

IC 23-14-42

Chapter 42. Burial Rights by Designation, Bequest, or Descent, and Rights of Co-Owners

IC 23-14-42-1

"Burial plot" defined

Sec. 1. 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;

that was 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.16.

IC 23-14-42-2

Designation of remains permitted to be interred

Sec. 2. The owner of the burial rights in any burial plot has the right by a proper instrument recorded with the cemetery to designate specifically whose remains only shall be interred, entombed, or inurned in the burial plot after the owner's death.

As added by P.L.52-1997, SEC.16.

IC 23-14-42-3

Transfer of burial rights

Sec. 3. The owner of the burial rights in any burial plot may, during the life of the owner, transfer all rights and interest in the burial plot to any other person through sale or another method. However, a transfer under this section:

- (1) must be recorded with the cemetery to be valid; and
- (2) is subject to the rules and regulations of the cemetery owner.

As added by P.L.52-1997, SEC.16.

IC 23-14-42-4

Burial rights passing as part of estate

Sec. 4. Upon the death of the record owner of the burial rights in a burial plot, the burial rights pass as part of the estate of the owner if:

- (1) the record owner did not dispose of the burial rights by:
 - (A) a specific devise in the last will and testament of the record owner; or
 - (B) a written designation or transfer of ownership recorded with the cemetery under section 2 or 3 of this chapter;
- (2) the burial rights have not become vested in another individual under IC 23-14-39 or IC 23-14-40;
- (3) the burial plot does not become a family burial plot under IC 23-14-41 before the instrument referred to in subdivision (4) is recorded with the cemetery; and
- (4) an instrument that:

- (A) is prepared in accordance with IC 29-1; and
- (B) documents the person or persons entitled to become the new record owner or owners of the burial plot and to receive the burial rights as part of the deceased record owner's estate;

is recorded with the cemetery.

As added by P.L.52-1997, SEC.16.

IC 23-14-42-5

Liability of cemetery acting upon request of registered co-owner of burial rights

Sec. 5. (a) If there are several owners of burial rights in a burial plot, the owners may:

- (1) designate in writing one (1) or more persons to represent them; and
- (2) file the written designation with the owner of the cemetery in which the plot is located.

(b) In the absence of:

- (1) the filing of a written designation of one (1) or more representatives under subsection (a); or
- (2) a written objection to the interment, entombment, or inurnment;

a cemetery is not liable to any owner of burial rights in a burial plot for interring, entombing, or inurning, or permitting an interment, entombment, or inurnment in the burial plot upon the request or direction of a registered co-owner of the burial rights.

As added by P.L.52-1997, SEC.16.