

Midway City Council
1 March 2022
Regular Meeting

Resolution 2022-06 /
Cemetery Fees



Midway

**RESOLUTION
2022-__**

**A RESOLUTION SETTING FORTH THE ADMINISTRATIVE PROCEDURE FOR
DETERMINING OWNERSHIP OF A BURIAL RIGHT CERTIFICATE OR DEED, AND
RELATED MATTERS**

WHEREAS, Midway City owns and operates the Midway City Cemetery; and

WHEREAS, historically there have been issues regarding the tracking of ownership of certain cemetery plots that have been sold, but the City may not have the correct name or contact information of the current claimants to those plots; and

WHEREAS, there are also cases where the ownership of one or more cemetery plots is the subject of a dispute between surviving heirs of the original purchaser; and

WHEREAS, it is in the best interest of the City and its residents to update the policies and procedures of the cemetery, specifically with respect to the sale and tracking of ownership of cemetery plots; and

WHEREAS, the Midway City Council has determined that amendments to the City Policies and Procedures Manual, and to various forms and fee schedules regarding the Cemetery are necessary; and

WHEREAS, the City Council finds that there is good cause adopting the changes set forth herein.

NOW, THEREFORE, be it hereby Resolved by the City Council of Midway City, Utah, as follows:

1. The Cemetery Rate Schedule, attached hereto as Exhibit "A", is hereby adopted.

2. The updated Certificate of Burial Rights form attached hereto as Exhibit “B” is hereby adopted. The Midway City staff is directed to use this form for all future purchases or transfers of Burial Rights. Further, the Midway City staff is directed to work on updating the cemetery records, and replacing old deeds, certificates or other evidence of plot purchases, with the new form.

3. The Midway City Policies and Procedures are hereby amended as follows:

13.4 Policy re Process for Adjudicating Claims for Midway Cemetery Plots: Application for Burial; Process to Determine Ownership of Burial Rights; Quiet Title Action for Unclaimed Plots.

I. When immediate interment is requested on Plot:

When an Owner of Burial Rights in the Midway City Cemetery desires to have a person buried on a Plot in the Cemetery, the Owner or another Applicant shall complete and submit the following:

1. Application Process When Deed or Certificate Available:

If the Applicant has the original Deed for Burial Plot Rights issued by Midway City, the Applicant shall submit the following:

A. Application Form: Applicant shall fill out and submit the Application Granting Permission for Burial Right form, with required attachments, available from the Midway City Sexton or Midway City Staff. Applicant shall also pay the Application fee set by Midway City.

B. Proof of Ownership of Burial Right: If the person to be interred on the Plot is the person named as the Owner of the original Deed, Applicant shall submit the original Deed for Burial Rights in Midway Cemetery, issued by Midway City. If the person to be interred is not the person named as the Owner of the original Deed, the Owner of the original Deed must indicate on the Application Form their consent to have the person interred in a Plot that is shown on the original Deed. If the Applicant is the person named in the Deed, submission of the Deed shall be prima facie evidence of the right to bury on that Plot.

C. Midway City Staff authorized to approve burial when proper Deed or Certificate is submitted: When the Applicant seeking permission for a Burial Right is the person named on the Deed or Certificate, Midway City Staff members are authorized to approve the interment. Similarly, when the Application is for the interment of the person named on the Deed or Certificate, the Midway City Staff is authorized to approve the interment of the remains of the person named on the Deed.

D. Deed for Single Plot: In the event the Deed or Certificate is for a single Plot, the Deed or Certificate must be surrendered to the Midway City Sexton, who will mark the Deed or Certificate as “Retired” and shall retain the retired Deed or Certificate in the Midway City Records.

