

## **IC 23-10-2**

### **Chapter 2. Land Acquisition and Construction of Buildings for Benevolent Purposes**

#### **IC 23-10-2-1**

##### **Acquisition of land; purposes**

Sec. 1. Any persons, congregation, society, church or any grand or subordinate lodge of Free Masons, or Odd Fellows, or Knights of Pythias, or any grand or subordinate chapter, council or encampment of Free Masons, or Odd fellows, or Knights of Pythias, or any temple or division of the Sons or Daughters of Temperance, and any voluntary association for religious, educational, scientific or benevolent purposes may take by purchase, grant or devise lots or tracts of land not exceeding one hundred sixty (160) acres, upon which to erect buildings for religious worship or for such other purposes as will best attain the objects of said several organizations, and, for that purpose, may elect not less than three (3) nor more than nine (9) trustees, who shall possess the power and perform the duties herein named.

*(Formerly: Acts 1852, IRS, c.101, s.1; Acts 1895, c.10, s.1.)*

#### **IC 23-10-2-2**

##### **Society; definition**

Sec. 2. The word "society" in this chapter shall be deemed to include churches, associations, congregations, grand and subordinate lodges, chapters, councils, encampments, divisions, and all other orders enumerated in section 1 of this chapter.

*(Formerly: Acts 1852, IRS, c.101, s.2; Acts 1895, c.10, s.2.) As amended by P.L.34-1987, SEC.337.*

#### **IC 23-10-2-3**

##### **Election of trustees; notice**

Sec. 3. Notice of the first election of trustees shall be given at least ten (10) days previous thereto by publication in a newspaper of the county, if any be published therein, otherwise by posting such notices in three (3) public places in the township where such election is to take place, one (1) of which notices shall be posted at the place where the proposed election is to be held. Such notice shall state the time, place and object of such election; and the same shall be held at the usual place of worship or meeting of such society, if any there be: Provided, That at any subsequent election of such trustees, no such notice shall be necessary where such lodge or society shall, in its rules, by-laws or constitution, provide and fix the time and place for the election of its trustees.

*(Formerly: Acts 1852, IRS, c.101, s.3; Acts 1895, c.10, s.3.)*

#### **IC 23-10-2-4**

##### **Election certificate; recording; duties of clerk**

Sec. 4. Such society, at the first and every subsequent election, shall appoint a clerk thereof, who shall take, count and make a

poll-list of the votes given for trustees; and, within ten (10) days thereafter, shall deposit in the recorder's office of the county where the real estate granted is situate, a certificate setting forth the notice of such election, the time and place where the same was held, the name of the society and persons elected as trustees thereof; and the recorder of such county shall record the same among the records of deeds in his office.

*(Formerly: Acts 1852, IRS, c.101, s.4.)*

#### **IC 23-10-2-5**

##### **Certificate; conclusive and presumptive evidence**

Sec. 5. As between such society, the trustees thereof, and all other persons claiming under them, and any person granting real estate thereto, and all persons claiming under him, such certificate shall be conclusive evidence of the matters and things therein recited; and as between such society, the trustees thereof, and all persons claiming under them, and all other persons, it shall be presumptive evidence of such matters.

*(Formerly: Acts 1852, IRS, c.101, s.5.)*

#### **IC 23-10-2-6**

##### **Succession of trustees**

Sec. 6. Such trustees shall severally hold their offices until their successors are duly chosen according to the rules of such society; and any society, by a majority vote, at a meeting of one-third (1/3) of the resident members thereof notice being given as aforesaid, may remove such trustees, and elect others in their stead.

*(Formerly: Acts 1852, IRS, c.101, s.6.)*

#### **IC 23-10-2-7**

##### **By-laws**

Sec. 7. Such society, or the trustees thereof, when organized for that purpose, may establish all necessary by-laws to carry out the objects of its organization.

*(Formerly: Acts 1852, IRS, c.101, s.7.)*

#### **IC 23-10-2-8**

##### **Selection of appointment of trustees according to custom**

Sec. 8. Any society may select or appoint trustees according to its common usage or custom, if they desire it; but a certificate of such selection or appointment, and the record of the same, as in case of their election, shall not be dispensed with.

*(Formerly: Acts 1852, IRS, c.101, s.8.)*

#### **IC 23-10-2-9**

##### **Powers of trustees**

Sec. 9. Such trustees shall be deemed a body politic and corporate, under such name and style as the society may elect; and, by that name, shall have power to contract, sue, be contracted with and sued with like effect as other persons or corporations.

*(Formerly: Acts 1852, IRS, c.101, s.9.)*

#### **IC 23-10-2-10**

##### **Change of corporate name**

Sec. 10. Such society may, at any meeting, by giving ten (10) days' notice of the time and purpose thereof, change their corporate name; but the name chosen by such society shall not be assumed until a record has first been made of the fact in the recorder's office of the proper county. Such change shall not affect the rights or liabilities of the society or of other persons or parties.

*(Formerly: Acts 1852, IRS, c.101, s.10.)*

#### **IC 23-10-2-11**

##### **Receiving and holding conveyances of land**

Sec. 11. The trustees chosen as herein provided, after record of their election or appointment is made in the recorder's office of the proper county, shall have power and authority, as such trustees, to receive conveyances of lands, whether the same be by purchase, gift or otherwise, and to hold the same to their successors, as such trustees, in perpetuity, for the sole and exclusive benefit of such society and for the uses declared in such conveyance or grant.

