

# GREENWOOD CEMETERY POLICIES OF SARON LUTHERAN CHURCH

311 Lake Street South  
Big Lake, Minnesota 55309  
763-263-2209

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*The word “cemetery” is derived from a Greek word meaning “sleeping chamber,” an appropriate way to describe the final resting place of departed members of the Lutheran Christian communities who profess their confident belief in the promise of resurrection. From ancient times, bodies placed in Christian cemeteries have been situated so they face the east, the direction of the “rising sun.”*

*May the souls of all our faithful departed brothers and sisters rest in the peace of the risen Lord.*

**This policy manual is subject to change at any time and without notice. To be certain you are looking at the most current policy manual, contact the GWC Committee Chairperson.**

## ARRANGEMENTS TO BE CONSIDERED FOR BURIALS - SUMMARY:

### Before the funeral:

- Contact Saron Lutheran Church: 763-263-2209 to make all the necessary “church / pastoral related” arrangements and to obtain GWC Manual (or view online on Saron’s websight) which provides all necessary related cemetery information; IE: processes for purchase, size, monuments, cleanup, acceptable practices, contact numbers, etc.
- Contact Funeral Home or Crematorium (agent). Give the agent Saron Lutheran and GWC contact information. The agent will contact GWC with all the necessary burial information. The agent will help with additional contact numbers for Monument Companies, Social Security Assistance, etc. They should also assist with applying for additional Death Certificates, submission of Obituaries, etc.

The agent will also contact the excavating company and give them the GWC contact information.

- Contact GWC Committee Member to determine burial site and to purchase plot (s) – check made out to “Greenwood Cemetery.”
- Excavating Company: The Excavating Company will contact a GWC Committee Member regarding the staking / marking of any plot before they are permitted to dig. GWC then contacts a person to do the marking.
- Monument Companies: Must be licensed, bonded and insured. The Funeral Home will usually give the monument company the GWC contact information – if not, the buyer is required to provide it to them. The Monument Company will work with a GWC Committee Member regarding size, foundation, and placement of marker/monument. Monument Co. will call GWC to setup marking. GWC then contacts a person to do the marking. It is the buyer’s responsibility to make sure the monument company installs the proper cement or granite apron “under” and around the marker / monument and that the marker / monument is within the size of the plot purchased – NO OVERLAPPING PERMITTED. NO FOOT STONES PERMITTED.

### After Burial:

- Survivor’s family must add black dirt to the plot, up to grade level and seed with grass. There may be a pile of “black dirt” in the rear of the cemetery property for this purpose. If there isn’t, the family needs to arrange to have some brought in for their use.
- Monument placement – The GWC Committee member must mark the monument site. This must be done within a reasonably short period of time after burial. Again, it is the family’s responsibility to make sure the Monument Company is licensed, bonded and insured. No monument is to be installed by anyone other than the monument company unless previously approved by GWC Committee and if approved, it is with the understanding that all liability for an individual’s injury or damage to the marker/monument is on the person(s) placing the marker/monument.

Additionally, the monument company must install the proper 4”- 6” cement or granite apron for flat headstone/marker/monument and a 6” or larger cement or granite apron for standing headstone/marker/monument under and around all headstones/markers/monuments and that the headstone/marker/monument is within the size of the plot purchased.

NO OVERLAPPING PERMITTED. NO FOOT STONES PERMITTED. A staking/marketing fee will be assessed (See fee schedule).

## **COMMITTEE MEETINGS**

- (1) When the Chairman of GWC Committee is absent from any committee meeting, an officer will conduct said meeting.
- (2) Committee meetings are to be held on a day and time that a majority of committee members are available.
- (3) All committee meetings held must have a majority vote of members present at meetings for any action to be taken. Those committee members not present will represent a NO vote at such meetings.

## COST OF PLOTS – FEE SCHEDULE

(1) All fees are to be paid to “Greenwood Cemetery” prior to any burial. Costs are per burial/per grave site. These prices are subject to change at any time. The below use of the term “Plot” is defined as a single grave site (not a family sized plot).

NOTE: The reduced cost for additional plots only applies when purchased in multiples (more than one). If purchased one at a time, the full price will apply.

