



Diocese of Winona

Workshop for Cemetery Managers

St. Adrian Parish, Adrian

Monday December 11, 2017

St. Joseph Parish, Owatonna

Tuesday, December 12, 2017

St. Mary Parish, Winona

Tuesday, December 12, 2017

Who Owns this Lot?

The Basics of Cemetery Lot Ownership

When Taking Information for Burial or Sale of
Additional Right of Burial, check to see that

The Title is Current

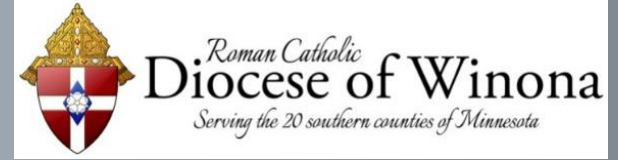
Current Title



There are two ways to determine lot ownership:

- A Will
- Laws of Descendancy

Will Requirements



- On rare occasions cemetery lots have been transferred by will. The requirements to do this are:
 - The lot must be specifically mentioned in the will. Cemetery lot must be described by Section, Block, Lot, etc.
 - The lot must be willed to one person or to the cemetery in trust for persons designated in the will.
 - The person to whom a lot is willed must be a relative.

Laws of Descendancy



Date of death of current lot owner determines descent of title.

- Law Effective April 25, 1895 – June 30, 1935
 - A surviving spouse inherits full title
 - Male preference; eldest son

- Law Effective July 1, 1935 – May 28, 1969
 - A surviving spouse inherits life estate with remainder over to next survivor or the cemetery
 - Male preference in effect

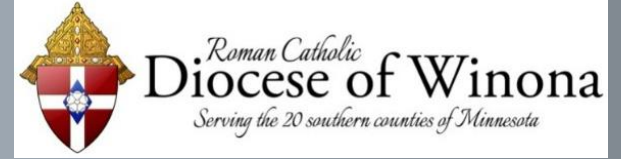
Laws of Descendancy



- Law Effective May 29, 1969 – April 12, 1981
 - Surviving spouse can inherit full title if there is no person entitled to the remainder
 - Male preference remains in effect

- Law Effective April 13, 1981 - Present
 - Male preference eliminated
 - A surviving spouse can inherit full title if there is no person entitled to the remainder

Tracking



How do I determine who owns the lot now?

- Come up with a format that makes sense for your cemetery, that can track the descent of title

Survived by (Original Owner):

EXAMPLE

Spouse: _____

Eldest Living Child: _____ Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

***This individual is also deceased. The date of death is: _____ If so, continue to establish ownership*

→ Spouse: _____

Eldest Living Child: _____ Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

**** This individual is also deceased. The date of death is: _____ If so, continue again...*

→ Spouse: _____

Eldest Living Child: _____ Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

Survived by (Original Owner):

EXAMPLE

Spouse: Margaret Smith 5-13-1980

Eldest Living Child: John Smith Sr. 9-26-1959 Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

***This individual is also deceased. The date of death is: _____ If so, continue to establish ownership*

→ Spouse: Helen Smith 10-23-1982

Eldest Living Child: John Smith Jr. 9-18-2014 Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

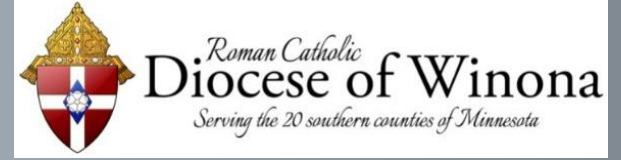
**** This individual is also deceased. The date of death is: _____ If so, continue again...*

→ Spouse: Janet Smith

Eldest Living Child: Daniel Smith Pre-1981 laws applicable

If no child – Youngest Living Sibling: _____ Pre-1981 laws applicable

Affidavit for Title Update



Once the current owner is determined, create an affidavit that establishes title.

