



ALL THINGS CEMETERY

PRESENTED BY:

CINDY DODGE, LIAISON

MICHIGAN TOWNSHIPS ASSOCIATION



WHAT ARE THE MOST ASKED QUESTIONS I RECEIVE?





THE NUMBER 1 QUESTIONS IS....

Who has the
right to burial
spaces?

WHO HAS THE RIGHT TO BURIAL?

- The original owner(s) and anyone they assign to a burial right.
- What happens if the original owner(s) **DIES** and unused spaces remain?
 - Hopefully, family members have legal documentation stating their ownership rights (e.g., a will or other legal document).

BUT WHAT IF THEY DON'T?

DON'T BE CONFUSED BY....

- MCL 700.3206 -- Right and power **to make decisions about funeral arrangements and handling, disposition, or disinterment of decedent's body**; presumption; priority; shared rights and powers; personal representative or nominated personal representative; guardian; special personal representative; additional persons; reasonable attempt to locate person; effect of section on anatomical gift; "nominated personal representative" defined.
- Order: Spouse, children, parents, siblings, nieces/nephews, grandparents, aunts/uncles, cousins, personal representative outlined in a will, guardian, appointed representative, medical examiner.

PROBATE COURT

Family must petition to probate court to assign the asset (burial right) to them.

Approved, SCAO JIS CODE: PER, QAA

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	PETITION AND ORDER FOR ASSIGNMENT	FILE NO. _____
---	-----------------------------------	----------------

Estate of _____, decedent **XXX-XX-** _____
Last four digits of SSN

PETITION

I, _____, represent that:
Name and relationship

1. Decedent died on _____
Date
2. Decedent was a resident of _____ in this county.
City/Township
- Decedent lived outside of Michigan and left an estate within this county to be administered.

3. The decedent's personal and real property, gross values, and lien amounts (if any) are listed below. The values of all property are calculated as of the decedent's date of death. *For real property only, if the date of death is on or after March 28, 2013, the gross value of a parcel can be reduced by any lien amount on that parcel; however, the remaining inventory value of that parcel cannot be less than zero. For personal property, the gross value and inventory value are the same. (Attach separate sheet if necessary.)

Legal description of real property	Gross value	Lien amount	Inventory value(less lien)*
Legal description of real property	Gross value	Lien amount	Inventory value(less lien)*
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Totals	Total Gross Value		Total Inventory Value

4. Funeral and burial expenses are \$ _____.
 The following persons have paid the following amounts toward the funeral and burial expenses: (Statements and receipts are attached.)

NAME	AMOUNT	NAME	AMOUNT

The amount of funeral and burial expenses remaining unpaid is \$ _____.
 The gross value of the decedent's property remaining after payment of funeral and burial expenses does not/will not exceed \$15,000 as adjusted annually for cost of living.

(SEE SECOND PAGE)

Do not write below this line - For court use only

5. The name and address of the surviving spouse or, if there is not a spouse, the name, age, relationship, and address of each of the decedent's heirs are as follows:

NAME	AGE	RELATIONSHIP	ADDRESS
			Street address City State Zip
			Street address City State Zip

6. I REQUEST that the property listed above be assigned as follows:
- a. for funeral and burial expenses, \$ _____ to _____, \$ _____ to _____, and \$ _____ to _____.
 - b. to the surviving spouse, _____.
 - c. to the following heirs in the stated proportions, _____.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Attorney signature _____	Date _____
Name (type or print) _____ Bar no. _____	Petitioner signature _____
Address _____	Address _____
City, state, zip _____ Telephone no. _____	City, state, zip _____ Telephone no. _____

ORDER ASSIGNING ASSETS

7. IT IS ORDERED that the property described above is assigned as follows:
- a. for funeral and burial expenses, \$ _____ to _____, \$ _____ to _____, and \$ _____ to _____.
 - b. to the surviving spouse, _____.
 - c. to the following heirs in the stated proportions, _____.

For 63 days from the date of this order, the share of each heir other than a surviving spouse or minor child shall be subject to any unsatisfied debt of the decedent up to the value of property received through this order.

Date _____	Judge _____	Bar no. _____
I certify that I have compared this copy with the original on file and that it is a correct copy of the original.		
Date _____	Deputy register _____	

Best Practice

Assign Burial Rights at time of purchase.

Cemetery Lot Certificate

Certificate Nbr: 2008-110
Page Nbr: 1

KNOW ALL MEN BY THESE PRESENTS That for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Memorial Park Cemetery hereby issues and grants to:

Name	Address	City, ST ZipCode
Ackling, Robert	907 E. Porter Street	Lansing, MI 48900
Ackling, Susan	8890 West Ave	Lansing, MI 48990
Ackley, Candy	26445 Jones Street	Lansing, MI 48900

His, her, or their heirs, representatives and assigns, the right of interment and burial in

SECTION	ROW	LOT	GRAVE SPACE
A	1	1	1
A	1	1	2
A	1	2	1
A	1	2	2


And No Others _____

In **Sherman Township** located in **Ingham** according to the Plat thereof on file with the Clerk of the above governmental Unit; subject, however, to all rules and regulations now existing or which might hereafter be adopted by the Board of Health, or its successors or assigns, concerning the same.

This Burial Permit and the rights herein granted shall only be transferred by completion and endorsement of the Assignment of the second sheet of this certificate, and the acceptance and approval of the same, for recording by the Clerk, in the official records of

In Witness Whereof, the said Board has set its hand and seal on _____ for _____ Board.

Attest _____ Authorized Signature



Assignment of Burial Permit

Deed No. 2006-110

The undersigned hereby transfers and assigns the following burial space listed on the first sheet hereof, to the person or persons set forth opposite each space, and requests the Clerk of **Sherman Township** located in **Ingham** to accept and record the same in accordance with the rules and regulations of said Board.

