

ENROLLED HOUSE  
BILL NO. 3050

By: Jackson, Peterson (Pam) and  
Reynolds of the House

and

Burrage of the Senate

An Act relating to cemeteries; defining terms; amending 8 O.S. 2001, Sections 4, 6 and 10, which relate to cemetery corporations; adding plots to list of land portions to be surveyed; providing for inalienability of individual burial lot when person is interred in lot; adding plots to list of lands used in payments of debts; amending 11 O.S. 2001, Sections 26-103 and 26-104, which relate to conveyance of cemetery lots; defining term; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.1 of Title 8, unless there is created a duplication in numbering, reads as follows:

As used in Sections 1 through 37 of Title 8 of the Oklahoma Statutes:

1. "Lot" means a tract of land or space used to inter one deceased individual; and

2. "Plot" means a tract of land made up of more than one burial lot.

SECTION 2. AMENDATORY 8 O.S. 2001, Section 4, is amended to read as follows:

Section 4. Surveys and Plat. Such corporation shall cause its land, or such portion thereof as may from time to time become necessary for that purpose, to be surveyed into lots, plots, avenues and walks and platted, upon which plat every lot shall be regularly numbered and said plat shall be acknowledged and shall be recorded in the office of the county clerk, but the fee for said recording shall not exceed the actual cost of the work of recording plus Two Dollars (\$2.00).

SECTION 3. AMENDATORY 8 O.S. 2001, Section 6, is amended to read as follows:

Section 6. Whenever an interment is made in any lot ~~transferred to individual owners by the corporation, the same thereby~~ as defined in Section 1 of this act, while any person is buried ~~therein, on that lot, that individual lot~~ becomes forever inalienable, and descends in regular line of succession to the heirs at law of the owner, but any one or more of such heirs may release to any other of said heirs his or ~~their~~ her interests in the same, and any other joint owners may release to each other in like manner.

SECTION 4. AMENDATORY 8 O.S. 2001, Section 10, is amended to read as follows:

Section 10. Debts must be paid. At least fifty percent (50%) of the gross proceeds of sales of blocks, lots, plots, or graves must be applied as often as every six (6) months to the payment of the debts and obligations of such corporation as long as such debts and obligations exist.

SECTION 5. AMENDATORY 11 O.S. 2001, Section 26-103, is amended to read as follows:

Section 26-103. A. As used in this section, "lot" means a tract of land as defined in Section 1 of this act.

B. Lots in a municipal cemetery shall be conveyed by certificate signed by the mayor and countersigned by the clerk, under the seal of the municipality. The certificate shall show the price for which the lots are sold and specify that the person to whom it is issued is the owner of the lot or lots described therein by number, as laid down in the plat, for the purpose of interment. The certificate shall vest in the purchaser and ~~his~~ of the purchaser a right to the lot or lots, for the sole purpose of interment, under the regulations of the governing body or board of

cemetery trustees. The certificate shall be entitled to record in the office of the county clerk of the county in which the lot is situated without further acknowledgment, and the description of lots by number shall be sufficient for the purpose of record. All abandoned lots ~~or spaces of lots~~ shall revert to the municipality.

SECTION 6. AMENDATORY 11 O.S. 2001, Section 26-104, is amended to read as follows:

Section 26-104. A. As used in this section, "lot" means a tract of land as defined in Section 1 of this act.

B. Any burial lot in any cemetery owned by a municipality, or by an association incorporated for cemetery purposes under the laws of Oklahoma, may be conveyed or devised by the owner back to and held by such company, municipality, or association in perpetual trust for the purpose of its preservation as a place of burial. The lot so conveyed shall thereafter remain forever inalienable by act of the parties, but the right to use the same as a place of burial of the dead of the family of the owner and his descendants from generation to generation shall remain, unless the deed of conveyance in trust shall provide that interments in such lot shall be confined to the bodies of specified persons, in which case the lot shall be forever preserved as the burial place of the persons specified in the deed and shall never be used for any other purpose whatever. However, no conveyance in trust shall be made without the consent of the cemetery company or association in whose cemetery the burial lot is located, or of the governing body or board of cemetery trustees of the municipality.

SECTION 7. This act shall become effective November 1, 2008.

Passed the House of Representatives the 6th day of March, 2008.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 14th day of April, 2008.

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Presiding Officer of the Senate