



## Lakefield Cemetery & Crematorium Inc.

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### ENDORSEMENT OF SALE OR TRANSFER

The Interment Rights for a lot, grave or niche give the Rights Holder(s) the right to determine who can be interred and erect or inscribe memorials. If there are more than one Rights Holder all parties must give their consent before any interments take place or a memorial is erected, except where one of the current Rights Holders is being interred.

The Interment Rights Holder(s) of record is the person(s) registered with the Lakefield Cemetery Office, that is named on the official Interment Rights Certificate. Typically this person is the person who originally purchased the Interment Rights. This becomes an issue when the Interment Rights Holder is deceased and other family members wish to use the lot, grave or niche.

#### **What happens when the Interment Rights Holder(s) is already deceased?**

When the Interment Rights Holder(s) dies, the Interment Rights are considered an asset of the estate and as such are distributed to the beneficiaries of the deceased's estate. The Interment Rights must be confirmed and registered in the new owner's name for the transfer to be completed. Interment Rights are not automatically transferred to the beneficiary, whether that is a spouse or children, etc. The Interment Rights to a grave, lot or niche cannot be transferred until the appropriate forms and paperwork are filed with the Cemetery Office.

#### **Who is entitled to Interment Rights?**

If the Interment Rights Holder(s) left a will, and it did not specifically bequeath the Interment Rights to a specific person(s), then the main beneficiary of the deceased's estate is entitled to the Interment Rights. If the estate is divided equally between a number of beneficiaries, they are all entitled to a share in the Interment Rights. If the Interment Rights Holder(s) did not leave a will, or died intestate, then the person entitled to the Interment Rights are the direct next of kin following the order of succession, in accordance with the *Succession Law Reform Act, 1990*.

#### **How to transfer or confirm Interment Rights?**

Any original documents confirming or supporting family ownership of a grave, lot or niche or other satisfactory evidence of ownership will be required. In addition to those documents supporting documents like a will or estate trustee appointment may be required by the Cemetery when requesting transfer of Interment Rights. In the event of a family dispute regarding entitlement or rights, a legal opinion should be sought from an Estate lawyer.

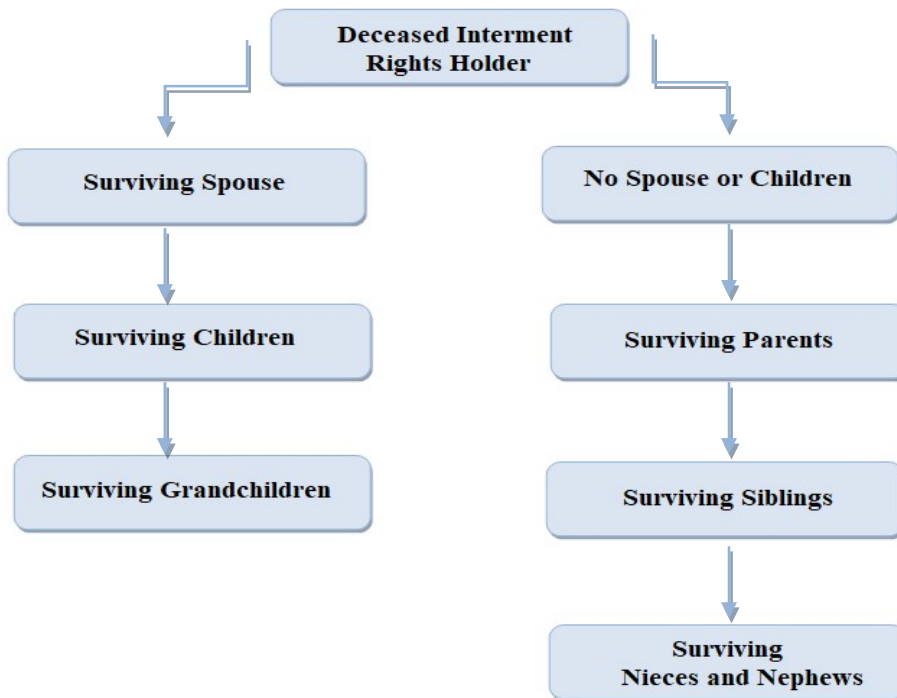
If you are the registered Interment Rights Holder and would like another person to also be an owner, you can assign the Rights making you joint owners with the following benefits:

- When one Interment Rights Holder dies, the remaining living Interment Rights Holder becomes the sole owner of the Interment Rights through right of survivorship and no further legal transfer is required

- It ensures that there is a living Interment Rights Holder to take care of any future interments or memorialization
- Where there is a ‘family plot’ with sufficient space, it provides continuity through the generations

Upon the death of a sole Interment Rights Holder, the Executor or family is encouraged to transfer the rights of remaining graves to a living Interment Rights Holder, especially if the family is considering using the graves for future interments or memorialization.

