

## Buyer Expectations for the Discontinued Hyattstown United Methodist Cemetery

- 1) There are two delineated cemetery spaces.
  - a. The first is to the rear of the church, and is very old. It is not active in any way and has no burial records.
  - b. The second space is the former Hyattstown UMC Cemetery. It is a rectangle fronting to Route 355 and siding to the church. This second space may host future burials and has a map of the grave plots.
- 2) The entity that governed the Hyattstown Cemetery no longer exists.
- 3) The cemetery is effectively closed to new burials, with the exception of any remaining burial plot holders who wish to be buried in a designated family plot where there is space to do so. See attached plot map.
- 4) It is possible that there is remaining space on the property should the buyer wish to offer burials to its congregation. The buyer must perform its own due diligence to determine if burials outside the existing scope can be undertaken.
- 5) The buyer has no cost or responsibility regarding family members who wish to bury their loved ones beyond the following:
  - a. Buyer receives notice from a funeral home that a burial is desired.
  - b. Buyer shares the plot map with the funeral home to allow them to identify the burial site.
  - c. Buyer allows the funeral home to engage a grave digger, inter the body/cremains, erect a headstone, and hold an interment ceremony at the site (the time/date of which will all be approved by the buyer).
  - d. All costs are handled by funeral home and family of the deceased.
- 6) The buyer is responsible for lawncare of the cemetery.
- 7) Currently, the lawncare provider is Chris Nichols Landscaping (CNL) (phone: 240.372.3892). CNL has been mowing, pruning, mulching, and weeding around the church and rear cemetery. CNL has not been mowing the side cemetery; the work has until now been performed by church members. The annual cost for CNL's work is roughly \$4000. CNL is willing to provide an estimate to care for the entire property.
- 8) The buyer's obligations regarding the endowment fall to lawncare/weeding only.
- 9) The endowment is \$100,0000. A copy can be provided upon request.

See the following pages to read excerpted information from the State of Maryland's webpages regarding "General Frequently Asked Questions (FAQs) -- Cemetery Oversight."

## RELIGIOUS AND NONPROFIT CEMETERIES

### **1. Are nonprofit cemeteries regulated by the Office of Cemetery Oversight?**

Most nonprofit cemeteries are regulated by the Office of Cemetery Oversight. The exceptions to regulation by the office are bona fide religious, nonprofit cemeteries.

### **2. Are church cemeteries regulated by the Office of Cemetery Oversight?**

Bona fide religious, nonprofit cemeteries are exempt from the registration and permit requirements of Title 5, Business Regulation Article, Annotated Code of Maryland. However, all exempt cemeteries (except those in which no burials have taken place within the previous five years) are required to file with the Office of Cemetery Oversight, once every two years, a statement that includes:

- a. The name and address of the cemetery;
- b. The name and address of the organization that owns and operates the cemetery; and
- c. The name and address of the individual responsible for oversight of the cemetery.

### **3. Does the director of the Office of Cemetery Oversight have any authority in regard to complaints against exempt cemeteries such as bona fide religious, nonprofit cemeteries?**

Yes, the director may receive and attempt to negotiate a settlement to resolve complaints concerning exempt cemeteries in connection with the operation of a cemetery or the sale of pre-need goods.

### **4. If I want to be buried in a religious cemetery, but I am not of that faith, can I be denied my burial rights in that cemetery?**

A bona fide, religious cemetery may restrict purchase of rights of interment to members of the religious faith that owns the cemetery or the particular section in a cemetery where diverse religions or nationalities are permitted.

## ABANDONED, PRIVATE, AND FAMILY CEMETERIES

### **1. Who may request access to a burial site on private property for purposes of restoring, maintaining, or viewing the burial site?**

A person who is related by blood or marriage or who has a cultural affiliation with a person interred in a burial site may request that the owner of the burial site or of the land encompassing a burial site grant reasonable access to the burial site for purposes of restoring, maintaining, or viewing the burial site.

### **2. Does the owner of a burial site or land encompassing a burial site who permits a person access for purposes of restoring, maintaining, or viewing the burial site have any liability to the person for injury to the person or the person's property?**

Except for willful or malicious acts or omissions, the owner of a burial site or land encompassing a burial site is not liable for damages, in a civil action to a person, who enters onto the land for the purposes of restoring, maintaining, or viewing the burial site, for injury to the person or the person's property.

### **3. Does the Office of Cemetery Oversight perform or assist individuals with genealogical research?**

No, the Office of Cemetery Oversight is a regulatory agency that does not conduct genealogical research of any type.

#### **4. Does the Office of Cemetery Oversight regulate abandoned cemeteries?**

The Office of Cemetery Oversight does not regulate abandoned cemeteries, family cemeteries, or non-operational cemeteries.

#### **5. What are some groups or organizations that may provide assistance in cemetery preservation, clean-up, or maintenance?**

Local schools (that have students with community service requirements to fulfill prior to graduation), community associations, garden clubs, local sheriff's offices (that may have workers under a community service sentencing program), local historical and genealogical societies, [Boy Scouts](#), [Girl Scouts](#), [Coalition to Protect Maryland Burial Sites](#), [Maryland Historical Trust](#), and [Preservation Maryland](#) are some groups that may be able to provide assistance for cemetery preservation, clean-up, or maintenance.

#### **6. May human remains or gravestones, monuments, or markers be removed from an abandoned, private cemetery?**

Human remains or a gravestone, monument, or marker may be removed from an abandoned, private cemetery if the removal is authorized in writing by the state's attorney of the county in which the cemetery containing the human remains or gravestone, monument, or marker is located and the human remains or gravestone, monument, or marker is placed in an accessible place in a permanent cemetery (Sections 10-402 and 10-404, Criminal Law Article, Annotated Code of Maryland).

#### **7. Is it illegal to sell and develop a family cemetery for residential, commercial, or agricultural use?**

Cemetery property may not be sold for use for another purpose without first obtaining a court judgment for the sale of the cemetery for another purpose. If a court is satisfied that it is expedient or would be in the interest of the parties to sell the cemetery for use for another purpose, the court may pass a judgment for the sale of the cemetery on the terms of the notice that the court sets. The court is required to order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the cemetery, buying burial lots in another cemetery, and reburial of the human remains. (Any remaining proceeds shall then be distributed to the parties in accordance with their interests.) When a judgment for the sale of a cemetery for use for another purpose has been entered, the buyer of the cemetery receives title to the land free of the claims of the owners of the cemetery and of the holders of burial lots in the cemetery (Section 5-505, Business Regulation Article, Annotated Code of Maryland).

#### **8. If a cemetery is sold for use for another purpose, can the lot owners remove the monuments or memorials on the lots they own?**

Yes. All monuments or memorials that are capable of being removed from the burial lots on which they are placed are considered to be the personal property of the lot owner and may be removed by the lot owner when the lot ceases to be used for the purposes of burial. In Baltimore City, a trustee appointed to sell an abandoned burial ground must pay the expenses of moving and relocating markers on new lots if there are sale proceeds left after human remains have been removed and buried. In other jurisdictions, if a lot owner chooses not to remove a monument or memorial after the cemetery has been sold for another purpose, the lot owner is not entitled to be reimbursed for his or her cost.

Excerpted from General Frequently Asked Questions (FAQs) - Cemetery Oversight. Additional information may be found here: <https://www.dllr.state.md.us/license/cem/cemgenlfaqs.shtml#rel>.

There may be additional jurisdictional information available through Montgomery County.