MEMBER	MEMBER	NON-MEMBER	NON-MEMBER
<u>PLOT</u>	<u>ADD'L PLOT</u>	<u>PLOT</u>	<u>ADD'L PLOT</u>
\$700.00	\$650.00	\$1,500.00	\$1,400.00

Plot prices include the cost of one (1) plot marking (\$40), administration costs (\$50) and “Perpetual Care” (*which is ½ of the plot purchase minus marking and administration costs*). After the initial purchase, which includes fees in the purchase price, any time marking is necessary and anytime a record requires a change, the fees will be applied per plot / per event.

### ***Miscellaneous Costs***

- Apron Fee: \$200.00 - Should the monument company, arranged by the family, not install the cement apron as required and defined in this policy manual, an Apron Fee will be assessed and an invoice sent to the family.
- Disinterment: Administration costs will be assessed to the requester at the time of request. Prior to disinterment, related costs must be paid in full to GWC. A committee member must be present during disinterment.
- Excavation: Costs are determined by the excavating company and / or the funeral home.
- Transfer Deed: Administration costs will be assessed at the time of request and are to be paid to GWC prior to deed transfer.

(2) Payment arrangements: Advance purchase of a plot by way of monthly payment arrangements can be arranged via the GWC Committee. However, a plot (s) must be paid for in full prior to a burial (s).

(3) Upon full payment, the GWC Committee will issue to the purchaser, a Cemetery Deed for the appropriate plot(s).

(4) Number of burials per plot:      “1 coffin” OR  
    “1 coffin + 1 cremation urn” OR  
    “-0- coffins with 2 cremation urns maximum”

## PURCHASE OF PLOTS

- (1) GWC is intended for the burial of all Christians and their families. No plot shall be purchased for any other purpose than for burial of the human dead and the placement of appropriate memorials.
- (2) By purchasing a plot, the purchaser expressly agrees with the Cemetery Deed, which conveys the plot(s) that his or her rights are subject to such reasonable rules and regulations as the Saron GWC Committee shall adopt.
- (3) No cemetery plot can be resold, except back to the GWC Committee at the *original* purchase price. However, plots can be inherited, transferred or gifted. An admin. fee would then be assessed.
- (4) A cemetery plot owner's rights are contractual. One who purchases and has conveyed to him/her a plot in a private cemetery (which GWC is), does not acquire the ownership of the soil. He/she acquires only the right of burial therein which has been designated as a privilege.

Put simply, this means you do not own the land or have ownership rights of any type to any particular land. Instead, you have been given a right to use the land for the purpose of keeping your loved one's remains within GWC. One is not "buying land" with inalienable rights when one obtains a plot.

- (6) A cemetery plot may be held by two persons in common. Provided there is burial space still available, co-tenants of a burial plot hold it with the right to be buried therein in the order in which they die. The consent of the other co-owner to the burial of their co-tenant there in is not necessary.

Although it is recognized that a stranger to the tenancy may not, as a matter of right, be buried in the plot without the consent of all the co-tenants, where an interment has been made.

- (7) Conveyance of a cemetery plot may not be transferred except with the consent of GWC.

## PLOT OWNERSHIP

Upon receipt of any request affecting a plot, the first obligation of GWC is to establish ownership of that plot.

Ownership of a plot may be established in several ways. A plot may be purchased from GWC. A plot may be inherited with proof given in writing and notarized. A plot ownership may be transferred with proof given in writing and notarized. Regardless of how ownership is established, title can be held by only one person.

Upon the death of the owner of a lot, it is very important that the descent of title be documented with GWC. A cemetery plot may be inherited pursuant to the terms of a will / trust per Minnesota Statute 306.29; however, we find this to be a rare occurrence. Otherwise, Minnesota Statute 525.14 is then applied based on the <sup>^</sup>original owner's date of death. Under current law, effective April 13, 1981, title to a cemetery plot descends free and clear of all debts as follows:

1. To the surviving spouse of the original owner, a life estate, with right of interment, the remainder to the person who would be entitled to ownership if there were no spouse, noted as follows.
2. If there is no surviving spouse of the original owner, then to the decedent's eldest surviving child.
3. If there is no surviving child, then to the decedent's youngest surviving sibling.
4. If there is no surviving spouse, child or sibling, and the plot is not accounted for during the administration of the decedent's estate, then title to the plot passes back to GWC. GWC Committee "may", at its discretion, choose to hold the plot in trust as a burial plot for the decedent's relatives as the GWC shall deem proper. Admin. Fee would apply.