- Full title can go to one person
- or -
- Two people, the life tenant and remainder, inherit
- Affidavit must reflect one of the above options

Affidavit

STATE OF STATE (Where Signed))
COUNTY COUNTY (Where Signed))ss

FULL TITLE

Before me, _____, a Notary Public for the County of _____, State of Minnesota came AFFIANT NAME who being by me duly sworn, deposes and says:

That on or about the DATE day of MONTH 20 YEAR, OWNER CLAIMED/PURCHASED title to the right to burial, entombment, or inurnment in:

Section One (1), Block Two (2), Lot Three (3)
Graves One (1) – Three (3)

in NAME OF CEMETERY Cemetery, in the City of NAME OF CITY, County of NAME OF COUNTY State of Minnesota, according to the plat thereof.

That on or about DATE day of MONTH 20 YEAR said OWNER, WIDOWED OR SINGLE PERSON, died, intestate OR leaving a will which did not mention said graves, leaving surviving SPOUSE NAME/NAME OF ELDEST CHILD/YOUNGEST SURVIVING SIBLING, his/her SPOUSE/ELDEST LIVING CHILD/YOUNGEST SURVIVING SIBLING.

That said NAME OF SPOUSE OR ELDEST LIVING CHILD OR YOUNGEST SURVIVING SIBLING is entitled to the right to use for burial purposes of said cemetery lot, burial plot or entombment or inurnment space of the said OWNER in accordance with Minnesota Statutes in such case as made and provided;

That this affidavit is made for the purpose of establishing the claim of the said NAME OF SPOUSE OR ELDEST LIVING CHILD OR YOUNGEST SURVIVING SIBLING to the right to use for burial purposes of said cemetery lot, burial plot or entombment or inurnment space.

Further affiant saith not.

AFFIANT NAME

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

Affidavit

STATE OF STATE (Where Signed))
COUNTY COUNTY (Where Signed))ss

Life Tenant & Remainderperson

Before me, _____, a Notary Public for the County of _____, State of Minnesota came AFFIANT NAME who being by me duly sworn, deposes and says:

That on or about the DATE day of MONTH 20 YEAR, OWNER CLAIMED/PURCHASED title to the right to burial, entombment, or inurnment in:

Section One (1), Block Two (2), Lot Three (3)
Graves One (1) – Three (3)

in NAME OF CEMETERY Cemetery, in the City of NAME OF CITY, County of NAME OF COUNTY State of Minnesota, according to the plat thereof.

That on or about DATE day of MONTH 20 YEAR said OWNER, WIDOWED OR MARRIED, died, intestate OR leaving a will which did not mention said graves, leaving surviving SPOUSE NAME (IF APPLICABLE), spouse, and his/her eldest living child (or youngest surviving sibling); NAME OF ELDEST LIVING CHILD/YOUNGEST SURVIVING SIBLING.

That said NAME OF LIFE TENANT is entitled to a life estate interest; and NAME OF REMAINDERPERSON as Remainderperson in and to the right to use for burial purposes of said cemetery lot, burial plot or entombment or inurnment space of the said OWNER in accordance with Minnesota Statutes in such case as made and provided;

That this affidavit is made for the purpose of establishing the claim of the said NAME OF LIFE TENANT, life tenant and REMAINDERPERSON, remainderperson in and to the right to use for burial purposes of said cemetery lot, burial plot or entombment or inurnment space.

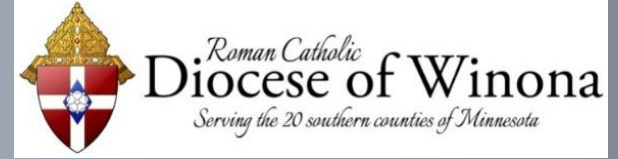
Further affiant saith not.

AFFIANT NAME

Subscribed and sworn to before me this _____ day of _____, _____.

