

## **IC 23-14-58.5**

### **Chapter 58.5. Disposition of Abandoned Burial Spaces**

#### **IC 23-14-58.5-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The addition of section 5 of this chapter by P.L. 113-2007 applies only to acts committed after June 30, 2007.

*As added by P.L.220-2011, SEC.381.*

#### **IC 23-14-58.5-1**

##### **Termination of ownership rights in an unused and unimproved burial space**

Sec. 1. (a) Subject to this chapter, if a burial space in a cemetery that is subject to IC 23-14-41 or any other Indiana law:

(1) has remained unused for a period of at least fifty (50) years from the date of sale or last recorded designation or transfer; and

(2) has no improvements on the burial space, including the placement of a monument, memorial, or other permanent appurtenance;

the person or entity having jurisdiction over the cemetery may terminate the rights and interests of the owner of the burial space.

(b) After July 1, 2007, a contract for the purchase of a burial space must include notice that the contract is subject to termination as provided in subsection (a).

*As added by P.L.113-2007, SEC.7.*

#### **IC 23-14-58.5-2**

##### **Notice**

Sec. 2. (a) If the person or entity having jurisdiction over the cemetery:

(1) desires to terminate the rights and interests of the owner of the burial space; and

(2) determines that the conditions specified in section 1 of this chapter have been met;

the person or entity must send to the owner a notice of the intent to terminate the owner's rights to the burial space.

(b) The notice required under subsection (a) must be sent by certified mail with return receipt requested to the owner's last known address.

*As added by P.L.113-2007, SEC.7.*

#### **IC 23-14-58.5-3**

##### **Duties of owner; request for purchase**

Sec. 3. (a) An owner who has received a termination notice under section 2 of this chapter may inform the person or entity having jurisdiction over the cemetery of the owner's continued intent to use the burial space. If the person or entity having jurisdiction over the cemetery has been informed of the owner's intent, the person or entity having jurisdiction over the cemetery may not terminate the

rights and interests of the owner of the burial space.

(b) An owner who has received a termination notice under section 2 of this chapter may request the person or entity having jurisdiction over the cemetery to purchase the burial space for the amount originally paid for the burial space.

*As added by P.L.113-2007, SEC.7.*

#### **IC 23-14-58.5-4**

##### **Failure to respond to notice; termination of owner's rights; remedies**

Sec. 4. (a) If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after sending the notice required in section 2 of this chapter, the person or entity having jurisdiction over the cemetery shall advertise in a newspaper of general circulation in the county of the owner's last known address seeking the owner's current address.

(b) If a new address for the owner of the burial space is obtained after the advertising required in subsection (a), the notice requirement under section 2 of this chapter must be repeated.

(c) If the person or entity having jurisdiction over the cemetery has not received a response regarding the owner of the burial space within sixty (60) days after placing the advertisement required in subsection (a), the owner's rights and interests in the burial space are terminated. After the rights and interests in a burial space are terminated under this chapter, the person or entity having jurisdiction over the cemetery may sell a burial space to a new owner.

(d) If the owner of a burial space contacts the person or entity having jurisdiction over the cemetery after the owner's rights and interests in the burial space are terminated under this chapter, the owner is entitled to select one (1) of the following remedies:

(1) The original burial space, if it has not been resold.

(2) If a person or an entity having jurisdiction over the cemetery has resold the burial space, reimbursement for the amount for which the burial space was resold minus the following:

(A) The costs paid by the person or entity having jurisdiction over the cemetery in providing notice and advertising as required under this chapter.

(B) The sales commission costs in the resale of the burial space.

(3) A comparable burial space in the cemetery.

*As added by P.L.113-2007, SEC.7.*

#### **IC 23-14-58.5-5**

##### **Penalty**

Sec. 5. A person who:

(1) knowingly terminates an owner's rights and interests in a burial space;

(2) knows or should have known the identity of the owner; and

(3) fails to give the owner notice as required under this chapter;

commits a Class A misdemeanor.  
*As added by P.L.113-2007, SEC.7.*