Again, in all the above, a written and notarized document of transfer is to be provided to GWC confirming the individuals are who the transfer says they are and, if transferred due to death of decedent, a certificate of death must be provided.

Help will be provided to those taking on the task of tracing descent of ownership, but no actual research will be done by GWC beyond consulting cemetery records. In some circumstances, a fee may be charged.

If an owner desires to transfer title to a plot, the owner should contact GWC for information on how to proceed. The transfer must be done through GWC and cannot be done directly between the parties involved in the transfer. There will be an admin. fee.

<sup>^</sup> - Original Owner is the one who establishes, through purchase, the first right to the plot(s), which is distinct from those who acquire it later through inheritance.

## **PERPETUAL CARE**

- (1) There will be a Perpetual Care Fund for GWC. All monies collected for perpetual care of graves will be kept in a separate bank from all other funds of GWC. The fee for Perpetual Care and that fee will be a fixed amount per grave site and governed by the GWC Committee (see Cost of Plots).
- (2) All funds collected under Perpetual Care, must remain in a special bank account and/or CD.
- (3) Two (2) Committee signatures shall be required to remove any funds from this account. Both committee members must be current GWC committee members. Both committee members must be present at the bank when any funds are removed.

These funds will only be used if/when all plots have been sold:

- a) – funds would then be freed up for maintenance of GWC.
- b) – exception would be to build columbarium to preserve available land in GWC.
- c) – all funds must be reimbursed back into the perpetual care fund as columbarium vaults are sold.

- (4) The perpetual care fund can be used for defraying the cost of caring for, maintaining and improving the cemetery sites, and the general maintenance. Such items can include building of a columbarium, grass seed, gas, mowing the lawn, cutting trees, or removal of trees, lawn mowers, lawn mower maintenance, etc. that pertain to keeping GWC respectable and viable for years to come.

Any income so received in excess of the amount necessary to pay for the care and beautification of the sites or any monies not spent in any year for this purpose shall remain in the GWC general fund.

- (5) The intention of a perpetual care fund is as stated above. Every effort will be made to make it work with what finances there are until such time that there is no financial recourse except to use the perpetual care funds for the cemetery's needs. If such funds are accessed before all plots are sold, every effort must be made to repay those funds such that GWC remains self-sustaining over many years to come.

## **TRANSFER OF PLOT(S)**

- (1) The owner of a plot at GWC may transfer his / her plot back to GWC at the original purchase price paid.
- (2) A member of the family can transfer his / her plot(s) to any other person, by using the Transfer Deed provided by GWC or by using a personal Will/Trust, and they may transfer said plot(s) to any other person not related to them.
- (3) Any plot owner who wishes to transfer a plot or plots, must complete the Transfer Deed and have it witnesses and notarized. The Transfer Deed is provided by GWC upon request by the plot owner.
- (4) The Transfer Deed must be approved by the GWC Committee prior to any actual transfer of the plot(s). Once approved the GWC Committee will issue a new deed to the new owner. An administrative fee will be assessed for this service and it will be based upon the current fee schedule.
- (5) No plot will be permitted to be disposed of or otherwise used until the purchase price and all other unpaid charges have been paid in full to GWC.
- (6) No cemetery plot can be resold, except back to the GWC Committee at the *original* purchase price (see pg. 5, line 3).

## INTERNMENT

(1) Maximum internments per plot - (see misc. costs):

- A parent and a child may be buried in same plot if in the same casket
- Two infants (under 1 year of age) may be buried in same plot
- One body and one cremation urn may be buried in same plot
- Two (2) cremation urns may be buried in same plot

Marking fees apply for both the first and second burials (see fee schedule). First is included in plot purchase. Administration fee will be assessed for second burial in same plot (see fee schedule). Prior to interment, related costs must be paid in full to "Greenwood Cemetery" and mailed c/o Saron Lutheran Church, 311 Lake St. S., Big Lake, MN 55309.