### Flow Chart for Intestate Succession



This form is to be used by either the current living Interment Rights Holder(s) registered at Lakefield Cemetery or after their death, by their legal heir(s) or authorized representative(s). This form transfers the Interment Rights from the Interment Rights Holder of record with the Cemetery to the person named on this document. The executor can complete this document on behalf of the deceased for a period of 3 years from the date of death of the Interment Rights Holder(s). After the 3 year period all surviving children and or grandchildren, following the *Succession Law Reform Act, 1990*, will be required.

This document once filed with the cemetery will allow the new Interment Rights Holder(s) to direct future interments and memorialization on the grave, lot or niche. The fee to transfer the Interment Rights can be found in the Cemetery Price List.

The Cemetery will require a copy of valid government issued photo ID to be filed at the Cemetery Office with this form for any person providing written authorization who does not sign the document in person at the Cemetery Office. This document and any required photo ID can be delivered to the office in person, by mail, fax or email.

Transferring or Assigning of Interment Rights will be conducted in accordance with the *Funeral, Burial and Cremation Services Act, 2002* and *Ontario Regulation 30/11 s. 161 (1)* and all amendments thereto, and subject to the By-laws of Lakefield Cemetery & Crematorium Inc.

The current Interment Rights Holder(s) must give notice (as provided below) and relinquish the original Interment Rights Certificate to the Cemetery.

In the case of transfer through succession the following documents may be required:

- A Last Will and Testament
- Or, if no specific bequest, a request in writing with a consent of all surviving relatives as determined by Intestate succession

***Change of ownership must be registered with the Cemetery office to ensure the correctness of the records. A new Interment Rights Certificate will be issued upon delivery of the completed forms and payment of the Transfer Fee plus any arrears associated with the Interment Rights.***

Current Interment Rights Holder(s)			
Name			
Address			
Phone		Email	
Grave Location			

I/We, do hereby authorize Lakefield Cemetery & Crematorium Inc. to transfer the Interment Rights belonging to \_\_\_\_\_ as permitted by the Lakefield Cemetery By-laws to:

New Interment Rights Holder(s)			
1. Name			
Address			
Phone		Email	
Grave Location			
2. Name			
Address			
Phone		Email	
Grave Location			

**Cemetery By-laws**

Please refer to the By-laws of the Lakefield Cemetery for regulations that exist for this grave or lot. Cemetery By-laws may restrict the number of interments allowable per grave or lot as well as restrict the type and number of memorials allowed. A copy of the current By-laws is available without charge from the Cemetery Office.

**I hereby certify, I am the Authorized Interment Rights Holder(s) or the Authorized Representative of the herein named deceased, having full legal authority to authorize the transfer or resale of these rights in accordance with the cemetery records. I have read and understood the foregoing information, and certify that it is true and correct to the best of my knowledge and belief. I agree to indemnify and hold harmless**

**Lakefield Cemetery & Crematorium Inc. against any loss or liability which may result from their reliance upon this authorization.**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Interment Rights Holder(s): \_\_\_\_\_  
(i.e. spouse, child, grandchild, executor, etc.)

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Interment Rights Holder(s): \_\_\_\_\_  
(i.e. spouse, child, grandchild, executor, etc.)

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Interment Rights Holder(s): \_\_\_\_\_  
(i.e. spouse, child, grandchild, executor, etc.)

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Interment Rights Holder(s): \_\_\_\_\_  
(i.e. spouse, child, grandchild, executor, etc.)

**For Office Use Only**

- Paperwork Complete
- Payment Received
- Transfer Authorized

For Lakefield Cemetery: \_\_\_\_\_

Date: \_\_\_\_\_