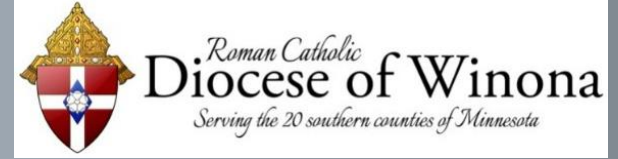
Notary Public

Descends into Trust



- If the owner **does NOT have anyone to inherit the property**, the lot descends into trust
 - The parish cemetery becomes the trustee of the lot
 - Anyone related by blood or marriage is permitted burial on the property, according to the parish cemetery policy and at the discretion of the cemetery committee and pastor

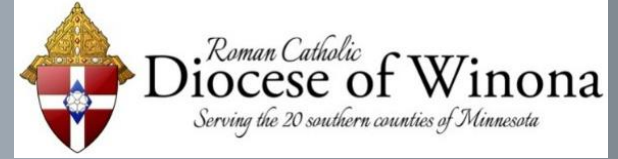
Options for the Owner



An owner can do the following with his/her property:

- Transfer it to another person → Conveyance & Consent
- Place it in trust → Trust Deed
- Sell to a private party, if permitted → Sales Agreement
- Donate or quitclaim (sell it back) to the cemetery → Trust for Donation & Quitclaim

Conveyance & Consent



A Conveyance and Consent transfers ownership from one person to another

- The transfer can be to anyone the lot owner chooses
- No exchange of money between parties is involved

Conveyance and Consent

KNOW ALL PERSONS BY THESE PRESENT that I NAME OF OWNER grant and convey to NAME OF NEW OWNER all of my right title and interest in the use for burial, entombment, or inurnment purposes of:

Section ONE (1), Block TWO (2), Lot THREE (3), Grave ONE (1)

At NAME OF CEMETERY Cemetery in the City of CITY, County of COUNTY State of Minnesota, according to the plat thereof, for burial purposes only and no other.

This conveyance of said right is made in accordance with and subject to the laws of the State of Minnesota now or hereafter existing governing cemeteries and the descent of cemetery lots, burial plots, or entombment or inurnment space or the right to burial entombment or inurnment therein; and in accordance with and subject to the rules and discipline of the Roman Catholic Church and rules and regulations of NAME OF PARISH CEMETERY now or hereafter existing or as decided or interpreted by the Ordinary of the Diocese of Winona.

IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____.

Grantor NAME OF OWNER

Subscribed and sworn to before me this _____ day of _____.

Notary Public

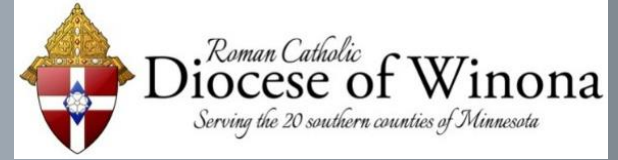
CONSENT

NAME OF CEMETERY, a religious corporation under the laws of the State of Minnesota, does hereby consent to said conveyance subject to the reservations and conditions expressed therein.

NAME OF CEMETERY

By: _____
An Authorized Signature

Trust



An owner places property in trust with a cemetery – the cemetery becomes the Trustee (the owner), and abides by the wishes of the Grantor (previous owner) as outlined in the trust

- Only a grantor can amend a trust
- Trusts are usually set up to allow burials for anyone related by blood or marriage

Trust Deed

BY THESE PRESENTS, NAME, the owner of Section numbered NUMBER (#) Block numbered NUMBER (#) Lot numbered NUMBER (#) Grave(s) numbered NUMBER (#) in NAME OF CEMETERY Cemetery, CITY OF CEMETERY, Minnesota, as Grantor for a good and valuable consideration, the receipt whereof is hereby acknowledged does, hereby grant, assign, transfer and set over to NAME OF PARISH CEMETERY, a corporation organized and existing under the laws of the State of Minnesota, as Trustee, its successors and assigns, all of his/her right, title, and interest in and to said property, or any rights or easements therein.

IN TRUST, HOWEVER, and to the intent and purpose that said Trustee shall take and hold said title in perpetuity for the protection of the graves of the following names persons now buried:

NAME, **Grave Three (3)**
NAME, **Grave Four (4)**

and for the use and benefit for burial purposes of the following names persons to be interred therein hereafter, namely:

NAME, **Grave One (1)**
NAME, **Grave Two (2)**
NAME, **Grave Two (2)**. One burial in Grave Two must be a cremation.