(2) Approved Burial Containers/Vaults: **Proof of approved burial containers must be provided to GWC.** All "full" burials must be made in approved vaults for in-ground burials, supplied by the mortuary, and made of reinforced concrete.

With cremations, micro-organisms are destroyed and ashes are inert. Therefore, cremations may be placed in any environmentally safe container or may simply be buried without one. No distributing on the open ground is permitted. Urns/Ashes must be buried such that 6" of compacted soil covers the urn/ashes.

(3) Proper Notice: **Saron Lutheran Church / GWC must receive a minimum of 48 hours notice prior to any internment.** All plots must be marked by a qualified member of the GWC Committee before any excavation begins.

(4) Human Dead Only: Internments are for the purpose of the human dead only. No pets, artifacts, or other material items will be allowed to be buried.

(5) Burial Plot Marker Staking: Staking is done prior to a burial and must be performed by a GWC Committee member. Four (4) stakes will be used to mark the location of the plot to be dug; one stake will bear the name of the person being buried.

### HEADSTONES

(6) Head Stone Marker Staking: Staking is done prior to placement of headstone and must be performed by a GWC Committee member. Four (4) stakes will be used to mark the location of the headstone to be placed; one stake or flag will bear the name of the person's name which is on the headstone.

(7) Companion Headstone (2 names on 1 headstone): Before creating a new headstone, the purchaser needs to consider if the headstone should be prepared such that names can be added to it in the future, such as a family tree or the name of cremated remains to be added after the original buyer's death. A companion headstone can be flat or standing up.

(8) Two Cremations in One Plot: In the case of two cremations per plot, a second "flat" headstone, level to the ground, can be added in the middle of the plot such that it does not interfere with the lawncare or maintenance. It must have a 4" deep foundation made of non-porous material such as cement or granite with a 4" apron of non-porous material surrounding it. OR the original headstone can be replaced with a companion headstone with approval from original owner's immediate family.

(9) Military Headstone: There can be only one military monument per plot. If there is a second military cremation to be buried in the same plot, it needs to be a flat headstone. There may be some exceptions.

- (10) Ordinances, Rules, and Regulations: No interment may be made unless all ordinances, rules and regulations regarding internments have been complied with, all necessary permits have been obtained, and payments to GWC have been paid in full.
- (11) Liability: Neither Saron Lutheran Church or GWC will be held liable in any way for any delay in the interment of a body for any reason.
- (12) Multiple Stacking of Caskets: Stacking of caskets will not be permitted in GWC.

NO FOOT STONES PERMITTED

## **DISINTERMENTS**

(1) The plot owner, next of kin or an officer of the court must file a written statement giving permission to disinter a plot. They must file it with the City of Big Lake, Big Lake Township, and Sherburne County. A permit from the County Health Officer must be secured and presented, and the required fees paid in full prior to any plot being opened. At least 30 days written notice must be given prior to any disinterment.

This time provision does not apply when ordered by a court of law.

(2) The cost of disinterment's will include all machinery costs and replacement costs related to the casket and landscaping, any damages incurred during the process, labor, etc. at the expense of the requester.

Administration and marking fee will also be assessed (see fee schedule). Prior to disinterment, related costs must be paid in full to GWC.

(3) Those performing the work of disinterment must be licensed, bonded and insured.

