

Prospect Hill Cemetery of Towson, Inc.

Lot Transfer Information

We frequently get asked if a family member can be interred in an empty lot that was purchased at some time past by another family member.

According to Maryland law, this can be a complicated situation. The key point to consider:

Families cannot presume automatically that a burial can take place in an unused plot owned by another family member without the consent of the original lot purchaser's heirs.

Ownership rights in cemetery lots is a topic which is not widely understood, and here is a brief summary of Maryland law. Lots may be purchased and owned by one person, or they may be held in some form of co-ownership. Joint ownership between two or more people provides that the survivor or survivors of the co-owners will inherit any unused lots upon the death of one co-owner.

Typically, spouses own lots in joint and survivor ownership. Two or more people can also own lots as tenants in common, providing that upon the death of one, his/her share passes to his/her heirs, as outlined below, rather than passing to the other co-owners. Unless cemetery lots are specifically mentioned in a Will, ownership does not pass along with other assets to those who are listed to inherit the balance of a person's estate.

Instead, ownership of unused lots passes to the owner's heirs, defined as being those persons who would inherit the property under the State laws of intestacy if the owner had died without a Will. A surviving spouse will always be an heir, as will a surviving child.

Depending on which other family members do or do not survive, grandchildren, parents, siblings, nieces and nephews and cousins may end up being identified as heirs. A separate determination needs to be made in each case.

If a lot owner dies and leaves several heirs, they will collectively own the lots as tenants in common. Within a fairly short span of time, ownership of an unused cemetery lot can be spread among a large number of people. A co-owner, whether he/she is one of several original or subsequent purchasers, or one of several heirs of a deceased purchaser, can relinquish his/her right in the lot in writing, and therefore no longer needs to be consulted about the use of the space.

All co-owners who have not relinquished their rights must agree before a burial can occur in an unused plot. Therefore, in a typical case, an authorization for burials, signed by each heir of an original lot owner, must identify the individual whose remains are to be interred.

If you have questions about whether a lot can be used by another family member, please consult with your attorney for guidance. Also, Prospect Hill Cemetery can help to determine what is

possible. We have detailed explanations of the legal requirements and sample documents which we can send to you.