

ARTICLE 170

BURIAL RIGHTS SUCCESSOR POLICY

ORANGE COUNTY CEMETERY DISTRICT

25751 Trabuco Road, Lake Forest, CA 92630 BOARD APPROVED

CALIFORNIA CODE STANDARD:

California Health & Safety Code § 9069.20(c): The owner of an interment right shall, at the time of purchase, designate a successor owner or owners of the interment right in a signed written designation deposited with the district.

Whenever there is a reference to "owner" either in the statutes, District policies or contracts, the individual referenced is not an owner of any real property right. Rather, the "owner" is only the holder of the right to be interred in the designated plot. No other rights are included in the concept of "owner." Owner is used here because the California Statutes use the term owner as opposed to holder. However, they are the same.

DISTRICT POLICY:

The Orange County Cemetery District (the "**District**") through its Board of Trustees (the "**Board**") hereby declare that ~~the no~~ purchase of an interment right ~~shall be completed or valid until the purchaser has complied with the above code reference and identified must designate~~ one sole successor in interest. At any time when an ~~interment right owner plot~~ does not ~~otherwise affirmatively have designated~~ an assigned successor, ~~on file the owner shall be deemed to have elected that the~~ District ~~shall~~ be assigned as the sole successor. This Policy shall be applied in the following manner.

Does the purchaser truly have to assign someone as their successor?

Yes, the code reference is clear. The use of the verb "shall" does not make this optional; "shall" means must. The purchaser must make the decision at the time of purchase. If the individual does not know who to list, they may choose the District as the successor. At a future time, when they have made their decision, they may return and alter their designation.

Can a purchaser assign multiple successors as the holder of the interment right?

No. Pursuant to California Health & Safety Code § 9069.20(d), the Board declares that it is the policy in the interests of the District that, the successor shall be limited to either (i) ONE individual, or (ii) the District itself. ~~The code reference may be applied more strictly at the sole discretion of the Board.~~ The Board, in the interests of efficiency, is limiting the successor to one individual to limit conflicts and to empower ensure that the families owners ~~to~~ make burial decisions instead of staff.

Can the successor be a nonresident? If so, do they have to be an eligible nonresident?

Yes to the first and no to the second with limitations. First, the District allows for interment rights to be purchased by nonresidents if they are eligible. Thus, an eligible nonresident is a valid individual to be listed as the successor. Second, if the individual is not an eligible nonresident but is a nonresident, they may still be listed as the successor but they would not be allowed to be interred in the cemetery, unless their eligibility status changes. A non-eligible nonresident (or just a nonresident) may still be listed as the successor because they still may be assigned as the

responsible party to oversee the plot. This could be an entity such as a trust or law firm or corporation. This could also be a person ~~that~~who would oversee who is buried there, often the case in situations of large families with limited space or with families with conflicting opinions on how the plot should be used. Thus, as long asif the successor listed is not an eligible nonresident, they may still be listed but will not inherit or hold any right to be interred; they shall just hold the rights to control the plot.

What if the purchaser lists someone and initials the alternative selection?

As stated on the form, if by mistake the purchaser lists an individual as the successor and signs that the District shall be the successor, the individual listed shall be deemed the sole successor to the interment right and not the District.

What if the purchaser does not list anyone as the successor and does not initial the alternate option?

If the purchaser does not list any individual as their successor and fails to initial the alternative option for the District, then the Board declares that the District shall be the ~~assumed~~ sole successor of the plot and interment interest.

With this form in place, is there any way for the interment right to pass through probate?

No, because the form specifically outlines, and the Board declares it official policy of the District, that the District becomes the successor upon failure to properly designate a successor assign an individual as required by section 9069.20(c) ~~the code referenced~~, the interment right shall be inherited outside of probate. The interest shall pass to either thean individual listed or the District. As these are the only two options, the interest will always be assigned and shall avoid probate.

What if at the time of death of the purchaser, the successor isn't living or does not exist?

If the listed successor passes prior to the purchaser, the purchaser, during their life, may reassign the right to someone else. However, if this does not occur, or if the designated successor person listed isn't a real person, the assignment is not valid. When the assignment is not valid, the affidavit is treated as if the purchaser failed to make a designation and the District assumes the role of the successor.

What happens if the successor properly inherits the plot and interment right after the passing of the purchaser but then passes themselves without identifying a new successor?

When the successor in interest passes after properly inheriting the interment right, the only way for the right to pass is either to a designated individual or the District. If the successor has not assigned a new successor then the District becomes the default successor.

Can the successor identified by the purchaser be under 18?

Yes, though this may not be common, there are no limitations on the individual's age or other characteristics. The purchaser may designate a minor as the successor to the interment rights.

[Reference: Resolution No. 2026-](#)

Burial Rights Successor Affidavit

This Form is Required to be Completed at the Time of Purchase or at Time of Inheritance,

Health & Safety Code § 9069.20: The holder of an interment right shall, at the time of purchase, designate a successor holder of the interment right in a signed written designation deposited with the district. An interment right shall not be construed as conferring title to the property burdened by the transferable property interest. Please see District Policy for more information.

HOLDER OF INTERMENT RIGHT (Contract#: _____)

Purchaser: _____

Last Name First Name Middle Name

Address: _____

Street City State Zip Code

Plot: _____

Section Block Lot Grave

Date of Purchase: _____

FORM DIRECTIONS

You are required by law and District Policy to designate an individual you would like to be the owner of your plot upon your passing, even if the purchase is for a single plot. Pursuant to District Policy, you may only designate a single person as your successor. This individual will have the right to control who is interred in the plot and also have the right to be interred in the plot and shall be responsible for the headstone/marker placed on the plot. Upon the death of the named successor below, the interment right shall revert back to the District automatically, unless a new successor has been assigned per District policies.

Please list as much information as possible about the individual you assign as your successor.

INFO	SUCCESSOR OWNER
NAME:	
ADDRESS:	
PHONE:	
EMAIL:	
RELATION:	

Is this individual a resident of the District? *Y/N* _____ Or is this individual an Eligible Nonresident? *Y/N* _____

Alternative: If you do not have a preferred successor, you may instead return the responsibility of the plot back to the District for continued care and oversight. Only choose this option if you believe that no one else would be interested in the use of your plot. If an individual is listed and the purchaser initials below, only the individual listed above will be deemed the successor of the interment right. Assignment of the District as your successor does not allow, grant, or qualify your family or relatives any rights to a refund for any monies paid for the interment right. If at any point there is no valid successor, the District is assumed to be the successor in interest of the plot. Thus, under no conditions shall this interest be inherited via probate.

IF NO INDIVIDUAL IS LISTED AND THE PURCHASER DOES NOT INITIAL BELOW OR IF THE INDIVIDUAL SUCCESSOR LISTED HAS PASSED, THE DISTRICT SHALL BE DEEMED TO BE THE SOLE SUCCESSOR OF THE PLOT.

I designate the District as my successor to all rights of the above listed plot. INITIAL: _____

ACKNOWLEDGMENT

By signing below, I declare under penalty of perjury, that the information provided is true and correct and that the above individual or the District shall be the successor holder of the interment rights listed above upon my passing. Further, I am declaring that the interment right shall not pass through probate, will, testament, or other devise. The above designation may only be altered via the completion of another form signed, dated, and filed with the District prior to my death. The original of this form shall be kept by the District and a copy sent to the above listed individual.

This form is required to be notarized if it is not signed in front of a District representative.

Holder Sign: _____ Date: _____

District Rep Sign: _____

Rep Name: _____