Cremation or infant burials permitted in left and right side of monument
One full body and one cremation or two cremation burials permitted in each grave provided the fee for the additional right of burial has been paid to NAME Cemetery.

The Grantor hereby reserves the right, at any time, or times, during his/her lifetime, to change the forgoing designation of the persons for the use and benefit of whom said property is hereby placed in trust. After the death of the Grantor, any person to whom the right of burial has been allotted, may assign such right of burial to another person. Change of designation or assignment in each case shall be subject to the approval of the Trustee.

The Trustee in its sole discretion may permit relatives, by blood or marriage of the said Grantor to be buried in any unallotted grave under the terms of this trust.

The Trustee shall use good faith and its best judgment in determining the relationship of the person whose burial in any unallotted grave is requested but shall have no further responsibility in regard to the determination of such relationship. Unless the Trustee in its judgment believes it to be unwise, the relative as above designated, whose burial in such unallotted grave is first requested, shall be the one to be granted burial therein.

For the purpose of this trust, an unallotted grave is:

1. Any grave which has not, by the terms of this trust deed, been designated for the interment of some particular person
2. Any grave originally designated by the terms of this trust deed for the burial of some particular person when that person has been interred elsewhere.

IN WITNESS WHEREOF, this Trust Deed has been executed this _____ day of _____ in the year of Our Lord _____.

IN THE PRESENCE OF:

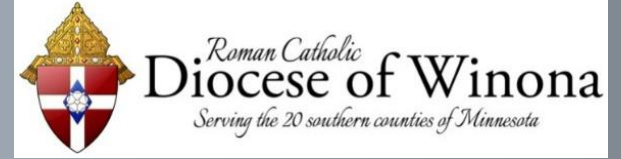
Grantor **NAME OF GRANTOR**

The conveyance evidenced by the foregoing instrument has been accepted by the Trustee named therein, as of the date last above written, upon the terms and conditions stated, subject to the rules and disciplines of the Roman Catholic Church and the rules and regulations of **PARISH NAME** for **CEMETERY NAME** now or hereafter existing for the government of **CEMETERY NAME**, as decided or interpreted by the Pastor of **PARISH NAME** for the Ordinary of the Diocese of Winona.

CEMETERY NAME

By _____
An Authorized Signature

Agreement of Sale & Conveyance



An owner can sell his/her property to another party

- The lot can only be sold for the original purchase price of the lot
- The agreement must be done through the cemetery and not independent of it

Agreement of Sale and Conveyance

FOR VALUABLE CONSIDERATION, NAME OF CURRENT OWNER AND SPOUSE OR REMAINDERPERSON IF APPLICABLE, hereinafter known as Owner hereby grants and conveys to CEMETERY NAME, a religious corporation under the laws of the State of Minnesota, the right to the use for burial purposes of:

Section _____, Block _____, Lot _____, Grave(s) _____

in _____ Cemetery in the City of _____, County of _____, State of Minnesota, according to the plat thereof, and said CEMETERY NAME does hereby agree that it will convey all said right and interest to NAME OF PURCHASER (ONE PERSON ONLY), hereinafter known as Purchaser, in consideration of the payment by Purchaser of Owner, as total price the sum of \$ _____, which sum shall not be more than the price that would be charged by *your cemetery name* in its sale of a similar lot or space.

IT IS FURTHER UNDERSTOOD AND AGREED BY AND AMONG Owner, Purchaser, and YOUR CEMETERY NAME:

1. YOUR CEMETERY NAME will issue its Certificate of Ownership and Conveyance (*or deed*) to

Purchaser in accordance with and subject to the laws of the State of Minnesota now or hereafter existing governing cemeteries and the descent of cemetery lots, burial plots, or entombment or inurnment space or the right to burial entombment or inurnment therein; and in accordance with and subject to the rules and discipline of the Roman Catholic Church and rules and regulations of YOUR CEMETERY NAME now or hereafter existing or as decided or interpreted by the Ordinary of the Diocese of Winona.