E. Multiple Plots on Deed, Notation on Deed; Issuance of Amended Deed: *If the Deed is for more than one Plot, the Midway City Sexton shall note on the official records of the City which Plots have been used, who is interred there, and who authorized the interment. The Sexton shall also record which Plots remain unused. In addition, the original Deed or Certificate must be surrendered and new certificate issued by Midway City Staff. Midway City shall retain the surrendered deed, or an accurate digital copy thereof, and shall amend its official Cemetery Plot Map accordingly.*

F. Deed in the Name of Trust or Corporate Entity: *If the Deed is in the name of a Trust or a Corporate Entity, the following information must be submitted along with the Application Form and the Deed:*

1) Trust:

- a) *Certificate of Trust.*
- b) *Proof of identity of Trustee.*
- c) *Consent of other Trustees named in Trust.*

2) Corporate Entity:

- a) *Certificate of Good Standing.*
- b) *Evidence of Managing Partner, Member or other Authorized Agent.*
- c) *Proof of Identity of Managing Partner, Member or other authorized agent.*

2. Application Process when Applicant is not the person named on the Deed or Certificate, the Person to Be Interred is not the Person Named on the Deed or Certificate or no Deed or Certificate exists:

A. Submittal of a Midway Cemetery Plot Claim form. *In the event the Applicant either 1) does not have a properly issued original Deed of Burial Right or Certificate of Burial Right issued by Midway City, or 2) the Deed produced by the Applicant is not in the name of the Applicant, or 3) the person to be interred on the Plot is not the person named on the Deed or Certificate, the Applicant must establish the sole and exclusive right to bury on the Plot. The burden of proof is on the Applicant and Midway City is not liable for lost Certificates or Deeds. If the original Deed or Certificate cannot be located, Applicant shall request an administrative determination of the Right to Bury on a Plot in the Midway City Cemetery by filing a “Burial Plot Claim of Ownership” form. Applicant may attempt to establish sole and exclusive rights by submitting the following documentation to the Sexton:*

- 1) Application Form: *Completed “Burial Plot Claim of Ownership” form with the related fee as set by Midway City.*

- 2) Proof of Ownership of Burial Right: Applicant may attempt to establish sole and exclusive rights by submitting the following documentation:
- a) Testamentary Instrument: An executed will or trust document, signed by the person who is named in the Deed, clearly indicating that the Applicant is the beneficiary of the Deed of Burial Right.
 - i. In the event Applicant is named as one of multiple potential claimants, Applicant shall also submit signed and notarized Consent and Waiver forms signed by all other potential claimants. Copies of the Consent and Waiver form can be obtained from Midway City Staff.
 - ii. Indemnification Agreement required.
 - b) Affidavit from Person named on Deed: Affidavit from person or persons named on Deed along with appropriate Transfer Documents when applicable.
 - c) Miscellaneous Information: Any other documents reasonably available which would be relevant to the decision-making process regarding the Application.
- 3) Merely establishing that Applicant is a descendant of the person named on the Deed or Certificate **is not** sufficient to establish sole and exclusive right to bury on the Plot.
- 4) If the Deed or Certificate is the name of a Trust or Corporate Entity, the following documentation required:
- a) Trust:
 - i) Certificate of Trust.
 - ii) Copy of Trust language indicating who is the Trustee or Successor Trustee.
 - iii) Proof of Identity of person(s) claiming to be Trustee.
 - iv) Wavier and Consent from Co-Trustees.
 - b) Corporate Entity:
 - i) Certificate of Good Standing
 - ii) Evidence of Managing Partner, Member or other Authorized Agent

iii) *Proof of Identity of Managing Partner, Member or other authorized agent.*

B. Midway Sexton Decision. *Following receipt of the completed Application packet described above, the Midway City Sexton and Midway City Staff (including the Midway City Attorney, if necessary) shall complete a review of the Application. Review shall include a specific determination of the following questions:*

- 1) *Whether the Application is complete, and all required forms or documents have been submitted.*
- 2) *Whether other competing claims, or protests against the Application have been received and the probative weight thereof.*
- 2) *Whether the Application, together with other information submitted by the Applicant, establishes by a preponderance of the evidence that the Applicant is, indeed, the person or entity who should be entitled to the sole and exclusive Burial Rights on the Plot in question.*
- 3) *Whether other potential claimants have filed Consent and Waiver Forms.*
- 4) *The Sexton's opinion as to the likelihood of competing claims, protests or litigation being subsequently filed against the City.*
- 5) *The Sexton's decision.*

Absent unusual circumstances, such as multiple competing claimants, protests, etc., the Midway City Sexton shall complete his or her review and issue a written decision within five (5) business days of receipt of a complete Application packet.

