

Application to Subdivide a Lot, and to Reacquire the Unused Portions of the Resubdivided Lot, Pursuant to Not-for-Profit Corporation Law §1513-a(c)
(Used when Lot owner[s] is/are known)

NYS Department of State
Division of Cemeteries
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
(518) 474-6226
www.dos.ny.gov

Name of Cemetery: _____

Address of Cemetery: _____

County: _____

Lot to be Reacquired: _____

Date of Application: _____

STATE OF NEW YORK)

COUNTY OF _____) SS.:

_____, being duly sworn, deposes and says:

1. I am the _____ of the cemetery corporation named above (the "Cemetery"). The Cemetery requests approval by the New York State Cemetery Board (the "Cemetery Board") of the Cemetery's plan to subdivide the lot, plot or part thereof described above (the "Lot"), and to reacquire those portions of the resubdivided Lot which do not contain the remains of any deceased person or persons, pursuant to Not-for-Profit Corporation Law ("N-PCL") §1513-a(c).

2. The name(s) and address(es) of the owner(s) of the Lot are (*continue on attached sheet, if necessary*):

3. Each owner of the Lot has consented to the subdivision of the Lot and the reacquisition by the Cemetery of those portions of the resubdivided Lot which do not contain the remains of any deceased person or persons, in the manner requested in this Application.

4. No record owner of the Lot is a corporation or unincorporated association or society having among its activities or its former activities the provision of burial benefits for its members.

5. The Lot can be subdivided to create new graves. A sketch showing the Lot, the portion(s) of the Lot in which the remains of any deceased person or persons are now buried, the manner in which the Cemetery proposes to subdivide the Lot, and the portion(s) of the Lot the Cemetery proposes to reacquire, is annexed to this Application.

6. Check the applicable statement:

- The Lot was not purchased for multiple depth burials.
- The Lot was purchased for multiple depth burials, but no such burial has occurred in any portion of the Lot which is to be reacquired by the Cemetery.

7. Each owner of Lot has notified his or her parents, spouse, issue, brothers, sisters, grandparents, and grandchildren, if any, of this Application to the Cemetery Board. (*Attach all available evidence showing compliance with this requirement, including but not necessarily limited to a copy of the notice that was given by each Lot owner, and a written statement from each Lot owner setting forth the name[s] and address[es] of such owner's parents, spouse, issue, brothers, sisters, grandparents, and grandchildren, if any, and setting forth the date on which the notice was given.*)

8. Check the applicable statement:

- No burial has been made in the Lot in the twenty-five year period preceding this Application.
- At least one burial has been made in the Lot in the twenty-five year period preceding this Application. At least one owner or co-owner of the Lot has notified the spouse (if any) and issue (if any) of each person who was buried in the Lot during such twenty-five year period of

this Application to the Cemetery Board. *(Attach all available evidence showing compliance with this requirement, including but not necessarily limited to a copy of the notice that was given by the Lot owner and a written statement from the Lot owner setting forth the name[s] and address[es] of the spouse [if any] and issue [if any] of each person who was buried in the lot during such twenty-five year period, and setting forth the date on which the notice was given.)* The name(s) of the person(s) buried in the Lot during such twenty-five year period is/are *(continue on attached sheet, if necessary)*:

9. Each owner of the Lot has signed a written statement certifying to the Cemetery Board that (I) such Lot owner consents to this Application and to the subdivision of the Lot and the reacquisition by the Cemetery of those portions of the resubdivided Lot which do not contain the remains of any deceased person or persons, and (ii) no person notified under paragraph 6 or paragraph 7 above has agreed within forty-five days of notification to purchase the Lot at the price provided under N-PCL §1513(c). The written statement(s) of the Lot owner(s) is/are annexed to this Application.

10. No sale of the Lot (or any part thereof) by the Cemetery will violate any applicable burial requirements of any sectarian section of the Cemetery.

11. In the event of any sale of the Lot (or any part thereof) by the Cemetery to any party, the Cemetery will require that any monument subsequently placed on the Lot (or any part thereof) shall conform to the general appearance of any existing monuments in the section of the Cemetery where the Lot is located, and shall otherwise comply with the provisions of N-PCL §1513-a(h).

12. The Cemetery is familiar with, and shall comply with, all applicable provisions of N-PCL §1513-a, including but not limited to N-PCL §1513-a(d), which requires the Cemetery to deposit 35% of the net proceeds of any sale of the Lot (or any part thereof) in the Cemetery's permanent maintenance fund, and to deposit 65% of such net proceeds in the Cemetery's current maintenance fund.

(Signature)

Name (print): _____

Sworn to before me this _____

day of _____, _____.

NOTARY PUBLIC

LOT OWNER'S CONSENT AND CERTIFICATION

(If there is more than one Lot Owner, each Lot Owner should complete a separate Lot Owner's Consent and Certification form)

Cemetery Lot: _____

Lot Owner's Name: _____

The undersigned hereby certifies to the New York State Cemetery Board (the "Cemetery Board") as follows:

1. I am the owner (or one of the owners) of the lot, plot or part thereof mentioned above (the "Lot") in the Cemetery mentioned above (the "Cemetery").
2. I consent to the subdivision of the Lot and the reacquisition by the Cemetery of those portions of the resubdivided Lot which do not contain the remains of any deceased person or persons, pursuant to Not-for-Profit Corporation Law ("N-PCL") §1513-a(c), in the manner contemplated by the Cemetery's application to the Cemetery Board (the "Application").

3. Check and complete the applicable statement:

- A. I have no living parent, spouse, issue,* brother, sister, grandparent or grandchild.
- B. The name(s) and address(es) of my parents, spouse, issue,* brothers, sisters, grandparents, and grandchildren, if any, who are now living are as follows (continue on attached sheet, if necessary):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

On _____, _____, I gave written notice of the Application to each of my parents, spouse, issue,* brothers, sisters, grandparents, and grandchildren, if any, who are now living. A copy of the notice that I gave is attached. At least forty-five (45) days have elapsed since I gave such notice, and no person to whom such notice was given has agreed to purchase the Lot at the price provided under N-PCL §1513(c).

4. Check and complete the applicable statement:

- A. No person has been buried in the Lot during the twenty-five year period preceding the Application.
- B. At least one burial has been made in the Lot in the twenty-five year period preceding the Application. However, no person buried in the Lot during the twenty-five year period preceding the Application has a spouse now living or any issue now living.
- C. At least one burial has been made in the Lot in the twenty-five year period preceding the Application. The name(s) and address(es) of the spouse (if any) and issue* (if any) of each person who was buried in the Lot during the twenty-five year period preceding the Application are as follows (continue on attached sheet, if necessary):

_____	_____	_____
_____	_____	_____
_____	_____	_____

On _____, _____, I gave notice of the Application to the spouse (if any) and issue* (if any) of each person who was buried in the Lot during the twenty-five year period preceding the Application. A copy of the notice that I gave is attached. At least forty-five (45) days have elapsed since I gave such notice, and no person to whom such notice was given has agreed to purchase the Lot at the price provided under N-PCL §1513(c).

Date: _____, _____

Lot Owner's Signature

Lot Owner's Name (print)

Lot Owner's Address (print)

* *The term "issue" means the descendants in any degree (i.e., children, grandchildren, great-grandchildren, etc.). Adopted children, adopted grandchildren, adopted great-grandchildren, etc. are included.*