2. That except as may be set forth above, no interest in or to any monument or memorial space in or on said lot or space is hereby sold or conveyed.
3. Owner shall have provided to YOUR CEMETERY NAME the original deed or certificate of ownership or conveyance and/or satisfactory proof of interest in or to said lot or space.
4. _____ will pay *your cemetery name* its transfer and service charges applicable hereto. (Note: Cannot be more than \$15.00)

All in accordance with and subject to the laws of the State of Minnesota now or hereafter governing cemeteries and the descent of title to, right of sale or conveyance of the right to burial in lots or spaces in said cemetery.

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Notary Public

Owner

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Notary Public

Owner (Spouse or remainderperson)

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Notary Public

Purchaser

YOUR CEMETERY NAME

By: _____
An Authorized Signature

An owner can donate his/her property back to the cemetery

- The lot is given back to the cemetery
- The cemetery becomes the trustee of the property
 - A trust deed is used for donation if it is donated for a specific purpose, such as for an indigent burial.
 - A quitclaim is used if it is donated for use by the Parish Cemetery for general purposes.

Quitclaim Deed

BY THESE PRESENTS, NAME and spouse, NAME, of the State of STATE and County of COUNTY does hereby Grant, Bargain, Quitclaim and Convey unto the said NAME OF CEMETERIES, a Minnesota corporation, its successors and assigns, forever, in accordance with the Laws of Minnesota, all right, title and interest in and to Section SECTION (#) Block BLOCK (#) Lot LOT (#) Graves NUMBER(S) (#) in NAME OF CEMETERY Cemetery, in CITY, Minnesota.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to said Cemetery, its successors and assigns, forever.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20 _____.

GRANTOR

GRANTOR SPOUSE

STATE OF STATE *(Where Signed)*

COUNTY OF COUNTY *(Where Signed)*

ON This _____, day of _____, 20 _____, before me, a notary public within and for _____ County, personally appeared GRANTOR (AND SPOUSE) to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public

Trust Deed

BY THESE PRESENTS, NAME, the owner of Section numbered NUMBER (#) Block numbered NUMBER (#) Lot numbered NUMBER (#) Grave(s) numbered NUMBER (#) in NAME OF CEMETERY Cemetery, CITY OF CEMETERY, Minnesota, as Grantor for a good and valuable consideration, the receipt whereof is hereby acknowledged does, hereby grant, assign, transfer and set over to NAME OF PARISH CEMETERY, a corporation organized and existing under the laws of the State of Minnesota, as Trustee, its successors and assigns, all of his/her right, title, and interest in and to said property, or any rights or easements therein.

IN TRUST, HOWEVER, and to the intent and purpose that said Trustee shall take and hold said title in perpetuity for the protection of the graves of the following named persons now buried:

NAME, **Grave One (1)**

NAME, **Grave One (2)**

and for the use and benefit for burial purposes of the following named persons to be interred therein hereafter, namely:

The following graves are to be used for the burial of any person so designated (ex. an indigent person) by NAME OF CEMETERY: Grave Numbered **Three (3)**

No right to change the designation of the persons for the use and benefit for whom said property is hereby placed in trust is reserved to the Grantor.

The Trustee shall use good faith and its best judgment in determining the relationship of the person whose burial in any unallotted grave is requested but shall have no further responsibility in regard to the determination of such relationship. Unless the Trustee in its judgment believes it to be unwise, the relative as above designated, whose burial in such unallotted grave is first requested, shall be the one to be granted burial therein.

For the purpose of this trust, an unallotted is:

1. Any grave which has not, by the terms of this trust deed, been designated for the

DATE

NAME
ADDRESS
CITY, STATE, ZIP CODE

Dear **NAME**:

We acknowledge receipt of the **TRUST DEED / QUITCLAIM** signed by you pertaining to Section #, Block #, Lot #, Grave # in **NAME OF CEMETERY** Cemetery. The **TRUST DEED / QUITCLAIM** has been placed on file and our records changed accordingly. Enclosed is one copy of the **TRUST DEED / QUITCLAIM** for your records.