3. Administrative Review Process. *If an Applicant disagrees with the decision issued by the Midway City Sexton, they may request an Administrative Review Hearing conducted by the Midway City Council. The request for a hearing must be in writing and must be received by the City Clerk before the end of the tenth (10th) business day after the Applicant's receipt of the written decision from the Midway City Sexton. If no written request for an Administrative Review Hearing is received by the City within this time, the Applicant will be deemed to have agreed with the Sexton's decision, and that will constitute the final administrative decision of the City on the matter and the right to appeal shall be irrevocably waived.*

A. *If the City receives a written request for an Administrative Review Hearing contesting a decision by the Midway City Sexton in a timely manner, the City shall submit the decision to the Midway City Council for an Administrative Hearing.*

B. *The Midway City Council shall conduct the Administrative Review according to the following process:*

- 1) *Hearing to be held within 30 days at a regularly scheduled Council Meeting*
- 2) *Notice: Notice of the hearing shall be given at least fourteen (14) days prior to the hearing. A person or entity requesting an Administrative Review Hearing who fails to appear at the hearing, after receiving proper notice, shall waive the right to an Administrative Review Hearing as if not hearing had been requested.*
- 3) *Public Meeting: The hearing shall be a public meeting. The hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of the proceedings.*
- 4) *Presentation of Evidence: Both the City and the Applicant shall have the opportunity to speak, present evidence and call witnesses at the hearing. The City Council may allow competent evidence and documentary evidence to be introduced at the hearing without observance of formal rules of evidence or procedure. Each side shall be allowed to be represented by an attorney, and to question and cross-examine witnesses. If the Applicant intends to be represented by an attorney, they must so inform the City Council and the City Attorney at least five (5) days prior to the hearing.*
- 5) *Decision of City Council: Following consideration of the Application and associated documents, the previously issued decision of the Sexton, and the evidence presented at the Review Hearing, the City Council may either:*
 - a) *Continue the matter for further consideration;*
 - b) *Approve the Sexton's decision; or*
 - c) *Reverse the Sexton's decision.*

If the Midway City Council does not Approve the Sexton's decision within thirty (30) days of the date of the Administrative Review Hearing, the Sexton's decision shall be deemed to be approved.

4. **Administrative Appeal Process:** *Any person or entity who disputes a decision issued by the City Council under Section 3 herein shall have the right to an Administrative Appeal Hearing. The Administrative Appeal Hearing shall be conducted as follows:*

A. *Request for Administrative Appeal Hearing. A written request for an Administrative Appeal Hearing must be received by the City within ten (10) business days of the date of the issuance of the Decision by the City*

Council. Failure to file a timely written request shall be deemed by the City to be an agreement by the Applicant with the decision of the City Council. The decision of the City Council shall then be considered to be the final administrative order of the City with respect to the matter. In the event a timely written request for an Administrative Appeal Hearing is received by the City, the City shall convene an Administrative Appeal Hearing within forty-five (45) days of the date of the receipt of the request.

B. Convening an Administrative Appeal Hearing. The City shall conduct an Administrative Appeal Hearing in the following manner:

- 1) Administrative Law Judge to Preside and conduct the Hearing. An administrative law judge appointed by the Mayor, with the Advice and Consent of the City Council, shall be chosen to conduct and preside at the Administrative Appeal Hearing. The administrative law judge does not need to be an appointed judge, mediator, arbitrator or retired judge. The administrative law judge may, but need not be, an employee of the City.*
- 2) Notice. Notice of the hearing shall be given at least fourteen (14) days prior to the hearing. A person or entity requesting an Administrative Appeal Hearing who fails to appear at the hearing, after receiving proper notice, shall waive the right to an Administrative Appeal Hearing as if not hearing had been requested.*
- 3. Public Meeting. The hearing shall be a public meeting. The hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of the proceedings.*
- 4. Opportunity to Present Evidence. Both the City and the Applicant shall have the opportunity to speak, present evidence and call witnesses at the hearing. The administrative law judge may allow competent evidence and documentary evidence to be introduced at the hearing without observance of formal rules of evidence or procedure. Each side shall be allowed to be represented by an attorney, and to question and cross-examine witnesses. If the Applicant intends to be represented by an attorney, they must so inform the administrative law judge and the City Attorney at least five (5) days prior to the hearing.*
- 5. Applicant to Bear the Burden of Proof. The Applicant who is contesting the decision of the Midway City Council bears the burden of proof. The Standard of Proof shall be established by the preponderance of the evidence.*
- 6. Ruling of Administrative Law Judge. At the conclusion of the hearing, or within five (5) business days of the date of the hearing, the administrative law judge shall issue a written order and ruling.*

The order shall affirm or overturn the decision of the Council.