Description

Burial Space(s):

Name

Date

Signature


Transfer approved and recorded, on



HOW LONG DOES SOMEONE OWN A BURIAL RIGHT?

- FOREVER

-----UNLESS.....Your ordinances says differently!

- Ordinance options:
 - Repurchase
 - Transfers
 - Revert ownership
- 

REPURCHASE

Cemetery plots are nontransferable, **but may be sold back for the original purchase price to the (XXXXX) (for resale by the (XXXXX)).**

The (XXXXX) shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the (XXXXX) shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same (XXXXX) cemetery in accordance with law.

Purchase Price and transfer fees;

Fees shall be set by the (XXXXX) from time to time by resolution.

All charges shall be paid to the Treasurer and shall be deposited in the Cemetery Fund.

ASSIGNING & NAME CHANGING

Sale of Cemetery Plots; Nontransferable

After the effective date of this Ordinance, cemetery plots shall be sold to **residents and nonresidents** by the (XXXXX) for the purpose of burial/cremations for the purchaser of a cemetery plot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

All sales and transfers of cemetery plots shall be made on a form approved by the (XXXXX) Board. (XXXXX) official, which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the Clerk or Deputy Clerk, and shall constitute a permit when approved.

At the time of purchase from the (XXXXX), **each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death.** If the owner of a cemetery plot desires to make a name change regarding the assigned cemetery plot, that person must notify the (XXXXX) in writing.

REVERT

Forfeiture of vacant cemetery plots or burial spaces

Cemetery plots or burial spaces sold after the effective date of this Ordinance and remaining vacant for **seventy-five (75) years** or more from the date of their sale shall automatically revert to the (XXXXX) upon the occurrence of the following events:

Notice shall be sent by the Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 75-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and

No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

WHAT IF WE DON'T ASSIGN, REPURCHASE OR REVERT SPACES?

- You may and/or could have many spaces purchased that are never used and you will never be able to use them!

UNLESS

- Petition Circuit Court to Vacate (MCL 128.11 to 128.16)

WHO DO YOU PETITION TO CIRCUIT COURT?



- Petitioning the court can only be initiated if the space has been vacant for 7 or more years and should be initiated in coordination with the local unit attorney.
- Board adopts a forfeiture/abandonment resolution (MCL 128.12)
- Resolution is served on last know owner by first-class mail.
- If no response within 30 days, then court petition can be initiated.
 - The court will comply with further noticing and publishing within 40 days prior to the hearing to vacate.
- If the local unit prevails in vacating by court action, the original owner has up to 2 years redeem or keep their space.





WHAT IF YOU DON'T KNOW WHAT'S VACANT?

- Use volunteers, historical societies, scouts to help provide research necessary to identify the location of specific graves.
- Advertise in the newspaper or newsletter.
- Funeral Home Records
- Radar testing of soil.





To search for burial locations of veterans, please provide the following:

Gravesite Locator

Cemetery:

search op:

Last Name:
(Required)

First Name:

Middle Name:

Month:

Date of Birth:

Date of Death:

Search for burial locations of veterans and the Department of Interior cemeteries, and for veterans

The Nationwide Gravesite Locator includes burials

History, Arts and Libraries Michigan.gov

[Michigan.gov Home](#) | [HAL Home](#) | [Cemetery Index Home](#) | [Search](#) | [Search tips](#) | [Burials](#) | [Links](#) | [Help](#) | [Contact Us](#)

Michigan Cemetery Sources

Update: Burials added!

When you "view" a cemetery, look at the "burials" column and "click to view" the name to see the progress. We want to thank the many contributors for making these names

History and Description

The Michigan Cemetery Sources web site represents a compilation of published cemetery transcriptions in Michigan and links to Michigan cemetery websites. This database also identifies the location of cemeteries. This database is NOT intended to include a list of personal names.

The compilation of this data began before computers were widely used. This information has been compiled by staff identified Michigan cemetery transcriptions in the Library and created a card file to aid in the State Archives of Michigan and the Michigan Department of Licensing and Regulation or the Michigan Department of Community Commission were also of great value in identifying the existence and location of cemeteries.

Much of this searchable information was published in the Michigan Cemetery Atlas and the site also contains information received by the Library since the Atlas (1991) and Source Book.

This site is a work in progress that will be updated as the Library catalogs additional transcriptions and adds links from the Internet.

If you are aware of a cemetery that has not been identified in this database, please [Contact Us](#).



MI GenWeb
Michigan Genealogy on the Web
Part of The USGenWeb Project

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Join List



WHAT RECORDS DO WE HAVE TO KEEP?

- Required:
 - Land: Deed/Conveyance Documents & Survey
 - Lot Map
 - Burial Transit Permit
- Duplicate copies should be kept.
- Generally should not be kept in homes.
- Cemetery records are permanent government records.