We thank you for your donation of this grave. **NAME OF CEMETERY** did not provide any goods or services, in whole or in part, in exchange or in consideration for this contribution. The current value of the donated grave is **AMOUNT \$X,XXX.00**.

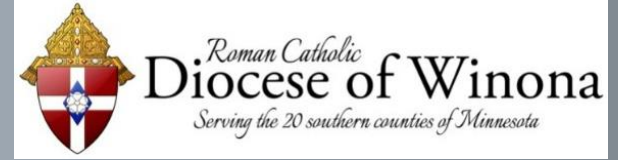
Very truly yours,

NAME OF CEMETERY

NAME OF PASTOR
Pastor

Enclosure

Quitclaim



If it is in accord with the policy of the cemetery, the cemetery may choose to repurchase property from an owner. They would Quitclaim it back to the cemetery for an agreed upon amount or for donation.

- The lot is repurchased by the cemetery, at the amount offered by the cemetery.
- The lot is donated back to the cemetery for general use (with no repurchase involved).
- The owner has no further involvement in the property.

Quitclaim Deed

BY THESE PRESENTS, NAME and spouse, NAME, of the State of State and County of COUNTY in consideration of the sum of AMOUNT WRITTEN OUT (\$XXX.00) paid by NAME OF CEMETERIES, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Quitclaim and Convey unto the said NAME OF CEMETERIES, a Minnesota corporation, its successors and assigns, forever, in accordance with the Laws of Minnesota, all right, title and interest in and to Section SECTION (#) Block BLOCK (#) Lot LOT (#) Graves NUMBER(S)(#) in NAME OF CEMETERY Cemetery, in CITY, Minnesota.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to said Cemetery, its successors and assigns, forever.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20 _____.

GRANTOR

GRANTOR SPOUSE

STATE OF STATE *(Where Signed)*

COUNTY OF COUNTY *(Where Signed)*

ON This _____, day of _____, 20 _____, before me, a notary public within and for _____ County, personally appeared GRANTOR (AND SPOUSE) to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public

Small Group Scenario



It's time to try a Descent of Title Example...

- Each group will be given a family situation and asked to determine who the current owner should be.
- Afterward, one representative will be asked to share the group's scenario and findings with everyone, so please pick a spokesperson.

Scenario 1

Mike Brady and his wife Carol have six children. Before they were married, Carol purchased a 4 grave lot for herself and her three daughters, Marsha, the oldest, then Jan and Cindy next to her youngest sister Louise, who also bought three adjoining graves. Then, Carol met and married Mike, who already had sons Greg, his oldest out of all six kids, then Peter and Bobby. They never adopted each other's children. All six kids grow up, get married and have families of their own. Greg, his wife and oldest son move to California, while Marsha and her daughter move to New York. Carol dies in 1980, and a few years later, Mike dies, too, in 1985. Now, Bobby and his wife want to be buried next to Mike and Carol. Who owns the lot?

Scenario 1

Mike Brady and his wife Carol have six children. Before they were married, Carol purchased a 4 grave lot for herself and her three daughters, Marsha, the oldest, then Jan and Cindy next to her youngest sister Louise, who also bought three adjoining graves. Then, Carol met and married Mike, who already had sons Greg, his oldest out of all six kids, then Peter and Bobby. They never adopted each other's children. All six kids grow up, get married and have families of their own. Greg, his wife and oldest son move to California, while Marsha and her daughter move to New York. Carol dies in 1980, and a few years later, Mike dies, too, in 1985. Now, Bobby and his wife want to be buried next to Mike and Carol. Who owns the lot?

ANSWER: Marsha, Marsha, Marsha

WHY: Lot Owner, Carol, died in 1980. At that time, Mike would have inherited a life tenancy and Marsha, her oldest non-male child (since she did not adopt Greg or the other boys) would have been remainder. When Mike died, full title goes to Marsha.