7. *Recordation of Order. The written order of the Administrative Law Judge shall be submitted to the Midway City Recorder and become part of the official records of Midway City.*
8. *Right to Appeal. Any person or entity adversely affected by the written Ruling and Order of the Administrative Law Judge may petition the Fourth District Court for the State of Utah for review of the Ruling and Order pursuant to Utah State Law.*
9. *Each Party to bear their own attorney fees. Each party shall bear their own costs and attorneys fees incurred in conducting the Administrative Review Hearing and / or the Administrative Appeal Hearing.*

II. Process for Establishing Ownership of Burial Rights when Immediate Interment is Not Being Requested.

Persons or entities claiming ownership of Burial Rights in the Midway City Cemetery are encouraged to make sure that Deeds or Certificates are in the proper name. Midway City is not liable for lost Deeds, or for Deeds that have not been properly transferred by the original Owners.

1. Establishing Ownership of Burial Rights. *It is the obligation of the Certificate or Deed owner to keep Midway City informed of address changes, proposed ownership changes and claims of ownership of Deeds or Certificates. The following procedures and policies shall govern the establishment of ownership claims:*

A. When Deed or Certificate Exists; Request for Authentication. *Owners of Deeds for Burial Rights in the Midway City Cemetery may submit a “Midway City Cemetery Deed Authentication Form” available from the Midway City Sexton. This form will be used to make sure that the Midway City Sexton’s official records match the Deed. This form can also be used to update contact information (including changes of addresses) to make sure the Midway City Cemetery records are in order. This is not the form that is used to transfer ownership of Deeds or Certificates.*

B. When Deed or Certificate Exists but Owner is Deceased. *Family members, Personal Representatives, Executors and Successor Trustees are required to submit a “Burial Plot Claim of Ownership” form, along with information conclusively establishing that the Applicant is the Personal Representative, Executor or Successor Trustee of the person named on the original Deed, that the person to whom the Deed is being transferred is the person who has the sole and exclusive right to inherit the Deed, and such other*

information as the Sexton determines necessary to support the transfer of the Deed to a new owner.

C. When No Certificate Exists. *If no certificate exists, the existing records of the Midway City Cemetery shall be used to establish the original owner of the Deed or Certificate. It shall be the responsibility of persons claiming ownership to establish their claim as set forth herein. Failure to successfully establish a claim of ownership shall result in a Quiet Title action as set forth in Utah law.*

D. When Ownership is uncertain or unknown. *When Deed ownership is uncertain or unknown, interested persons may submit a Midway City Cemetery Plot Research Request Form. The Midway City Sexton or Midway City Staff shall research the existing Cemetery Records, and report their findings by filling out and returning a copy of the Form. Midway City may impose a reasonable fee to cover the cost of performing the research.*

E. Decision by Sexton or Midway City Staff. *Decisions regarding the establishment of ownership of Deeds for Burial Rights shall be made, in writing, by the Midway City Sexton. The Sexton may either:*

1) Approve the claim and issue a replacement Deed. *If the Sexton determines that the claim made by the applicant is conclusively established, the Sexton shall approve the claim in writing, and issue a replacement Deed. Applicant agrees to indemnify and hold harmless Midway City, its agents, employees, contractors or volunteer staff members, from any damages, claim, suit, or allegation arising from a decision of the Sexton which is based on information provided by Applicant.*

2) Deny the claim. *If the Sexton determines that the claim made by the Applicant has not been conclusively established, the Sexton shall deny the claim, in writing.*

2. Administrative Review Process: *Decisions of the Midway City Sexton are subject to Administrative Review by the City Council according to the process set forth in Section I.3. herein.*

3. Administrative Appeal Process: *Decisions of the Midway City Council are subject to Administrative Appeal according to the process set forth in Section I.4. herein.*

III. Process for Quieting Title to Burial Rights on Plots Unclaimed and Unused for Sixty (60) Years or More.

Burial Plots that have remained unused and unclaimed for sixty (60) years or more shall be the subject of a Quiet Title action pursuant to the requirements of Utah State law.

