

**381.715 Burial rights in cemetery lots -- Abandonment -- Resale by cemetery.**

- (1) As used in this section, "cemetery lot" is a lot containing one (1) or more grave spaces and located within a cemetery registered pursuant to KRS 367.946 in a county containing an urban-county government or in a city.
- (2) An officer of the cemetery may cause to be filed, on behalf of the cemetery, an action in the Circuit Court of the county where the cemetery is located requesting that the burial rights in the unused portion of the lots in question be deemed abandoned and that the cemetery be authorized to sell the rights upon entry of the court's judgment. The defendants in the action shall be the unknown heirs of the original owner of the burial rights in the lots in question.
- (3) The petition shall include the following:
  - (a) The name of the original owner of the burial rights in the lots in question.
  - (b) The name of all persons buried in the lots and the date of burial, if known.
  - (c) The name, address, and telephone number of the cemetery office.
  - (d) An affidavit by the petitioner that:
    1. No person has been buried in the cemetery lots in question for a period of at least one hundred (100) years; and
    2. The identity of any owner of the burial rights in the lot in question or any heir of the owner is unknown to any officer or employee of the cemetery and not discoverable after a good faith attempt by an officer or employee to identify the owner or heir.
- (4) Service of process shall be by warning order attorney, appointed by the court pursuant to CR 4.07.
- (5) If the court finds the allegations set forth in paragraph (d) of subsection (3) of this section to be true, the court shall enter judgment deeming the burial rights in the lots in question abandoned and authorizing the cemetery to sell the rights.
- (6) No judgment shall be entered declaring burial rights abandoned if an owner or heir of a cemetery lot has filed with the cemetery a statement in writing directing that certain grave spaces not be used.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 70, sec. 1, effective July 15, 1994. -- Created 1984 Ky. Acts ch. 267, sec. 1, effective July 13, 1984.