

## **12.44.040 Purchases.**

**A. Fees.** The Missoula City Cemetery shall have available in the cemetery office a listing of all fees regarding the sales of interment or memorial locations, required liners or vaults, required services, and additional accessories or services available for purchase. A second interment fee must be assessed for a second interment to go into a grave. All fees must be fully paid in advance of use, delivery of good, or initiation of services.

**B. Payment.** The Missoula City Cemetery shall follow procedures of receipting and handling of funds as prescribed by the Missoula City Finance Department.

**C. Pre-need.** The Missoula City Cemetery may accept payment for future use items and services as provided in this chapter and as authorized by the Missoula City Finance Department.

**D. Donations.** The Missoula City Cemetery may donate grave(s) including all interment fees for infants only. (See Section 12.44.200)

**E. Re-Sale / Re-Purchase.** Only the Missoula City Cemetery may re-purchase any unused grave, mausoleum, or cremation location that the original owner wishes to sell. Third party sales are prohibited. The Missoula City Cemetery shall repurchase the unused location for the original purchase price. No other re-sale or grave assignments are allowed unless specifically provided for in this chapter. For re-purchase, the Missoula City Cemetery shall require the following information be presented as evidence of ownership to the Missoula City Cemetery:

### **1. Original Ownership / Assignment Documents.**

The original document of ownership or title evidencing

the ownership of the said location issued at the time of sale must accompany the written, notarized request for the following to use a Missoula City Cemetery grave:

- a. Written grave assignment(s) which are required to be on file at the Missoula City Cemetery office.
- b. Original “right to inter” document from the original purchaser of the grave(s) noting grave location.
- c. Heirs must have legal grave assignment documents showing that heirs have a legal right to the “right to inter” in the grave(s).

**2. Will / estate.** Heirs must be identified recipients called out in a will or estate by legal documents in writing that state the grave assignment(s) to heirs including the following legal documentation:

- a. Original “right to inter” document and/or a conveyance of assignment.
- b. Grave location.
- c. Legal document showing grave assignment(s) in the will or estate for heirs to use.
- d. If there are no legal documents showing grave assignments, the grave(s) must remain unused indefinitely.

**F. Reclamation.** Ownership of grave site lots purchased but not used automatically revert to the Missoula City Cemetery 80 years after the later of:

1. The last interment date that is part of a group purchase of lots; or
2. The last grave assignment of ownership of a grave site for which the Missoula City Cemetery has been notified in writing of the assignment.

**G. Veterans.** Veterans and their spouses are allowed to purchase up to two graves at a reduced fee for use only by the veteran and/or spouse purchasing the grave for grave sites in the following areas:

**1. Veterans Section.** Veteran and spouse only allowed in this section. Veteran and spouse are required to have matching military flush markers. Upright monuments are prohibited.

**2. Designated Open Section.** Gravesites are allowed in any designated, plotted, and opened area of the Missoula City Cemetery. Monuments must follow the requirements in Section 12.44.170 of this Municipal Code.

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §4, 1994; Ord. 2866 §4, 1993).

#### **12.44.050      Conveyance of Assignment.**

**A. Purchase.** Upon payment in full for a grave, niche, mausoleum, memorial or cremation location, the Missoula City Cemetery shall prepare a conveyance of title (a deed or right to inter certificate) in the name specified by the purchaser. The name on the document of title signifies the legal owner of the grave, niche, mausoleum, memorial or cremation location. This document of title must be attested to and signed by the Mayor and the Missoula City Clerk for the City of Missoula. The owner shall receive the original, attested, and signed document of title

within 30 days of purchase. It is the sole responsibility of the purchaser to file the document of title with the Missoula County Clerk and Recorder. The original document of title and written authorization from the legal owner is required for assignment, re-sale, (See Section 12.44.040 E), or conveyance of a grave, niche, mausoleum, memorial or cremation location. Without written authorization from the legal owner or designated representative with original right to interment documents, grave assignment documents, or interment by the legal owner, the location remains unused.

## **B. Ownership Conveyance Assignment Change.**

**1. Death of Legal Owner.** Upon the death of the legal owner of a Missoula City Cemetery grave, niche, mausoleum, memorial or cremation location, if not used by the legal owner, may be assigned only as provided in this chapter or to any legal heirs at law.

**2. Conveyance of Assignment.** Any legal owner, personal representative, or authorized heir(s) of a Missoula City Cemetery grave, mausoleum, or cremation location may, in writing, assign the location to another person or persons for their use. The legal owner, personal representative, or authorized heir(s) must present a copy of the original conveyance of title and assignment to the Missoula City Cemetery. An assignment does not change the original conveyance of title. The following legal documentation is required to use a Missoula City Cemetery interment location:

- a.** Written assignment(s).
- b.** Original “right to inter” document from the original purchaser of the interment location noting the location.

**c.** Heirs must have documentation that demonstrates they were assigned the legal right to use the grave, mausoleum, or cremation location.

**3. Will / estate:** Heirs must be identified recipient(s) in a written legal document that provides for the interment location assignments. If there are no written legal documents that provide for assignment(s), the interment location may remain unused. Written legal documents acceptable to the Missoula City Cemetery include:

**a.** Written assignment(s);

**b.** Original “right to inter” document and/or a conveyance of assignment;

**c.** Interment location;

**d.** Legal documents such as a will, a legal trust, or an order from a court of competent jurisdiction; or

**e.** Any other documentation deemed legally acceptable to the Missoula City Cemetery.

**4. Funeral Home Authorization.** Alternatively, a request to use a specific grave, mausoleum, or cremation location made pursuant to written instructions from the funeral home personnel who direct a specific interment must be honored if the funeral home personnel indicate that permission from the heir(s) or legal owner of the location have authorized interment arrangements with the grave assignment documents and the funeral home personnel are satisfied the authorization is valid and documented.

(Ord. 3681, 2021; Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §5, 1994; Ord. 2866 §5, 1993).