1. **Utah State Law.** Section 8.5.1 et seq. of the Utah Code outlines the procedures for quieting title to lots that were conveyed by deed to a grantee, under the following conditions:

A. The grantee has not used portions of the lots during the past sixty (60) years; and

B. The grantee has not given the City written notice of any claim or interest in the lots.

The City shall follow all applicable notice requirements and other procedural steps as outlined in the State law.

IV. General Provisions.

1. **Burden of Proof to Establish Right to Bury on Cemetery Plot.** The burden of proof is on the Applicant or Owner to establish the sole and exclusive right to bury on a Midway Cemetery Plot. Midway City is not liable for lost Certificates or Deeds and the consequences resulting therefrom.

2. **Previous Interment is Prima Facie Proof of Right to Bury.** Previous interment on a Midway City Cemetery Plot is prima facie proof of the existence of a valid right to bury at the time of the interment. Midway City shall not exhume and move any remains absent a court order.

3. **Transfer of Deeds or Certificates.** Owners of Certificates or Deeds for Burial Rights in the Midway City Cemetery are encouraged to keep the ownership records updated. In order to facilitate proper record-keeping, the following procedures should be followed when transferring Certificates or Deeds.

A. **When Owner is alive:** If the named owner of the Certificate or Deed is alive and desires to transfer ownership of the Deed, they shall submit a "Burial Plot Claim of Ownership" form, along with the original deed. The Midway City Sexton or Midway City Staff shall review the form and the Deed, and if properly submitted, shall retire the original Deed and deliver a new Deed in the name of the transferee. The official records of the Midway City Cemetery shall reflect the change in ownership. The City may charge a reasonable fee for the administrative cost of transferring the Deed.

B. **When Owner is deceased:** If the named owner of the Certificate or Deed is deceased, the Applicant shall submit the information set forth in Section I.2. to establish ownership of the Deed. The Midway City Sexton shall follow the process set forth in Section I.2. to determine ownership. In the event the Sexton determines that the claim of ownership is valid, a new Deed shall be issued in the name of the new owner.

4. **Maintenance of Cemetery Records.** The Midway City Sexton, with the assistance of other Midway City Staff members, is the official registrar of all deeds, certificates and related documents regarding the Midway City Cemetery. The records of the Midway City Sexton shall

constitute the official records of the Midway City Cemetery and shall be presumed to be authentic and correct.

5. **Recordation of Cemetery Plat and Record of Deeds.** Pursuant to State law, the Midway City Sexton shall cause the plat of the Midway City Cemetery to be recorded in the office of the Wasatch County Recorder. Records of the sale of Deeds or Certificates for Burial Rights in the Midway City Cemetery shall be updated with the County Recorder as required by Utah State law.

6. **Indemnification.** Midway City consistently attempts to maintain accurate records regarding the Midway City Cemetery. Midway City may rely in good faith on the documentation or other evidence submitted by Applicants, unless contrary evidence prevents the City from doing so. In the event an Applicant applies for a burial right, or successfully establishes ownership pursuant to the procedures set forth herein, Applicant agrees to indemnify, defend and hold Midway City, its officers, employees, agents and volunteer staff, harmless from any and all costs, damages or expenses, including legal fees and costs, arising from Applicant's claims regarding burial rights or ownership of Deeds or Certificates, etc.

4. The Midway City Attorney, along with Midway City Staff, is directed to continue to update policies, procedures and forms regarding the operation of the Midway Cemetery and the sale and tracking of Burial Rights Certificates, and to update the historical records of the Cemetery to meet the requirements of the Code.

This Resolution shall take effect immediately upon publication as required by law.

PASSED AND ADOPTED by the Midway City Council on the ____ day of _____, 2022.