1	12	18	24	15	36	37
Brown	June	Barckly	Kucolton			Kucolton
2	11	14	23	26	33	35
River	Wate	L.C. Mead			ces. Jan	35
3	10	15	22	27	34	
Coates	Davis	Stapler	Hayler		W. Agnew	
4	4	16	21	28	32	
	W.L. Oritt	Snow	Martham		Hilom	
5	8	17	20	29	32	
M.S. Mead	W.L. Oritt	Pound	Rowby		R. Redin	
6	15	18	19	30	31	
3	W. Coates	Howell	Holbrook		Class	

Original plot

MAP OF EDWARDS TOWNSHIP CEMETERY
SECTION 26, T21N, R1E, WEST BRANCH TOWNSHIP
OGEMAW COUNTY, MICHIGAN

N

GRAPHIC SCALE
30' 60' 90'

PARCEL INFORMATION:
Acreage: ± 6.17 Acres

ROAD



Land
Survey

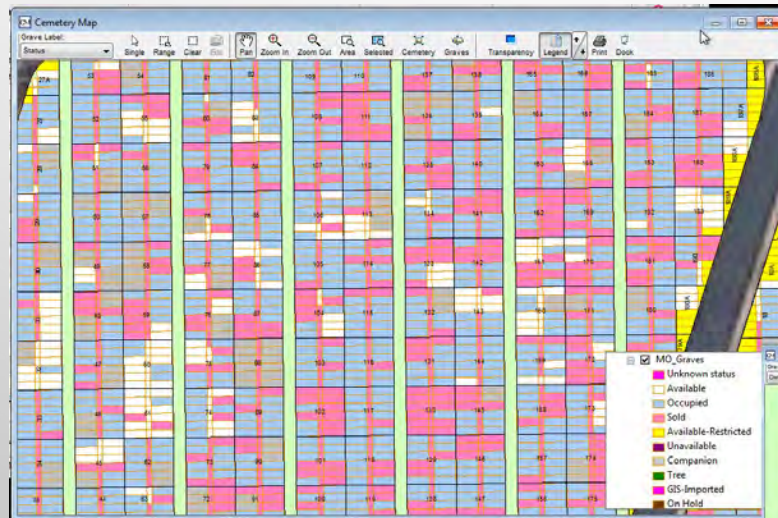
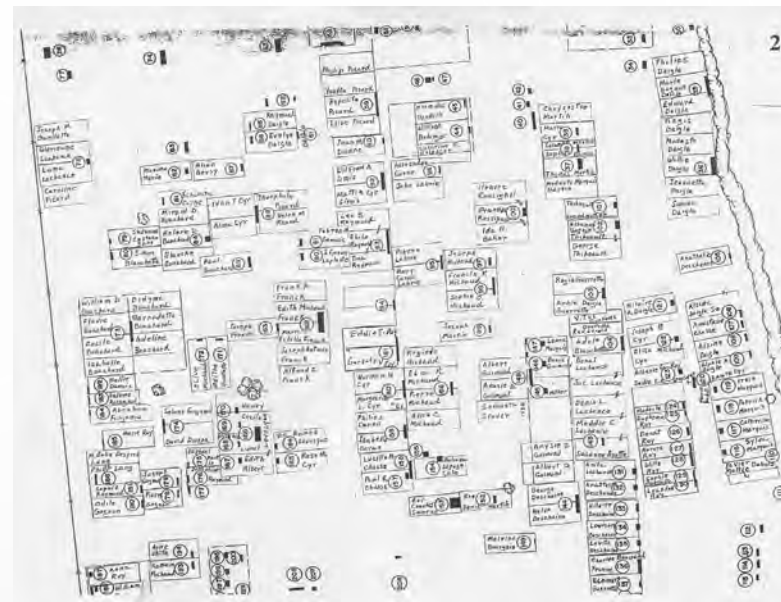
1961

3507

1 Brown	12 Jenn	18 Barby	24 Kawlan	30 W. J. ...	36 Nathaniel	37 Houghton
2 Rear	11 Wants	19 L. C. Mead	23 Fallon	26 C. O. ...	33 C. ...	38 C. ...
3 C. ...	10 D. ...	15 D. ...	21 H. ...	27 W. ...	34 W. ...	39 W. ...
4 M. S. Mead	9 N. C. ...	16 D. ...	22 M. ...	28 H. ...	35 H. ...	40 H. ...
5 H. ...	8 M. ...	17 P. ...	20 S. ...	29 S. ...	32 S. ...	37 S. ...
6 H. ...	7 H. ...	14 H. ...	19 H. ...	25 H. ...	31 H. ...	36 H. ...

Original plat

129



Pontem

105	Roberts, J. T.	Johnson, Elmer	114	Johnson, Elmer	133	142
106	Roberts, J. T.	Johnson, Elmer	115	Johnson, Elmer	134	143
107	Roberts, J. T.	Johnson, Elmer	116	Johnson, Elmer	135	144
108	Roberts, J. T.	Johnson, Elmer	117	Johnson, Elmer	136	145
109	Roberts, J. T.	Johnson, Elmer	118	Johnson, Elmer	137	146
110	Roberts, J. T.	Johnson, Elmer	119	Johnson, Elmer	138	147
111	Roberts, J. T.	Johnson, Elmer	120	Johnson, Elmer	139	148
112	Roberts, J. T.	Johnson, Elmer	121	Johnson, Elmer	140	149
113	Roberts, J. T.	Johnson, Elmer	122	Johnson, Elmer	141	150

Lot Maps

ROSE CEMETERY

JOURNAL OF PERSONS BURIED

PLATE OF BURIAL	NAME OF PERSON BURIED	LATE RESIDENCE	AGE	DATE OF BURIAL	PLACE OF BURIAL	TYPE OF BURIAL	REMARKS
AA 49	Donna Joyce Wolfe						
C 100	Charriet Jane Jekic						
B.B 81	Mary Louise Canfield						
C 120	Jean Winifred Marcell						
HA 170	Lavern Cecil Lambert						
C 32	Quinn Mast						
C 203	James Preston Duffy						
C 14	Richard Culver						
32 623	N Harold Lyle Bartlett Jr						
CCC 708	Byran Fountain						
BB 14	Virginia Pease						
C-2 175	James R Carter						
AA 3	Elmer Louise Braslow						
CCC 20	Harry S. Keehne						
CCC 20	Mary A. Keehne						
C 154	John K. Devereaux						
AA 153	Joseph Elvino Adams						
GB 33	Donald LeRoy Eastman						
AA 193	Warren E. Will						
C-2 189	Gloria Frances Lingerfett						
C 98	Frank William Hustable Jr						
BBB 110	N Roger Lee Albert						
AA 127	Edward Frank Bolshizar						
BB 146	S Norma J. Manson						
AAA 9	N Roberta Lou Townsend						
AA 57	Ethel Merle Proff						
CCC 25	N Helen Elizabeth Kenney						
C 111	Oliver Atlixus MacPherson						