Scenario 2

Morticia and Gomez Addams decide to buy a lot at your cemetery for themselves, their kids Wednesday, the oldest, and Pugsley, Granny and Uncle Fester, so they buy a six grave lot and put it in Gomez's name. Gomez dies in 1973, and Morticia in 1980, but are buried in one grave, together. Wednesday is married and Pugsley is married, too, but he divorces in 1988 and lives in his son's basement. Lurch decides he wants to replace the monument on the lot, while Cousin It insists on being buried in the unused grave. Who would inherit the lot, and who needs to give permission for anything that happens on it?

Scenario 2

Morticia and Gomez Addams decide to buy a lot at your cemetery for themselves, their kids Wednesday, the oldest, and Pugsley, Granny and Uncle Fester, so they buy a six grave lot and put it in Gomez's name. Gomez dies in 1973, and Morticia in 1980, but are buried in one grave, together. Wednesday is married and Pugsley is married, too, but he divorces in 1988 and lives in his son's basement. Lurch decides he wants to replace the monument on the lot, while Cousin It insists on being buried in the unused grave. Who would inherit the lot, and who needs to give permission for anything that happens on it?

ANSWER: Pugsley

WHY: Lot Owner, Gomez, dies in 1973, so Morticia would have received life tenancy and Pugsley, the oldest male child remainder. When Morticia dies in 1980, full title goes to Pugsley.

Scenario 3

Zeb Walton, along with wife Esther, purchased a twelve grave lot in the 1920s. They have a son, John Walton, who's married to Olivia. John and Olivia have seven kids: John-Boy, the oldest, followed by Jason, Mary Ellen, Erin, Ben, Jim-Bob and Elizabeth. Zeb and Esther die in 1939. John Walton dies in 1952, followed by Olivia in 1971. Mary Ellen marries Curt Willard, and they have a son John Curtis. Ben marries Cindy, and they have two kids, Virginia and Charlie. Jim-Bob is married, but dies in 1973 and John-Boy dies without a wife or children in 1979. Who owns the lot?

Scenario 3

Zeb Walton, along with wife Esther, purchased a twelve grave lot in the 1920s. They have a son, John Walton, who's married to Olivia. John and Olivia have seven kids: John-Boy, the oldest, followed by Jason, Mary Ellen, Erin, Ben, Jim-Bob and Elizabeth. Zeb and Esther die in 1939. John Walton dies in 1952, followed by Olivia in 1971. Mary Ellen marries Curt Willard, and they have a son John Curtis. Ben marries Cindy, and they have two kids, Virginia and Charlie. Jim-Bob is married, but dies in 1973 and John-Boy dies without a wife or children in 1979. Who owns the lot?

ANSWER: Ben

WHY: Lot Owner, Zeb, and his wife die in the 1939. Their only child, their son John, would have inherited the title. When John and Olivia die, full title would've gone to John-Boy, the eldest son. When John-Boy dies in 1979, he doesn't have a wife or children, so full title would have gone to his youngest living male sibling. That would have been Jim-Bob, but he died first, so it goes to Ben.

Scenario 4

Jock Ewing and his wife Ellie purchased a 6 grave family lot in 1973. Together, they had three sons, Gary, the oldest, J.R. and Bobby. Jock had a son, Ray, from a previous relationship *before* he met Ellie. Jock died in 1979. Ray married Donna, but got divorced and married Jenna, who has a daughter Charlie. Ellie dies in 1985 and Ray dies in 1989. J.R. doesn't want Ray buried on his daddy's property, but Bobby wants him next to Jock. Who owns the lot and has the right to decide?

Scenario 4

Jock Ewing and his wife Ellie purchased a 6 grave family lot in 1973. Together, they had three sons, Gary, the oldest, J.R. and Bobby. Jock had a son, Ray, from a previous relationship *before* he met Ellie. Jock died in 1979. Ray married Donna, but got divorced and married Jenna, who has a daughter Charlie. Ellie dies in 1985 and Ray dies in 1989. J.R. doesn't want Ray buried on his daddy's property, but Bobby wants him next to Jock. Who owns the lot and has the right to decide?

ANSWER: Jenna, life tenant and Charlie, remainderperson

WHY: Lot Owner, Jock, dies in 1979, when life tenancy would have gone to Ellie and Ray, his eldest living child. When Ellie dies in 1985, title goes to Ray. When Ray dies in 1989, life tenancy goes to Jenna, with remainder over to Charlie, his eldest child.