MIDWAY CITY COUNCIL

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM

Corbin B. Gordon, City Attorney

EXHIBIT "A"
MIDWAY CEMETERY RATE SCHEDULE
2022

EXHIBIT "B"
BURIAL RIGHTS CERTIFICATE FORM



Midway

Burial Right Certificate

Midway City Cemetery

MIDWAY CITY, a Municipal Corporation, in Wasatch County, Utah, hereby grants Permissive Burial Rights as follows:

CERTIFICATE NUMBER: _____
(YEAR-MONTH-DAY-PLOT NUMBER- R/WC/NR)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____
Plot Type: Single Stacked Cremation

Midway City Resident
 Wasatch County Resident
 Non-Resident

Name of Owner: _____
Address: _____
Telephone Number: _____
Email Address: _____

Residency: Midway Wasatch County Non-Resident

Successor In Interest #1 _____
Address: _____
Telephone Number: _____
Email Address: _____

Successor In Interest #2 _____
Address: _____
Telephone Number: _____
Email Address: _____

Dated this ____ day of _____, 20____.

Midway City Sexton

Midway City Treasurer

Shane Owens

Jennifer Sweat

Original Purchase Transfer
Transferred from: _____
Prior Certificate Cancellation Date _____

Other Certificates in same name:



Midway

Midway City Cemetery

Burial Rights Certificate Transfer Request Form

The Registered Owner of **CERTIFICATE NUMBER:** _____
(YEAR-MONTH-DAY-PLOT NUMBER)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____
Plot Type: Single Stacked Cremation plot Cremation niche

ORIGINAL OWNER INFORMATION

Name of Owner: _____
Address: _____
Telephone Number: _____
Email Address: _____

Residency: Midway Wasatch County Non-Resident

Hereby transfers the Burial Rights Certificate described above to the following:

NEW OWNER INFORMATION

Name of Owner: _____
Address: _____
Telephone Number: _____
Email Address: _____

Residency: Midway Wasatch County Non-Resident

Dated this ____ day of _____, 20__.

Original Certificate Owner

State of _____ }
 :SS
County of _____ }

Subscribed and Sworn to before me by _____, on this ____ day of _____,
20__.

NOTARY

See reverse side for additional information.

Burial Rights Certificate Transfer Request Form (p.2)

Note: Transfer from Resident to Non-Resident will require payment of the fee difference.

- Original Certificate of Burial Rights Attached. (No transfers can be approved without surrender of the original Certificate).
- New Certificate No _____ Issued and Copy Attached.
- Transfer Fees Paid in Full.
- Resident to Non-Resident? Yes No

ACCEPTED BY:

Midway City Sexton



Midway

Cemetery Plot Claim Form

(to be used when claimant is not named on certificate or original documents are lost)

Claimant claims ownership of the following-described Burial plot in the Midway City Cemetery.

This Claim is: Not Disputed Disputed

CLAIMANT'S INFORMATION

Name of Claimant: _____

Address: _____

Telephone Number: _____

Email Address: _____

ORIGINAL CERTIFICATE OR DEED OWNER

CERTIFICATE NUMBER: _____

(YEAR-MONTH-DAY-PLOT NUMBER)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____

Plot Type: Single Stacked Cremation

Name of Original Owner: _____

Address: _____

Telephone Number: _____

Email Address: _____

Residency: Midway Wasatch County Non-Resident

Date Originally Purchased: _____

EVIDENCE OF CLAIM

Claimant's Relationship to Original Owner: _____ (attach proof documents)

Other descendants of same of higher degree as Claimant:

Name:	Relationship:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(attach additional pages if necessary)

Testamentary Documents evidencing Claim: _____

BURIAL PLOT NUMBER _____

- Testamentary Documents Attached.
- I am the named: Personal Representative or Executor Trustee of the original owner.
- Waivers and Consents from other potential Claimants Attached.
- Other: _____

_____ I hereby request that all old evidence or incidents of ownership, including deeds, documents or certificates, be revoked, and that a new Certificate of Burial Rights be issued to the following:

REQUESTED NEW CERTIFICATE OWNERSHIP INFORMATION

CERTIFICATE NUMBER: _____
(YEAR-MONTH-DAY-PLOT NUMBER)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____

Plot Type: Single Stacked Cremation

Name of Owner: _____

Address: _____

Telephone Number: _____

Email Address: _____

Residency: Midway Wasatch County Non-Resident

Successor In Interest #1 _____

Address: _____

Telephone Number: _____

Email Address: _____

Successor In Interest #2 _____

Address: _____

Telephone Number: _____

Email Address: _____

Claim Fees Paid in Full.

