

## **IC 23-14-41**

### Chapter 41. Family Burial Lots

#### **IC 23-14-41-1**

##### **Application of chapter**

Sec. 1. This chapter applies to all burial rights in:

- (1) 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.15.*

#### **IC 23-14-41-2**

##### **"Burial plot" defined**

Sec. 2. As used in this chapter, "burial plot" means the unit of space, consisting of one (1) or more:

- (1) grave spaces;
- (2) mausoleum crypts;
- (3) garden crypts; or
- (4) niches;

originally conveyed by the cemetery and remaining after any transfers made by the record owner during the record owner's life.

*As added by P.L.52-1997, SEC.15.*

#### **IC 23-14-41-3**

##### **Holding of family burial plot**

Sec. 3. Upon the death of the record owner of the burial rights in a burial plot, the burial plot shall be held as the family burial plot of the deceased owner, if:

- (1) the remains of the record owner have been interred, entombed, inurned, or disposed of;
- (2) the record owner did not dispose of the burial rights by a specific devise in the owner's last will and testament or by a written designation or transfer of ownership recorded with the cemetery under IC 23-14-42; and
- (3) there is at least one (1) interment, entombment, or inurnment in the burial plot.

*As added by P.L.52-1997, SEC.15.*

#### **IC 23-14-41-4**

##### **Use of family burial plot**

Sec. 4. (a) In a family burial plot:

- (1) one (1) grave, crypt, or niche may be used for the record owner's interment, entombment, or inurnment;
- (2) after the record owner's interment, entombment, or inurnment, one (1) grave, crypt, or niche may be used for the surviving spouse of the record owner; and
- (3) in the spaces remaining, if any, the parents and children of the deceased record owner, in order of need, may be interred,

entombed, or inurned without the consent of any person claiming an interest in the family burial plot.

(b) If there is no parent or child who survives the deceased record owner, the right of interment, entombment, or inurnment in a family burial plot shall go in order of need to:

(1) the heirs at law of the deceased record owner, or the spouse of the heir if the heir is already interred, entombed, or inurned, as specified by the statutes of descent; or

(2) the spouse of any heir at law of the deceased record owner.

*As added by P.L.52-1997, SEC.15. Amended by P.L.113-2007, SEC.1.*

#### **IC 23-14-41-5**

##### **Waiver of burial rights**

Sec. 5. (a) A:

(1) surviving spouse; or

(2) parent, child, or heir;

of the deceased record owner of a family burial plot who has a right of interment, entombment, or inurnment in the plot may waive that right in favor of another relative or spouse of the deceased record owner through a written instrument that is recorded with the cemetery.

(b) After a written waiver is recorded under subsection (a), the body of the individual in whose favor the waiver is made may be interred, entombed, or inurned in the family burial plot.

*As added by P.L.52-1997, SEC.15.*

#### **IC 23-14-41-6**

##### **Affidavit permitting use of family burial plot**

Sec. 6. An affidavit that sets forth:

(1) the fact of the death of the record owner of the burial rights in a family burial plot; and

(2) the name of the individual or individuals who are entitled to use the family burial plot in accordance with this chapter;

is complete authority to the cemetery to permit the use of the unoccupied portions of the family burial plot by the individual or individuals who are shown by the affidavit to be entitled to use the family burial plot.

*As added by P.L.52-1997, SEC.15.*

#### **IC 23-14-41-7**

##### **Termination and transfer of family burial plot**

Sec. 7. If a family burial plot has been established under section 3 of this chapter and all the living children and parents of the deceased record owner consent in writing, the status as a family burial plot may be terminated and the remaining lots may be transferred, conveyed, or sold to the cemetery owner or any other person designated in the agreement.

*As added by P.L.113-2007, SEC.2.*