## MONUMENTS, MARKERS, AND FOUNDATIONS

- (1) Scheduling an Installation / Replacement: No marker will be installed or replaced without a GWC committee member being present to supervise the placement of all monuments, markers and foundations. The scheduling the installation or replacement must be arranged with a GWC committee member via Saron Lutheran Church – 763-263-2209.
- (2) It is HIGHLY recommended that a marker/monument/headstone include a metal flower urn/vase insert. This prevents the need for shepherd hooks or urn bases.
- (3) Setting / Placement: All markers will be set so that they are facing the east and will be placed at the head of the plot. No marker will extend beyond plot(s) width. No foot stones are allowed.
- (4) Plot Size: Total length of each grave site is 10' long x 5' wide. This includes 1' spacing on the side of each grave. There is also 2' of space at the head of each plot.
- (5) Number of Markers/Monument/Headstones Permitted: Only one (1) marker/monument/headstone is permitted for each burial/cremation - maximum 2 per plot. *(See page 6)*
- (6) Materials: Should be made of non-porous material such as granite. No plot marker or monument may be constructed from porous materials such as limestone or sandstone. Nor can they be constructed from artificial materials (exception: military headstones).
- (7) Concrete Foundations and Aprons: A 4" or more foundation of granite or concrete and a 4"-6" apron of granite or concrete is required for all monuments / markers. Monument Company installs the foundation. The larger the marker, the greater the foundation and apron. The headstone/marker/monument must be within the size of the plot purchased – NO OVERLAPPING PERMITTED.

NO FOOT STONES PERMITTED. There are exceptions due to preexisting circumstances.

A staking/marketing fee will be assessed (See fee schedule).

No “dumping” of leftover concrete is allowed.

- (8) Symbols / Iconography: The symbols and Iconography used on grave markers must be Christian in nature and be placed upon the grave by a qualified monument company.
- (9) Liability: Neither Saron Lutheran Church or GWC or will be held responsible for any damage, loss, or theft of any personal property. i.e., markers, monuments, and etc.

## MAINTENANCE / DECORATIONS

### Survivor / Family Responsibilities:

- (1) Markers: The “general care” of plots in the GWC is the responsibility of the families of those laid to rest. General care includes maintenance, repair or replacement of markers and aprons.
- (2) Black Dirt / Seed: It is the responsibility of the survivors of the deceased to seed the grave with grass seed after the burial or as soon as weather permits and to insure the grave has sufficient black dirt to retain a level mowing field.
- (3) Plants / Urns: It is the responsibility of the survivors of the deceased to water and maintain living plants in urns / approved containers and to remove plants as they die off or are no longer in use. 1 large urn or 2 small vases per gravesite and placed ON the headstone or set in urn stand.

Discarding flowering plants: DO NOT throw the dirt in the cemetery’s disposal barrel. Instead, disperse the dirt in a convenient low area.

Disposal of pots: DO NOT throw pots in the cemetery’s disposal barrel as they are for volunteer use only. Bring pots home with you as there is no garbage service for the cemetery.

- (4) Fall Clean-Up – all summer decorations should be removed by **October 1<sup>st</sup>** of each year. This is in preparation for the fall and winter seasons and helps to limit the amount of debris within the cemetery as well as that which blows out of the cemetery into the neighboring properties.

DO NOT throw decorations in the cemetery’s disposal barrel. There is no garbage service for the cemetery. Bring decorations home with you.

FYI: Call Saron or a GWC member to confirm the date for Spring / Fall cleanup as the dates are changeable due to weather and / or volunteer availability.

- (5) Spring Clean-Up – all winter decorations should be removed by **April 15<sup>th</sup>** of each year. This is in preparation for the spring and summer seasons and helps to limit the amount of debris within the cemetery as well as that which blows out of the cemetery into the neighboring properties.

DO NOT throw decorations in the cemetery’s disposal barrel. There is no garbage service for the cemetery. Bring decorations home with you.

FYI: Call Saron or a GWC member to confirm the date for Spring / Fall cleanup as the dates are changeable due to weather and / or volunteer availability.

- (6) Decorations Permitted:  
Natural flowers, natural wreaths and statuettes that are heavy enough not to be blown about and that a weed whip will not damage or be damaged by.

Artificial plants/flowers are permitted as long as they are maintained and not fading and/or unanchored. They must be placed ON the headstone, hung on a shepherd’s hook, or placed in an urn stand.

Maximum Allowed: 1 large urn or 2 small vases per gravesite and must be placed ON the headstone, hung on shepherd’s hook, or in an urn stand.

GWC reserves the right to remove any items above if they become unsightly or interfere with maintenance.

(7) Decorations Not Permitted:

ABSOLUTELY NO GLASS OF ANY KIND within GWC.

NO WIRE ORNAMENTS or WIRE HANGERS as they become dangerous projectiles when mowing and weed whipping.

