

THIS BILL REQUIRES

- When you sell a burial right, the owner of an Interment Right must designate at the time of purchase, any successor owner or owners of the interment right in a signed written designation deposited with the district. [9069.20\(c\)](#) ([page 2 of Forms](#))
 - This will require that each district to have a new document that lists the successors for the burial right that is being purchased. This listing of successors will come from the purchaser at time of purchase, it would be best to have the document is signed by the purchaser. This record is kept on file, if possible attached to the purchase agreement for future reference. (Maybe part of the original contract)
- The successive owner of an interment right must comply with applicable state and local laws, applicable requirements and policies established by the district board of trustees. [9069.20\(d\)](#) ([page 6-7 of Forms](#))
 - This gives authority to the District to establish rules and guidelines, such as how many burials you will allow in each grave. You may have other requirements that you may wish to make the purchaser aware or currently have as policy and want an acknowledgment signed by the customer.
- To use, sell or transfer a grave that has not been used and the purchaser is deceased would require that the person who purports to be the successive owner of an interment right to execute a written affidavit declaring under penalty of perjury the following 3 qualifications: [9069.35](#) ([page 3-4 of Forms](#))
 1. The successor is entitled to succeed to the interment right pursuant to Section 9069.20; [9069.35\(a\)](#)
 2. The successor has exerted all reasonable efforts to find other persons who may have an equal or higher claim to succeed to the interment right; [9069.35\(b\)](#)
 3. The successor is unaware, to the best of his or her knowledge, of any opposition challenging his or her right to succeed to the interment right. [9069.35\(c\)](#)
 - At the time of burial your Interment Order should already have a clause that states that they have the ‘authority to use the interment rights under penalty of perjury’. If you do not have this language, I recommend that you look to change your Interment Right as soon as possible. ([page 3 of Forms](#))
 - If you repurchase or exchange burial rights you should have this ‘authority to use the interment rights under penalty of perjury’ clause already in your repurchase of exchange contract. ([page 4 of Forms](#))
- Upon sale of an Interment Right the District shall notify the purchaser in writing all of the following 3 qualifications: [9069.40](#) ([page 1 and 7 of Forms](#))
 1. The Interment Rights of the Purchaser.

2. State the law that governs the successive ownership of interment rights
3. A copy of the District's adopted policies, rules and regulations governing the use, sale or other transfer of interment rights
 - This will require that your preneed contract has the first two qualifications in each contract and that you give them a copy of your rules and regulations at the time of sale.

THIS BILL ALLOWS

- This bill will allow an owner of an interment right to assign or designate in writing the person or persons who may be interred in the plot to which the owner holds the interment right. [9069.20\(b\)](#) ([page 1 of Forms](#))
 - The designee is not necessarily the successor, although it may be one and the same. You may have a document that allows them to list themselves as the purchaser; also, whom they may wish to use the grave, as well as the successors if the plot is not used by the designee.
- A surviving spouse, registered domestic partner, child, parent, or heir who has an interment right may waive that right in favor of any other relative of the deceased owner or spouse of a relative of the deceased owner. [9069.25\(b\)](#)
 - Certain successors may not be interested in the Interment Right and can ask to be skipped.

THIS BILL PROVIDES

- If an owner dies without making a valid disposition of the Interment Right then it shall pass as set forth in the Probate Code sections 6400 to 6413 as heirs. [9069.25\(a\)](#) ([page 5 of Forms](#))
 - This is significant information. Here we will now have a codified tool that will allow us to make a determination on who is next in line for use of an Interment Right when no successor has been listed.
- When a Public Cemetery District acts to transfer ownership rights or make an interment on the basis of a written affidavit, the district will not be liable for any claims asserted in any action unless the district had actual knowledge that the facts stated in the written affidavit were false. [9069.30](#)
 - This is already in private cemetery code, but we felt it would be good to include it in the Public Cemetery District coding as well.

TECHNICALLY THIS BILL PROVIDES:

- Specifically does not allow for the right of disinterment of human remains except on consent of the cemetery and written consent of certain immediate family and certain conditions are met. [9069.10](#) and [9069.15](#)
- Specifically allows for the removal of remains from one plot to another in the same cemetery. [9069.15](#)

- Specifically provides that an interment right shall not be construed as conferring title to the property. 9069.20(a)
- A new definition of interment right; it's a "transferable property interest" held by the owner of the right who then has the authority to determine the number and identity of any person or persons to be interred in the plot within the cemetery rules and regulations. 9002(h)(1)(A) and (2)
- The right to control the placement, design, wording, and removal of memorial markers in compliance with the regulation of the district. 9002(h)(1)(B)