AFFIDAVIT

My name is _____ (please print).

I am the Claimant and claim the right to the Burial Rights Certificate regarding the above-described Burial Plot in the Midway City Cemetery.

_____ I hereby certify that I have authority under Utah law to claim this Burial Right in behalf of the estate of the original owner.

_____ I hereby certify that the above information is complete, accurate and true, to the best of my knowledge and belief.

_____ I acknowledge that signing this affidavit and changing the ownership of the Burial Rights Certificate on false information or without actual authority to do so may subject me to civil and/or criminal penalties and the cancellation of any Burial Rights Certificate issued pursuant to this Claim.

_____ I agree to indemnify and hold harmless Midway City, its employees, officers, agents or elected officials, from any and all claims, lawsuits and any costs incurred by Midway City, including but not limited to court awards, court costs, attorney's fees, etc. that may arise as a result of this Claim.

_____ I have the following other Certificates of Burial Rights issued in my name:

Dated this ___ day of _____, 20__.

Claimant

State of _____ }
 :SS

County of _____ }

Subscribed and Sworn to before me by _____, on this ___ day of _____, 20__.

NOTARY

Claim is: **Accepted** **Denied**

If accepted:

New Certificate No _____ Issued and Copy Attached.

Transfer Fees Paid in Full.

Original Evidence of Ownership Attached.

BY:

Midway City Sexton



Midway

Midway City Cemetery

Headstone Delivery Notification Form

Monument Company: _____ Contact Name: _____
Telephone Number: _____ Email Address: _____

Requested Delivery / Setting Date: _____

Mortuary Information:

Mortuary Name: _____ Contact Name: _____
Telephone Number: _____ Email Address: _____

Family Information:

Burial Plot Number: Section ____ Block ____ Lot ____ Plot Number ____
Record Owner: _____ Telephone Number: _____
Contact Name: _____ Address: _____
Email Address: _____

Interment Information:

Names on Headstone: _____

- Existing Interment Future Interment
 Single Double Triple Quad

Approved: _____ Date: _____
Midway Sexton

Headstone Specifications: All headstones, grave markers or benches have a 36" height restriction. Other restrictions may apply. Please review the Midway City municipal Code and the Cemetery Policies and Procedures. These are available on the Midway City website or you may contact the Midway City Sexton at (435) 654-3223 x117, sowens@midwaycityut.org.

1. Single: Maximum = 40" length, 7" wide mow strip, 4" minimum depth, 36" maximum height.
2. Double: Maximum = 80" length, 7" wide mow strip, 4" minimum depth, 36" maximum height.
3. Triple: Maximum 120" length, 7" wide mow strip, 4" minimum depth, 36" maximum height.
4. Quad: Maximum 168" length, 7" wide mow strip, 4" minimum depth, 36" maximum height.

Contact the Midway City Sexton for additional information and restrictions regarding monuments, decorations, etc.



Midway

Midway City Cemetery

Records Information Request

Midway City is updating and correcting the Cemetery interment and burial right ownership records. Please include as much of the following information as possible so that we can provide as complete an answer as possible. Midway City Cemetery Information requests cannot be answered in person or over the telephone.

Name of Person Making Request: _____

Address: _____

Telephone Number: _____

Email Address: _____

Relationship to Original Owner or the Deceased: _____

Date: _____

Information is Requested for the following:

Burial Rights Certificate Number: _____
(YEAR-MONTH-DAY-PLOT NUMBER)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____
Plot Type: Single Stacked Cremation plot Cremation niche

ORIGINAL OWNER INFORMATION

Name of Owner: _____

Address: _____

Telephone Number: _____

Email Address: _____

Midway City charges \$50.00 per hour for research with a 1 hour minimum charge. All information must be in written form and sent to sowens@midwaycityut.org for processing, please allow (7) days research time for all requests.

City Cemetery Employees shall make reasonable efforts to provide the following information:

- Name of Person or Persons who are currently listed as the burial right owner for a plot or plots.
- Who is currently buried on a plot (if applicable)
- How many current open lots are remaining on a family plot.