ROSE CEMETERY

July 5 Grav Sale

Site 16x16

SECTION	LOT	OWNER ADDRESS OF OWNER	NAME OF PERSON BURIED	AGE	DATE OF BURIAL	SEX	SECTION	LOT	OWNER ADDRESS OF OWNER	NAME OF PERSON BURIED	AGE	DATE OF BURIAL	SEX
C	H	East Branch	George Daniel	75	2-15-47	M	C	D	Charles Ames				
C	H	W. Roe Carter	William G. Carter	89	4-22-74	M	C	G	Lyle Badd		55 17-43		
C	H	W. Roe Carter	Josephine Carter	77	12-16-63	F	C	G	Emma H		92 11-7		
C	H	W. Roe Carter	Billy	1839		M	C	G	Parvathy S		69 1929		
C	H	W. Roe Carter	Klonda Carter			F	C	G					
C	H	W. Roe Carter	William Roe Carter	81	7-31-96	M	C	G					
C	H	W. Roe Carter					C	H	Lyle Brook				
C	H	W. Roe Carter					C	H	Edna Long Smith				
C	H	W. Roe Carter					C	H	Lyle L Smith		79 7-29-90		
C	H	W. Roe Carter					C	H	Roscoe Lyle Smith		70 1-11-91		
C	H	W. Roe Carter					C	H	Mabel E				
C	H	W. Roe Carter					C	H	St. Bart		53 1929		
C	H	W. Roe Carter					C	H	Jaw R Kirtley				
C	H	W. Roe Carter					C	H	6335 Park Lake Rd				
C	H	W. Roe Carter					C	H	BATH				
C	H	W. Roe Carter	ASAFEL	65	2-28-66	M	C	H	Chare K Koller		72 11-7-31		
C	H	W. Roe Carter	Basara	12	1938	F	C	H	Thebna M. Koller		71 11-2-32		
C	H	W. Roe Carter	MIVIAN R. LUTON	70	6-14-72	M	C	H	TAYLOR, C. WILSON		76 4/14/67		
C	H	W. Roe Carter	Robert Asael Brook	73	11-24-04	M	C	H	Hazel Elva Wilson		86 10-2-31		
C	H	W. Roe Carter					C	H	Harold T		1 1929		
C	H	W. Roe Carter					C	H	Jawa Carol Dezzess		41 5-4-79		

Lot Sale Tracking Systems

found - lot (space)

12/23/05 - dead - vet. va.

NSS--NEW SOUTH SECTION

	A	B	C	D	E
1	1	1	WILLIAM ROGERS# 1927-1982	44-G	
2	1	2	INEZ ROGERS# 1927-1971	44-G	
3	1	3	JOANN MEERMAN 1943	72-G	
4	1	4	WILLIAM R. MEERMAN# 1926-'999	72-G	
5	1	5	ALMA HAAS# 1893-1978	56-G	
6	1	6	MAYNARD WEBSTER	107-2	
7	1	7	MAYNARD WEBSTER	107-2	
8	1	8	ARLENE MERLE WEBSTER# 1940-1989	107-2	
9	1	9	MAYNARD WEBSTER	107-2	
10	1	10	MAYNARD A. WEBSTER# 1910-1996	107-2	
11	1	11	JOHN PARTRIDGE	67-G	
12	1	12	JOHN PARTRIDGE	67-G	
13	1	13	THOMAS J. PARTRIDGE# 1972-1972	67-G	
14	1	14	WILLIAM C FINN# 1904-1989	53-G	
15	1	15	SARAH F. FINN	53-G	
16	1	16	LANCE DANIEL NORTON# 1978-1978	67-2	
17	1	17	BRIAN & PATTIE NORTON	67-2	
18	1	18	BRIAN & PATTIE NORTON	67-2	
19	1	19			
20	1	20			
21	1	21			
22	1	22			
23	1	23			
24	1	24			
25	1	25			
26	1	26			
27	1	27			
28	1	28			
29	2	1	FORD DAVIS#1923-2003	281-D	
30	2	2	HELEN ISABELLE DAVIS# 1907-1999	281-D	
31	2	3	FORD H. DAVIS# 1897-1973	281-D	
32	2	4	DAN & VIRGINIA COUNCILMAN	282-D	
33	2	5	DAN & VIRGINIA COUNCILMAN	282-G	
34	2	6	FLOYD SPRINGER# 1899-1969		YES
35	2	7	MARIAN E. BROWN# 1919-1990	274-D	
36	2	8	ROBERT M. BROWN# 1913-1984	274-D	
37	2	9	ELVIN D. BROWN# 1884-1969	273-D	
38	2	10	OTTIE M. BROWN# 1884-1967	273-D	
39	2	11	MAUDE MARSH# 1896-1980	260-D	
40	2	12	HARRY A. MARSH# 1897-1964	260-D	
41	2	13	BOERSMA JOHN E.#1912-2005	252-	
42	2	14	HELEN G. BOERSMA#1912-1979	252-	
43	2	15	ARNOLD BOERSMA#1884-1964	252-	
44	2	16	DORA BOERSMA#1886-1980	252-	
45	2	17	DANIEL STARKEY# 1881-1963	235-D	YES
46	2	18	EDITH J. STARKEY# 1898-1993	235-D	
47	2	19	AUGUSTA E. BUMP	143-5	
48	2	20	Douglas A. Edwards**	250-6	
49	2	21	Helen Brown	1080	
50	2	22	Louise Marie Brown# 1925-2004	1080	
51	2	23	Brenda Brown	1080	
52	2	24			
53	2	25			
54	2	26			
55	2	27			
56	2	28			
57	3	1	GEORGE HEDLUND# 1926-1982	10-1	