No objects such as solar lights, pinwheels, shells, stones, toys, ceramic figurines etc. placed on the plot(s) or headstone without permission of the GWC Committee and -

- There should be no expectation that such non-permitted ornaments will be given special care during maintenance of GWC. However, efforts are made to re-station such ornaments if possible, so the family may retrieve them. Some margin is given the first season after a loved one passes.

No flower or decoration that can be blown out of their container or any container that can be blown away.

No grave blankets.

(8) Planting: No trees, shrubs, or flowers will be planted in the ground at any time.

(9) Anything that will limit the ability of GWC volunteers from being able to mow or weed whip in an effective, timely, and safe fashion, may also be denied and removed on a case by case basis.

(10) Anything that affects winter snow removal or plotting of graves sites will also be denied on a case by case basis.

GWC Responsibilities:

(1) Cutting of grass will be overseen by the GWC members and its volunteers at reasonable intervals along with tree trimming and the general preservation of roadways and boundaries of the cemetery.

(2) Those decorations not removed in a timely fashion as described prior, will be removed by the GWC volunteers who care for the cemetery.

(3) The GWC has the right to remove excessive decorations, unsightly decorations, flowers, damaged containers, and all items not permitted as stated above.

(4) GWC has the right to remove or alter any tree, shrub, vine, or memorabilia that makes mowing or general maintenance difficult or unsafe.

(5) Winter snow plowing for funerals can be subcontracted for all funerals.

## **RULES AND CONDUCT**

- (1) Cemetery management will be vested in the GWC Committee in accordance with the policies adopted within and approved by the Saron Lutheran Church Council Committee. These cemetery policies will be reviewed yearly and updated when necessary.
- (2) No signs, notices, or advertising or soliciting of any kind will be permitted within the cemetery property unless authorized by GWC Committee.
- (3) Motor vehicles may be driven within the cemetery provided they are there with a reason related to GWC and are subject to these conditions:
  - a. The speed shall not exceed 5 miles per hour.
  - b. The vehicle shall only be driven or parked on marked driveways. No vehicles shall drive off the roadway.
  - c. All vehicles shall be equipped with appropriate mufflers so as to reduce noise to a minimum.
  - d. No ATV's or snowmobiles shall be permitted in the cemetery.
- (4) No person shall have in his or her possession a firearm or explosive, excepting an on-duty police officer and members of military organizations (i.e., National Guard, American Legion Honor Guard) at funerals and civic functions.
- (5) No person may disturb the quiet of the cemetery by noise or improper or illegal conduct of any kind.
- (6) Children under the age of 15 years must be under the direct supervision of an adult while in the cemetery.
- (7) All persons are prohibited from picking any flowers, injuring any tree, plant or shrub, or marring, defacing or removing any monument or stone or any structure within the cemetery.
- (8) No person, including lot owners, shall place any objects, (i.e. shells, toys, glass objects, etc) on plots excepting items permitted (i.e. monuments, headstones, urns, etc).
- (9) No person is permitted to erect fences or hedges on or around any plot.
- (10) No planting of trees, shrubs, or perennials is allowed on the plots without the express "written" permission of the GWC Committee.
- (11) No person may allow any animal to run at large in the cemetery.
- (12) Under no circumstances will anyone under the age of 18 be permitted to volunteer within GWC unless accompanied by an adult.
- (13) **Absolutely no burials without approval and oversight of a GWC Committee member.**
- (14) Should the rare occasion happen where a GWC committee member(s) or volunteer(s) experiences the kind of unproductive negativity from an owner/representative/visitor that they find upsetting, GWC reserves the right to limit interactions with such an individual(s) as necessary for the wellbeing of the committee member(s) and/or volunteer(s) as well as for the individual(s) that is involved.

## MINNESOTA STATUTES / RULES

To see the actual language of the following statutes, see the Minnesota Statutes as published online. Here in this document, things have been rewritten in a language to fit a “private” cemetery which Greenwood Cemetery is as it is owned by Saron Lutheran Church.