Deed or Certificate owners do not own actual real property in the Midway City Cemetery. They own the right to be buried on the plot in accordance with Midway City ordinances, policies and procedures. Transfers of burial rights deeds must be done in accordance with the ordinances, policies and procedures of Midway City. The City cannot recognize the validity of any claim unless either 1) the claimant is the record owner, or 2) a valid and approved transfer to a new owner has occurred and is recorded with the City.

This form is to provide current information only. Midway City does not guarantee the accuracy of the information provided and is in the process of correcting many of the historical records. Midway City is not bound by any information provided if subsequent research reveals a different owner, etc. This is not a claim form. Any claims to a Burial Rights Certificate must be made on the appropriate form.

Midway City Staff will not make decisions if there are multiple claims to a plot, if the ownership records are contested or outdated, or if there are issues regarding the unapproved transfer of burial rights. Questions pertaining to outdated records, unapproved and/or unrecorded plot transfers or sales between family members or other private parties or unapproved permission to be granted to someone other than the record owner to be buried on a current family plot will be referred to the Midway City Attorney.

- Date Received:** _____
- Date Answered:** _____
- Copy of Answer Attached.**
- Research Fees Paid in Full**

BY:

Midway City Sexton



Midway

Midway City Cemetery

Permission to Bury Form

The Registered Owner of **CERTIFICATE NUMBER:** _____
(YEAR-MONTH-DAY-PLOT NUMBER)

Burial Plot Number: SECTION ____ BLOCK ____ LOT ____ PLOT ____
Plot Type: Single Stacked Cremation plot Cremation niche

CERTIFICATE OWNER INFORMATION

Name of Owner: _____
Address: _____

Telephone Number: _____
Email Address: _____

Residency: Midway Wasatch County Non-Resident

Hereby grants permission for the burial of _____ in the above-described plot.

Dated this ____ day of _____, 20____.

Certificate Owner

State of _____ }
 :SS
County of _____ }

Subscribed and Sworn to before me by _____, on this ____ day of _____, 20____.

NOTARY

- Original Certificate of Burial Rights Attached. (No interment can be approved without surrender of the original Certificate).**
- New Certificate in the name of Deceased Attached.
- Transfer Fees Paid in Full.

ACCEPTED BY:

Midway City Sexton

Midway City Cemetery

Records Information Request

Midway City is updating and correcting the Cemetery interment and burial right ownership records. Please include as much of the following information as possible so that we can provide as complete an answer as possible. Midway City Cemetery Information requests cannot be answered in person or over the telephone.

Registered Burial Lot Owner's Name as recorded on the Midway City Utah Cemetery Deed:

Please Print: _____

Section Number: _____ Block Number: _____ Lot Number: _____ Grave Number: _____

Cremation or Infant Sub Grave Number: _____ and or Stacked Number: _____

Description of Requested information: _____

Name of person requesting information: _____

Telephone Number: _____

E-mail address: _____

How related to Burial Right Owner? _____

Midway City charges \$50.00 per hour for research and/or a replacement or updated deed.

All information must be in written form and sent to sowens@midwaycityut.org for processing, please allow (7) days research time for all requests.

City Cemetery Employees shall make reasonable efforts to provide the following information, if requested.

- Name of Person or Persons who are currently listed as the burial right owner for a plot.
- Number of Burial Plot assigned to a deed.
- Who is currently buried on a plot.
- How many current open lots are remaining on a family plot.

Deed owners do not own actual real property in the Midway City Cemetery. They own the right to be buried on the plot in accordance with Midway City ordinances, policies and procedures. Transfers of burial rights deeds must be done in accordance with the ordinances, policies and procedures of Midway City. The City cannot recognize the validity of any claim unless either 1) the claimant is the record owner, or 2) a valid and approved transfer to a new owner has occurred and is recorded with the City.

Midway City Staff will not make decisions if there are multiple claims to a plot, if the ownership records are contested or outdated, or if there are issues regarding the unapproved transfer of burial rights. Questions pertaining to outdated records, unapproved and/or unrecorded plot transfers or sales between family members or other private parties or unapproved permission to be granted to someone other than the record owner to be buried on a current family plot will be referred to the Midway City Attorney.