Lot Sale
Tracking Systems

localhost:Mount Olivet - Pontem Cemetery Manager

File Edit Reports Help

Primary Tasks

- Overview (F4)
- Manage Graves (F5)
- Manage Address Book (F6)
- Manage Occupants (F7)
- Cemetery Setup (F8)

Manage Graves

New Grave Edit Grave Delete Grave Send to Osiris Contract

Detail View (Left-Click this header or press ALT-L to display the list)

Owner Name(s): Record, Mary Ann Status: Occupied
 Occupant Name(s): Record, Mary Ann Location: MO-JAMESBOWIE-117-11

Map (Left-Click this header or press ALT-M to expand the map)

Cemetery Name: Mount Olivet Cemetery Section: JAMESBOWIE Lot: 117 Space: 11

Status: Occupied Date of Status: 02/17/2015 Grave Type: Assign UnAssign **Locate** Assigned to Map:

Latitude: 32.79397055 Longitude: -97.31404659 Square Feet: 30.0000

Owner Name	Address
Record, Mary Ann	

Occupant Name	Date of Burial	Location Note	Burial Type
Record, Mary Ann	9/16/1958		B

Quick Search

Cemetery: Mount Olivet Cem Status: Occupied Occupant Last: record Search Advanced

06/30/2017 1:16:24 PM ESRI Server © Copyright 2005-2016, Resource Information Ass

Pontem

Cemetery Map

Grave Label: Occupant Name Single Range Clear Edit Pan Zoom In Zoom Out Area Selected Cemeter Graves Transparency Legend Print Dock

Occupant Name	Grave Label	Occupant Name	Grave Label	Occupant Name	Grave Label	Occupant Name	Grave Label
Fowler, Ada Gertrude		Chapman, Jessie Mae		Tomerlin, Lora L		Robinson, Edna Mae	
Tomerlin, Andrew Jackson	116	Tomerlin, Jackson Neal		Tomerlin, Clyde O.	137	Robinson, James A.	144
Hughes, Helen		Huff, Alice Day		Gable, Lexie L.		Snodgrass, Walter D.	
King, Ada		Huff, Arthur V.		Butts, Ethel Guertler		Guertler, Harry Inf. Of. Yates, Mary Ruth	
Hughes, Sam Lee	108	Marion, Herbert A.		Kramer, J. B.		Guertler, Harry Clark, Florence Adele	145
Howard, Mrs. Alvin C.		Hammett, Charles Doyle	117	Kilgore, Nan		Whitley, Etta	146
Howard, Alvin		Record, Roy S.		Record, Joseph Stan		White, P. T.	
Bigham, Mabel	107	Hunter, Mark Warren		Scott, Mamie		Sorrells, E. T. Inf. Of. White, Charles P.	
Bigham, Joseph H.		Copelin, Lee		Campbell, William Paul	118	Reesor, Opal	
Cole, Maude M.		Turner, Dora Hearthy		Turner, Johnson E.		Reesor, Paul	135
McWilliams, Fred A.		Turner, Johnson E.		Turner, Johnson E.		Owens, Carol Pauline	
						Owens, Ada L.	
						Owens, Vernie	
						Owens, Thomas A.	
						Fuller, Frank	
						Owens, Ida May	
						Owens, Vernie	
						Owens, Thomas A.	

Layers

- GOMM_Building
- MOC_Boundary
- MO_Landscape
- MO_Lots
- MO_Graves
- Unknown status

BURIAL TRANSIT PERMIT



- A burial transit permit is retained by the cemetery or crematory to assure there is an accurate record as to the location and final disposition of the deceased.
- Required to transport a body to cemetery, crematory, personal residence, or final place of disposition.
- Issued by county health department or funeral director.
- Funeral directors must supervise the transport and disposition of all bodies:
 - Crematory
 - Cemetery
 - Private Burial Ground
- Not required when moving a body within a cemetery.

BURIAL TRANSIT PERMIT

Burial Transit Permit must be signed by Sexton or person receiving the body.

BURIAL - TRANSIT PERMIT
 MICHIGAN DEPARTMENT OF PUBLIC HEALTH
 Office of the State Registrar and Center for Health Statistics

No. _____

Full name of decedent: Patricia Ann Ringle Date of birth: 1/31/1917

Cause of death: Ischemic bowel - Sepsis

Place of death: Ingham Langston Veteran? No Sex: F Age: 71

Method of disposal: Burial Interment Other None (Select one)

APPROVED FOR CREMATION: County: Ingham State: MI

Signature of Medical Examiner: _____ Date: _____

A certificate of death having been filed as required by the laws or regulations of this state, permission is hereby given to Palmer, Burial, Ingham Family Funeral Homes Address: 3193 Fall Road, Holt, MI 48842

To dispose of body of said decedent: _____

Signature: [Signature] Date: 11/15/2007

Crematory or Mortuary Science Licensee: Registrar, Public Health, Mortuary Science Licensee

CREMATORY OR CREMATORIUM AUTHORITY SHALL FILL OUT SPACE BELOW

Body was Buried on 11-15-07 in Maple Ridge Cemetery

Place: Lot B-26 Burial #7 Signature: [Signature]

This permit must be endorsed by the sexton or by the funeral director or mortuary science licensee where there is no sexton.

E-26 504 Authority: Act 368 of 1973 and Act 204 of 1980

May also be used as winter storage authorization.

