of burial rights**

Sec. 7. If an individual has a vested right of interment, entombment, or inurnment of the remains of the individual in a particular plot under this chapter, the right:

- (1) may be waived by the individual in a written instrument; or
- (2) is terminated upon the interment, entombment, or inurnment of the remains of the individual in a location other than the plot.

As added by P.L.52-1997, SEC.14.

IC 23-14-40-8**Restrictions on burial rights**

Sec. 8. A vested right of interment, entombment, or inurnment under this chapter does not give any individual the right to:

- (1) have the individual's remains interred, entombed, or inurned in any interment, entombment, or inurnment space in which the remains of a deceased individual having a prior vested right of interment, entombment, or inurnment have been deposited; or
- (2) have the remains of more than one (1) deceased individual interred, entombed, or inurned in a single interment or entombment space or niche in violation of the rules and regulations of the cemetery in which the interment or entombment space or inurnment niche is located.

As added by P.L.52-1997, SEC.14.