

CHAPTER 25 — S.F.No. 171

*An act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 525.14, is amended to read:

**525.14 DESCENT OF CEMETERY LOT.**

Subject to the right of interment of the decedent therein, a cemetery lot or burial plot, unless disposed of as provided in section 306.29, shall descend free of all debts as follows:

(1) To ~~his~~ the decedent's surviving spouse, a life estate with right of interment of ~~such~~ the spouse therein, and remainder over to the person who would be entitled to the fee if there were no spouse, provided, however, if no person ~~so~~ entitled to the remainder of the fee survives, then the entire fee to the surviving spouse with right of interment therein;

(2) If there ~~be~~ is no surviving spouse, then to ~~his~~ the decedent's eldest surviving ~~son~~ child;

~~(3) If there be no surviving son, then to his eldest surviving daughter;~~

(4) ~~(3)~~ If there ~~be~~ is no surviving ~~daughter~~ child, then to ~~his~~ the decedent's youngest surviving ~~brother~~ sibling;

~~(5) If there be no surviving brother, then to his youngest surviving sister;~~

~~(6)~~ ~~(4)~~ If there ~~be~~ is no surviving spouse, ~~son, daughter, brother, nor sister~~ child or sibling of the decedent, then, if not sold during administration of decedent's estate, to the cemetery association or private cemetery in trust as a burial lot for the decedent and such of ~~his~~ the decedent's relatives as the governing body thereof shall deem proper.

~~Such~~ The cemetery association or private cemetery, or, with its consent, any person to whom ~~such~~ the lot shall ~~so~~ descend may grant and convey the ~~same~~ lot to any of the decedent's parents, ~~brothers, sisters,~~ siblings or descendants.

A crypt or group of crypts or burial vaults owned by one person in a public or community mausoleum shall be deemed a cemetery lot.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Grave markers, monuments, memorials, and all structures lawfully installed or erected on any cemetery lot or burial plot shall be deemed to be a part of and shall descend with ~~such~~ the lot or plot.

Sec. 2. **EFFECTIVE DATE.**

This act is effective for estates of decedents dying after the date of final enactment.

Approved April 13, 1981

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**CHAPTER 26 — S.F.No. 153**

*An act relating to cemeteries; granting towns certain powers over town cemeteries; regulating town cemeteries; providing that no occupant of cemetery land shall acquire any title to the land by reason of occupancy; amending Minnesota Statutes 1980, Sections 365.26; 365.27; and 541.01.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 365.26, is amended to read:

**365.26 CEMETERIES.**

When authorized by a vote of its electors any town may acquire by purchase, gift or condemnation land or additional lands within its limits to be used as a cemetery ~~for the burial of its dead.~~ The town board may expend town funds for the care, maintenance and operation of its cemetery. The town board may determine those eligible for burial in the cemetery and establish other policies for the cemetery. The town board shall have control and management of every such cemetery, and may lay the same out into lots, streets, and walks, and cause plats and maps thereof to be made and filed in the office of the town clerk. If any such cemetery becomes separated from the town by being included in a statutory city thereafter organized from its territory, it may be sold and conveyed by the town board to such statutory city. When authorized by a vote of its electors at a town meeting the town may sell or lease any part of such cemetery to a charitable, religious, or cemetery corporation upon the terms and conditions expressed in such authorization, but the part so sold or leased shall continue to be used for ~~the burial of the dead of the town purposes.~~ Upon receipt of a resolution of the town board requesting financial aid for maintenance of a town cemetery, the statutory city council of any statutory city located within the boundaries of such town may, in its discretion, appropriate from moneys not required for other purposes and pay to the town for maintenance of such town cemetery a sum not to exceed \$500 per

Changes or additions are indicated by underline, deletions by ~~strikeout~~.