### UPKEEP OF PLOTS: ABANDONMENT OF PLOT

#### Subdivision 1. Lots conveyed and abandoned.

##### **Minnesota Statute 306.21:**

(a) plots that are conveyed and/or abandoned as provided below, and by resolution of GWC Committee, require that owners of plots or parties claiming through owners of plots within GWC either:

- 1) File with GWC a written notice of claim of their interest in a plot, supported by satisfactory evidence of their interest, within 60 days after service of a copy of the resolution; or
- 2) Keep the plots clear of weeds and in a condition in harmony with other adjoining lots.

A copy of the resolution must be served upon all parties in the same manner as a complaint in a civil action.

(b). Paragraph (a) “may” be applied here because Saron Lutheran Church has owned the site for more than 40 years and has sold plots and parcels for burial purposes, and has conveyed them by certificate of deed. (1) Sherburne County had a population of 12,861 in 1960 according to the federal decennial census. Therefore, GWC, being within Sherburne County, meets the 50 year threshold required for demonstrating abandonment of a plot, having not used parts of the plot or parcel for the purposes of burial and during that time, have not provided care for the plot or parcel beyond that provided uniformly to all lots with the cemetery, and during that time have not given to GWC a written notice of claim or interest in the lots or parcels, or (2) have not used parts of the plots or parcels for the purposes of burial and have not kept the plots or parcels free of weeds or brush but have allowed the plots to remain entirely unimproved for more than 20 years, and the plots or parcels are located in GWC adjacent to improved parts of GWC and by reason of their unimproved condition detract from the appearance of the cemetery and interfere with its harmonious improvement and furnish a place for the propagation of growth of weeds and brush.

#### Subdivision 2. Lots conveyed before 1925.

GWC has sold plots and parcels for burial purposes before 1925, with or without restriction, that have not been used for burial purposes and the owners have not maintained the plots or paid the fees required by the association for plot owners for care and upkeep for a period of at least 15 years, GWC “may” by resolution of its committee demand that the owners or holders of the plots pay the association the fees owed for care and upkeep in the period during which the fees were not paid. The resolution must state the amount of fees due for each plot, without interest, and declare that if that amount is not paid to the association by the persons claiming to be owners within 90 days that the described plots and all interest in them will be considered abandoned to GWC. The resolution must name all of the persons shown by the records of GWC to have a claim of ownership to the plots described and must be served in the manner required for service of a resolution by subdivision 1.

### **Minnesota Statute 306.22 ACTION TO QUIET TITLE**

If, for 30 days after May 1 following service or publication, the party or parties fail to conform with the demands of the resolution authorized by section 306.21, the rights of the party or parties may be considered abandoned, and GWC “may,” with the approval of its committee, bring an action in Sherburne County against all parties in default, uniting as many parties in default as it may desire in one action, to have their rights in the plots or parcels terminated and the property restored to GWC free of any right, title, or interest of the parties, their heirs or assigns. The action in all other respects must be brought and determined in the same manner as ordinary actions to determine title to real estate. However, that part of a tract in which a body lies buried must not be included in any of the proceedings. Sufficient ground must be left adjoining the grave or burial place to provide a proper approach. The excepted portions, if any, must be particularly and fully described.

### **Minnesota Statute 306.23 EVIDENCE OF ABANDONMENT**

In all cases brought under section 306.22, the following facts are *prima facie* evidence that the grantee or holder has abandoned the plot:

- (1) The fact that the owner or holder has not used portions of the plots or parcels for burial purposes based on the requirements previously stated in subd.1 **and during that time has not made any provision for the care of the lots beyond that provided uniformly to all plots within the cemetery, and during that time has not given to GWC a written notice of claim or interest in the plots or parcels; or**
- (2) The fact that the owner has, for a term of 20 years or more, not used the plot or definite parts of it and has failed to keep the plot or parts of it clear of weeds or brush.

### **Minnesota Statute 306.24 RECORDING OF JUDGEMENT**

A certified copy of the judgement in an action to quiet title under section 306.22 “may be” recorded in the office of the county recorder in Sherburne County.

### **Per Minnesota Statute 306.241 DEPOSIT OF NET PROCEEDS FROM PLOT RESALES**

The proceeds from the subsequent resale of plots or parcels the title to which has revested in GWC under sections 306.21 to 306.24 or 306.242 less the costs and expenses incurred in proceedings approved by Sherburne Courts, become part of the perpetual care and improvement fund of GWC.

