

# SUCCESSION OF OWNERSHIP for INTERMENT RIGHTS

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## SB-1179

### CAPC SUMMARY – by Tim Unruh

The CAPC, Bob Hunt and PCA worked a bill through the last legislative session that will help to direct public cemeteries on the succession of ownership of lots when a purchaser has passed away without leaving any testimonial device that grants use of the plots. Bob Hunt did an exceptional job in working with the legislative staffers and committees that had questions and concerns as this legislation worked through the process.

This bill establishes a protected protocol for Public Cemetery Districts in California to transfer an interment right from a deceased owner to successors at law. This bill will be added in the Health and Safety Code, Public Cemetery District as Section 2, Chapter 5.5 *Interment Rights*.

First I want to say thank you to all the Districts who sent letters to the legislators. These legislative letters are always very helpful in working any legislation through the process. This bill will take effect on January 1, 2017 and may require that we all change a few of the approaches that we currently are doing our pre sales and communicating with our public.

This legislation has a two parts to it, the first is that it will require that we have new documents filled out by the purchaser and that we make the purchaser aware of succession information at the time of purchase. The second significant part is that we will have codified the succession language on who owns Interment Rights after the passing of the purchaser. This succession list of ownership will be referenced in Probate Code sections 6400 to 6413. We have created a chart of ownership that should be helpful for a reference.

This is a summary is as interpreted by Tim Unruh, and vetted by counsel, if you have any questions or comments, please do not hesitate to contact me at 661-746-3921 or [kerncountycemetery@gmail.com](mailto:kerncountycemetery@gmail.com).

The following is more detail on the legislation; I have added citations to the new laws or changes made to current Health and Safety Code language so that you can reference the actual wording of the new code. I will state the changes and give a brief comment on the change. I have also added documents that may be of assistance in making these changes to your cemetery, they are listed in the summary as pages for reference.