*(Formerly: Acts 1852, IRS, c.101, s.11.)*

#### **IC 23-10-2-12**

##### **Acquiring and possessing of personal property**

Sec. 12. Such trustees and their successors in office may also acquire and possess personal property for the use of any such society, and may appropriate the same, and the income or interest thereof, and all other funds and incomes in their hands as such trustees, for the purposes designated by such society, not inconsistent with the trust.

*(Formerly: Acts 1852, IRS, c.101, s.12; Acts 1925, c.68, s.1.)*

#### **IC 23-10-2-13**

##### **Sale or other disposition of corporate property**

Sec. 13. Such trustees, to more effectually carry out the objects of their trust, may sell, loan or otherwise dispose of their corporate property; and any conveyance thereof by such trustees, or a majority of them, in behalf of such society, shall vest in the purchaser of the same, all the right, title and interest thereto; but the provisions of this section shall not be construed to affect any gift, bequest or devise to such society, or to trustees for its use, nor to defeat the intentions of the grantor, donor or testator.

*(Formerly: Acts 1852, IRS, c.101, s.13.)*

#### **IC 23-10-2-14**

##### **Revival of dissolved corporation**

Sec. 14. When any society within the meaning of this chapter shall have been dissolved from any cause, a majority of the persons interested therein may revive the same, within five (5) years after such dissolution, by electing a new board of trustees, and making

record of such election in the recorder's office of the proper county, as provided in this chapter. And whenever, from any cause, any church or religious society holding and possessing property within the meaning of this chapter shall have been dissolved, the annual or quarterly conference, or other ecclesiastical body to which such church or religious society is directly subordinate, shall have power to appoint trustees, in accordance with the customs and usages of said church, to take charge and control of the property of said church or society until it shall be revived as contemplated by this chapter. *(Formerly: Acts 1852, IRS, c.101, s.14; Acts 1855, c.107, s.1.) As amended by P.L.34-1987, SEC.338.*

#### **IC 23-10-2-15**

##### **Applicability of chapter to prior acquisitions**

Sec. 15. The provisions of this chapter shall extend to every society, educational or religious, which, previous to May 6, 1853, had acquired land for the purpose of erecting a house of worship, or other appropriate building, not exceeding five (5) acres, upon condition that the consent of two-thirds (2/3) of the persons interested in the land is first obtained, the trustees are elected and certified, and other proceedings had as directed in this chapter for the election of trustees. *(Formerly: Acts 1852, IRS, c.101, s.15.) As amended by P.L.34-1987, SEC.339; P.L.1-1991, SEC.161.*

#### **IC 23-10-2-16**

##### **Performance of trustees' duties by officers**

Sec. 16. The officers of any society, by whatever name such officers may be designated, elected in the manner prescribed by this chapter, or according to the rules of any such church, society, or order, may, whenever the laws or usages of the same require it, perform the duties of trustees, and, in their proper name and title, shall possess all the powers and be subject to the same liabilities as trustees; and the certificate of the election of such officers shall be recorded in the recorder's office of the proper county as in the case of trustees. *(Formerly: Acts 1852, IRS, c.101, s.16.) As amended by P.L.34-1987, SEC.340.*

#### **IC 23-10-2-17**

##### **Applicability of chapter to cemetery associations**

Sec. 17. All the provisions of this chapter are hereby extended, so far as the same may be applicable, to any individuals who may unite themselves together for the purpose of receiving donations of lands or purchasing the same for cemeteries. *(Formerly: Acts 1852, IRS, c.101, s.17.) As amended by P.L.34-1987, SEC.341.*

#### **IC 23-10-2-18**

##### **Donations and purchases; rights and privileges**

Sec. 18. When such donations or purchases shall be made to or by

any such individuals, and a certificate thereof or conveyance therefor, together with the articles of association by which such individuals have become united for such purpose, shall be filed in the office of the recorder of the proper county, and by him recorded, such individuals shall enjoy all the privileges necessary for the preservation and protection of such cemetery, in the same manner as if such individuals were regularly incorporated by law, and such cemetery shall forever remain a burial place for the dead.

*(Formerly: Acts 1852, IRS, c.101, s.18.)*

#### **IC 23-10-2-19**

##### **Conveyance for cemetery purposes; holding in trust**

Sec. 19. Lands conveyed to the board of county commissioners, by deed duly recorded, for the purpose of a public or private cemetery, shall be held by such board forever in trust for such purpose.

*(Formerly: Acts 1852, IRS, c.101, s.19.)*

#### **IC 23-10-2-20**

##### **Designated burial lots**

Sec. 20. In all cases where the donors or donees of any public burying ground shall lay the same off into lots, plainly designated by corner stones or posts, and record a plat thereof in the recorder's office, then persons interring in said burying place shall bury within the lots so designated, and not out of them.

*(Formerly: Acts 1852, IRS, c.101, s.20.)*

#### **IC 23-10-2-21**

##### **Donor of private burying ground; exclusive right of admitting**

Sec. 21. The donor of a private burying ground, his heirs and assigns forever, shall have the exclusive right of admitting corpses for interment, and shall direct where the same shall be buried; and may grant any right of burial in such ground as shall not interfere with the graves already there or the rights of persons who have buried their dead in such ground.

*(Formerly: Acts 1852, IRS, c.101, s.21.)*

#### **IC 23-10-2-22**

##### **Subsequent disposition by donor; applicability of chapter**

Sec. 22. No burying ground specified in this chapter shall pass or be held contrary to the intent or meaning of this chapter by virtue of any subsequent devise, purchase, descent, or conveyance of the donor.

*(Formerly: Acts 1852, IRS, c.101, s.22.) As amended by P.L.34-1987, SEC.342.*