### **Minnesota Statute 306.242 TITLE TO PLOTS REGAINED BY GWC AFTER 60 YEARS**

Subdivision 1. Scope. As an “alternative” to the procedure in sections 306.21 to 306.241, GWC “may” use the procedures in this section to revest itself with the title to part of what was conveyed by deed to a person but that has not been used for the purposes of burial for more than 60 years.

Subd. 2. Required statement of owner's interest. The GWC committee may pass a resolution demanding that the owner of plot in it's cemetery that has been unused for more than 60 years express an interest in the cemetery plot. The committee shall personally serve a copy of its resolution on the owner in the same manner as personal service of process in a civil action. The resolution must notify the owner that the owner shall, within 60 days of service of the resolution on the owner, express an interest in retaining the cemetery plot and submit satisfactory evidence of an intention to use the plot for a future burial.

Subd. 3. Service by publication. If the owner cannot be personally served with the resolution of GWC, as required in subdivision 2, because the owner cannot be found in this state or for another valid reason, the board shall publish its resolution for three successive weeks in a legal newspaper published in the county and mail a copy of the resolution within 14 days after the third publication to the owner's last known address.

Subd. 4. Reinvestment. If for 60 days after the personal service or publication of the GWC's resolution the owner or person with a legal interest in the cemetery plot fails to state a valid interest in the use of the cemetery plot for burial purposes, the owner's rights are terminated and that part of the cemetery again belongs to the cemetery association.

### **Minnesota Statute 306.29 DISPOSAL OF PLOTS BY OWNERS**

An owner of a cemetery plot may dispose of the plot by a will / trust to a relative who may be a survivor, or to GWC in a trust for the use and benefit of any person or person designated in the will / trust. However, no plot maybe affected by a testamentary devise (gift) unless the plot is specifically mentioned in the will / trust and limited by it to one particular person. An owner of a cemetery plot may, while living, convey the plot to the GWC in trust for the use and benefit of a person named in the will / trust conveyance. The conveyance may contain conditions, provisions, and covenants as the parties agree upon. No interment shall be made in any plot, except by written consent of GWC, of a person who was not at the time of death, the owner of the plot or a relative of the owner by

blood or marriage. Every conveyance or alienation or attempt at conveyance or alienation of any right, title or interest in or to the plot contrary to the conditions and reservations of the section is void. GWC shall keep a record of all deeds, conveyances, judgements, decrees, or other documents affecting the title to plots in the cemetery. Certified copies of any of these documents shall be in received evidence by the courts. GWC, instead of deeding the fee title to the plot, grants only the exclusive right of internment in the plot.

#### **Minnesota Laws Chapter 25 – S.F.No. 171 525.14 DESCENT OF CEMETERY PLOT**

Under current law, effective April 13, 1981, title to a cemetery plot descends free and clear of all debts as follows:

1. To the surviving spouse of the ^original owner, a life estate, with right of internment, the remainder to the person who would be entitled to ownership if there were no spouse, noted as follows.
2. If there is no surviving spouse of the original owner, then to the decedent's eldest surviving child.
3. If there is no surviving child, then to the decedent's youngest surviving sibling.
4. If there is no surviving spouse, child or sibling, and the plot is not accounted for during the administration of the decedent's estate, then title to the plot passes back to GWC. GWC Committee "may", at its discretion, choose to hold the plot in trust as a burial plot for the decedent's relatives as the GWC shall deem proper. Admin. Fee would apply.

The GWC committee, with its consent, any person to whom the lot shall descend may grant and convey the plot to any of the decedent's parents, siblings or descendants.

^ - Original Owner is the one who establishes, through purchase, the first right to the plot(s), which is distinct from those who acquire it later through inheritance.

(NOTE: GWC is a "private" cemetery and therefore has the right to introduce its own version of governing "rules". 4. Above is not applied the same for GWC because GWC is a "private" cemetery and does not allow any sale of plots. Per GWC Policies - No cemetery plot can be resold, except back to the GWC Committee at the *original* purchase price.) (see pg.5, item 3)