Funeral Director

Sexton

READ CAREFULLY

REGISTRAR: This burial-transit permit may be issued upon receipt of satisfactory proof of death.

FUNERAL DIRECTOR OR MORTUARY SCIENCE LICENSEE: The burial-transit permit is required for transportation and any manner of disposition of a dead body including interment, storage and cremation.

Under no circumstances shall a funeral director or mortuary science licensee issue a burial-transit permit to anyone other than himself, and then only according to the provisions of Act 296, P.A. 1980, and Rule 4, "Governing the Transportation and Disposition of dead Bodies."

When the body is to be transported by common carrier, the burial-transit permit shall be issued in duplicate. The original shall be attached to the shipping case in a string envelope. As a safeguard against loss in transit, the duplicate, so labeled, shall be mailed to the funeral director at destination, or handed to him by the escort traveling with the body.

MEDICAL EXAMINER: This permit may be used to authorize disposal by cremation.

SEXTON: It is unlawful for any sexton, or other person in charge of a burial place, to permit burial or other disposition of a dead body before a burial-transit permit is deposited with him. (The sexton may accept the permit of any state and of the District of Columbia, as authorization for burial.)

All permits must be endorsed and recorded in the sexton's register.

If the body is buried in a cemetery having no sexton in charge, the funeral director or mortuary science licensee shall sign the burial-transit permit.

OTHER OPTIONAL RECORDS

- Individual file records may include:
 - Burial Certificate
 - Obituary
 - Authorization for burial
 - Grave opening and closing documents
 - Monument setting records
 - Transfer of ownership documents (if applicable)
 - Disinterment-Reinterment Permit (if applicable)
 - Winter Storage documentation
 - Receipts of Sale or Fees



ARE WE RESPONSIBLE FOR *THAT* CEMETERY?

- Four types of cemeteries:
 - Public (Townships, Cities, Villages and Counties)
 - Private (For profit)
 - Regulated by State Cemetery Commissioner
 - Controlled by local or county zoning
 - Religious including the Amish
 - Religious Land Use and Institutionalized Persons Act
 - Family Owned
 - Up to 1 acre, permanently deeded to property owner, tax exempt
 - Land Division Act does require easement access.



ARE “TOWNSHIPS” RESPONSIBLE FOR ABANDONED CEMETERIES?

Yes

- Public Act 49 of 1895, MCL 128.31, et seq., requires townships to reinter in a township cemetery remains disinterred from a private cemetery in the township, when **10 or more township residents complain in writing that the private cemetery is not being cared for.**
 - Valid petitions are filed with the circuit court to conduct a hearing of judgement.
 - If the cemetery vacated belongs to a religious society or church, and another suitable cemetery belonging to the same church or denominational society exists within the township or an adjoining township, then the removal may be made to that cemetery instead of to the township cemetery.
 - In all cases where the land embraced in the cemetery so vacated shall not exceed 1 acre in area it shall revert to the original grantor or his heirs, or be so conveyed to him or them by the said township if necessary: Provided, said grantor or his heirs shall first pay to said township the value of said land based upon the market price of like land in the immediate vicinity.
 - All vacated situations are at the cost of the township.
 - Note: This laws does not seem to apply to cities.



HOW DO WE EXPAND OR CREATE A NEW CEMETERY?

- Land can be acquired for a new cemetery:
 - Pursuant to a voluntary sale
 - Pursuant to eminent domain (MCL 128.151-164)
 - Donated



EXPANDING OR CREATING NEW CEMETERIES

- Must be approved by the county health department (MCL 333.2458)
 - Submit a request to the Environmental Health Department* for a vacant land evaluation:
 - Well drained soil
 - Isolation distances from water sources (wells, surface water, etc.)
 - A report with findings and recommendations will be produced.
- The board (or planning commission) will evaluate the report and determine if it is feasible to expand or create a new cemetery on said plat.

- *Note: procedure may vary by county.

HOW DO YOU CLOSE/OPEN AN EXISTING CEMETERY?



- Can you close an existing cemetery?

No!



BUT, you can stop selling burial rights.

- Doesn't that make opening an existing cemetery a "non" question?

CHALLENGE QUESTION

Why is the cemetery closed?

- Don't know who's buried where?
- So old?
- All sold out?

For this purpose.



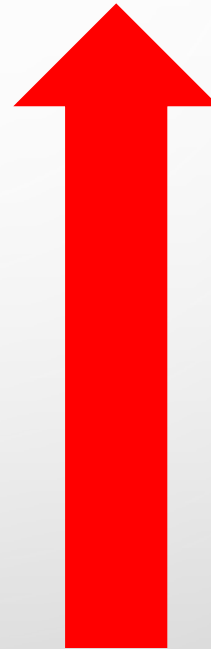
WHO
CARES



THERE'S ALWAYS SPACE TO BURY

- WHY IS THERE ALWAYS SPACE TO BURY?





MICHIGAN

2014	52.6%
2015	54.5%
2020	61.8%

CREMAINS




- Are not regulated like full body interment.
 - Their final disposition is at the crematory.
- They can be:
 - Buried
 - Entombed
 - Columbarium
 - Private headstone
 - Scattered
- Some people even think they can bury them in your cemetery!



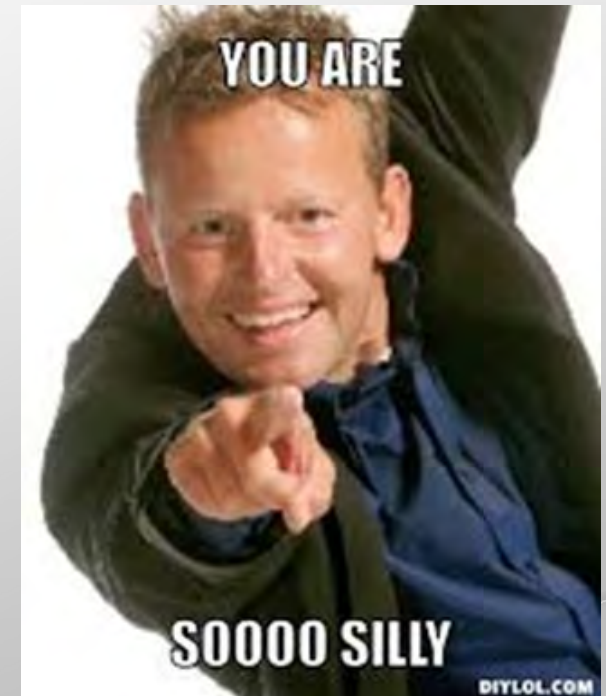
Hold Up, Wait a Minute!

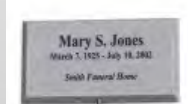
Can people just bury their loved one's remains if they've bought a burial right in your cemetery?



THAT WOULD BE TRESPASSING

- Cremains can only be buried in compliance with your ordinance.
- The Ordinance should state:
 - Who has authority to open and close?
 - Options for interment of cremains?
 - Buried within a space.
 - Interred in a headstone.
 - Interred in a columbarium.
 - How much notice required?
 - What paperwork will be required?
 - Are vaults required?
 - Fees







Scattering

CAN YOU ALLOW SCATTERING?

- **Where can we store or scatter ashes after cremation?**
- In Michigan, there are no state laws controlling where you may keep or scatter ashes. Ashes may be stored in a crypt, niche, grave, or container at home. If you wish to scatter ashes, you have many options. ***Cremation renders ashes harmless, so there is no public health risk involved in scattering ashes.*** Use common sense and refrain from scattering ashes in places where they would be obvious to others.
- Scattering ashes in an established scattering garden. Many cemeteries provide gardens for scattering ashes. If you're interested, ask the cemetery for more information.
- Scattering ashes on private land. You are allowed to scatter ashes on your own private property. If you want to scatter ashes on someone else's private land, it's wise to get permission from the landowner.

NOLO.com / Michigan Burial, Cremation Laws:
<http://www.nolo.com/legal-encyclopedia/burial-cremation-laws-michigan.html#7>





Scattering ashes on public land. You may wish to check both city and county regulations and zoning rules before scattering ashes on local public land, such as in a city park. However, many people simply proceed as they wish, letting their best judgment be their guide. -- **ORDINANCE LANGUAGE**

Scattering ashes on federal land. Officially, you should request permission before scattering ashes on federal land. As with local or state land, however, you will probably encounter no resistance if you conduct the scattering ceremony quietly and keep the ashes well away from trails, roads, facilities, and waterways. You can find guidelines for scattering ashes on the websites for some national parks.

Scattering ashes at sea. The federal Clean Water Act requires that cremated remains be scattered at least three nautical miles from land. If the container will not easily decompose, you must dispose of it separately. The EPA does not permit scattering at beaches or in wading pools by the sea. Finally, you must notify the EPA within 30 days of scattering ashes at sea.



The Clean Water Act also governs scattering in inland waters such as rivers or lakes. For inland water burial, you may be legally required to obtain a permit from the state agency that manages the waterway.

For more information, see [Burial of Human Remains at Sea](#) on the EPA website.

Scattering ashes by air. While there are no state laws on the matter, federal aviation laws do prohibit dropping any objects that might harm people or property. The U.S. government does not consider cremains to be hazardous material; all should be well so long as you remove the ashes from their container before scattering.





SCATTERING IN THE NEWS

- More than 50 years ago the Catholic Church said it was ok for members to choose cremation.
- October 2016 strict caveats were issued for those wishing to be cremated.
 - Must be kept in a sacred space.
 - Not:
 - Scattered on land, in air, at sea, or in some other way
 - Kept in an urn at home
 - Divided among family
 - Use for jewelry.



CAUTION

Historic monuments may be unstable. Falling monuments can injure or kill.

Please do not lean against, climb on or play around structures in the cemetery.



Local Unit Liability

vs.

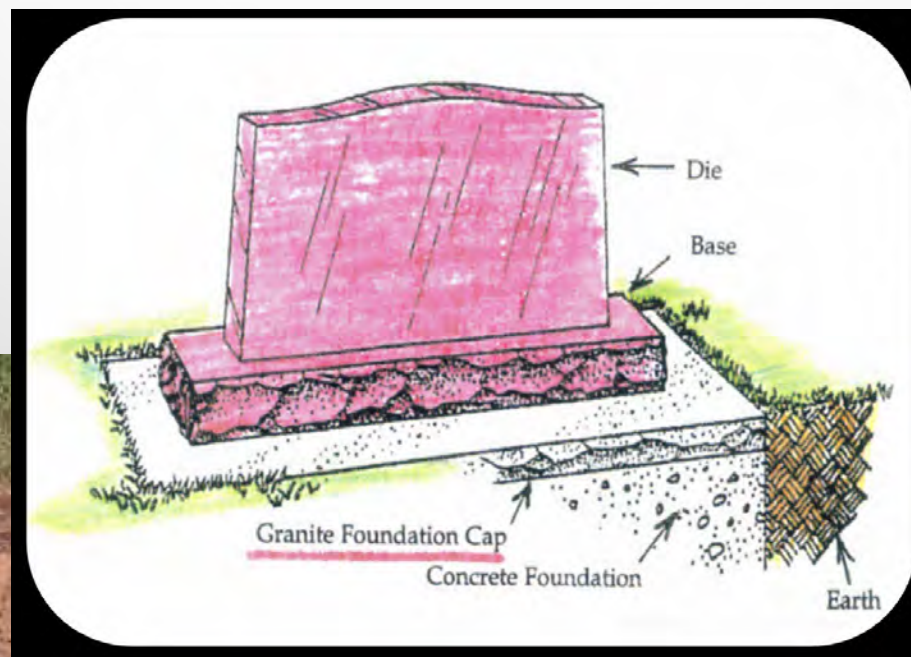
Family Liability

LIABILITY

- Liability responsibility should be stated in the ordinance:
 - The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The (XXXX) has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.
 - Every person who enters, remains in and travels within a (XXXXX) cemetery does so at their own risk. The (XXXXX) is not responsible for any injury, accident or other calamity that might occur to any person present in a (XXXXX) cemetery. Furthermore, the (XXXXX) is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a (XXXXX) cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the (XXXXX) for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to (XXXX), but also as to the Sexton and any employee, officer, official or agent.
 - **It is the responsibility of the family to keep an updated address on file with (XXXX).**

FOUNDATIONS

The foundation is the responsibility of the local unit.
The family is only buying the headstone and base as their personal property.



FOUNDATIONS

- Ordinance will direct the fees and setting of the foundation:
 - The footing or foundation upon which any marker or memorial must be placed shall be constructed by the (XXXXX), or such person(s) as may be designated by the (XXXXX) Board. Fees for such work shall be set from time to time by resolution of the (XXXXX) Board, payable to the (XXXXX).



CAN WE SPEND MONEY TO RESTORE AN OLD CEMETERY?

YES



NO





WHO DOES WHAT?

- Maintenance Job Functions:
 - Opening and closing graves
 - Foundation placement
 - Leveling and seeding all new graves
 - Leveling and seeding old graves that have settled
 - Cutting the grass and trimming around stones and markers
 - Removing dead flowers from new graves, removing winter grave blankets and other grave decorations in spring and fall
 - Raking leaves from all sections of the cemetery during the fall and spring
 - General clean up, including removal of fallen tree limbs and brush
 - Emptying all rubbish containers
 - Snow removal during winter season

DUTIES MAY INCLUDE

- Cemetery Administrative Job Functions:
 - Show available gravesites to family
 - Mark gravesites for burials
 - Lot sales and assistance in locating sites
 - Burial rights certificates sold, recorded, filed (Timely deposits to Treasurer)
 - Keep lot maps current

WHO DOES WHAT?

- Cemetery Ordinance should state who is responsible for specific activities:
 - Authority of the Sexton
 - The (XXXXX) Board shall appoint a Sexton, who shall serve at the discretion of the (XXXXX) Board. The Sexton may be a employee or independent contractor for the (XXXXX) at the discretion of the (XXXXX) Board.
 - The Sexton shall assist other officials with the enforcement and administration of this Ordinance.
 - The Sexton shall have such duties and obligations with regard to (XXXXX) cemeteries as may be specified from time to time by the Board.

WHO CAN ENFORCE?

- Who Can Enforce this Ordinance
 - Unless otherwise specified by the (XXXXX) Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:
 - Supervisor
 - Clerk
 - Sexton
 - Zoning Administrator
 - Ordinance Enforcement Officer
 - Any deputy of the county sheriff's department
 - Any State Police officer

APPEALS

- Process Should be Stated in Ordinance:

- Interpretation/Appeals to the ((XXXXX) Board

- The (XXXXX) Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The (XXXXX) Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.
 - Any party aggrieved by any interpretation or decision made by the Sexton or any official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a (XXXXX) cemetery, rights to a cemetery burial right, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the (XXXXX) Board. Any such appeal shall be in writing and shall be filed with the (XXXXX) within thirty (30) days of the date of the decision, determination or other matter being appealed from. The (XXXXX) shall give the aggrieved party who filed the written appeal with the (XXXXX) at least ten (10) days' prior written notice of the meeting at which the (XXXXX) Board will address the matter unless an emergency is involved, in which case the (XXXXX) shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the (XXXXX) Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the (XXXXX) Board shall be final.

EMPLOYEE VS. INDEPENDENT CONTRACTOR

- Many cemetery maintenance duties can be contracted:
 - Lawn Care
 - Grave Digging
 - Foundation Setting
 - Snow Plowing
- Administrative duties are generally performed by an employee:
 - Record keeping
 - Sales
 - Funeral Service and other maintenance oversight.

EMPLOYEE VS. INDEPENDENT CONTRACTOR

- IRS:
 - **Independent Contractors**--People such as contractors, subcontractors who are in an independent trade, business, or profession in which they offer their services to the general public are generally independent contractors. However, whether these people are independent contractors or employees depends on the facts in each case. The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.
 - **Employees**--are not an independent contractor if they perform services that can be controlled by an employer (what will be done and how it will be done). This applies even if they are given freedom of action. What matters is that the employer has the legal right to control the details of how the services are performed.

HANDLING MONEY



Money NEVER goes from the family to the employee/independent contractor for payment of their wages and/or contract.

- **ALL** money must be transmitted to the municipal treasurer, deposited and accounted for by the municipal clerk or other bookkeeper.
- The municipal cemetery property and services----including burial rights and the arrangements for burial----are municipal assets. The result is that a private individual or business cannot use the municipal cemetery as a private business, and any fees paid for municipal cemetery services must be paid to the municipality.
- If the municipality authorizes the sexton to receive cemetery fees on behalf of the municipality, then all fees received by the sexton must be receipted for using official receipts, delivered to the municipal treasurer according to an established schedule, and deposited by the treasurer in a municipal bank account.
- The municipality should notify its insurance carrier of any officer, employee or contractor handling money to ensure that the appropriate liability insurance covers each person.



Traditional
Burials

Funeral Rituals