Scenario 5

Mona Robinson buys three graves for herself, her daughter Angela Bower and her grandson, Jonathan. A few years later, she buys graves 4 & 5, and conveys ownership over to her daughter's housekeeper, Tony Micelli for him and his daughter, Samantha. Mona dies in 1980 and is buried in grave 1. Two years later, Angela and Tony get married. They have a daughter, Mini-Mona. Tony dies in 1999, and Angela buries in him in grave 2. Mini-Mona wants to sell off graves 4 & 5. Who's the one that owns the graves?

Scenario 5

Mona Robinson buys three graves for herself, her daughter Angela Bower and her grandson, Jonathan. A few years later, she buys graves 4 & 5, and conveys ownership over to her daughter's housekeeper, Tony Micelli for him and his daughter, Samantha. Mona dies in 1980 and is buried in grave 1. Two years later, Angela and Tony get married. They have a daughter, Mini-Mona. Tony dies in 1999, and Angela buries in him in grave 2. Mini-Mona wants to sell off graves 4 & 5. Who's the one that owns the graves?

ANSWER: Angela, life tenant and Samantha, remainderperson

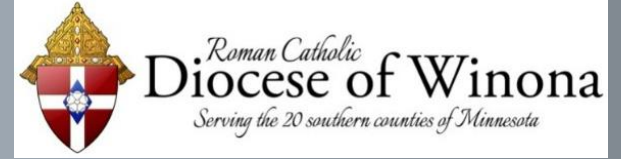
WHY: Lot Owner of Graves 4 & 5, Tony (since Mona made him the owner), dies in 1999, leaving behind his wife, Angela as life tenant and eldest surviving child, Samantha, remainderperson.

Cremation and the Catholic Church



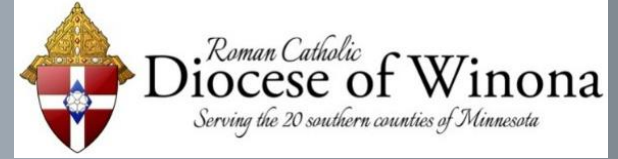
In October of 2016, the Vatican Congregation for the Doctrine of the Faith issued an instruction “Ad resurgendum cum Christo” regarding the burial of the deceased and the conservation of the ashes in the case of cremation.

Cremation and the Catholic Church



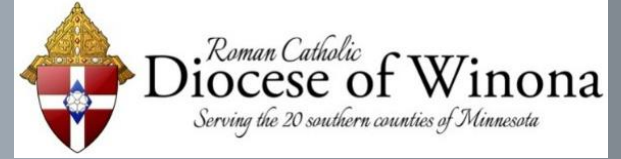
- Emphasizes the “pastoral reasons for the preference of the burial of the remains of the faithful”
- Establishes norms pertaining to the conservation of ashes In the case of cremation

Cremation and the Catholic Church



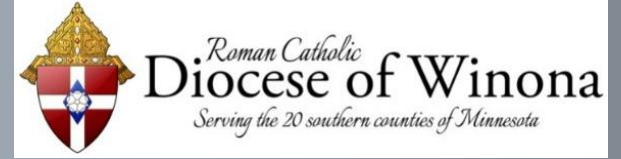
- In burying bodies of the faithful, the Church confirms her faith in the resurrection of the body
- Preference remains that *bodies* of the deceased be buried
 - The Church insistently recommends that the bodies of the deceased be buried in cemeteries or other sacred places

Cremation and the Catholic Church



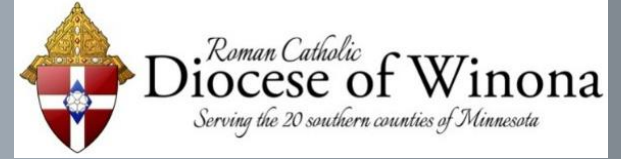
- Preference that cremation takes place *after* the celebration of the funeral rite

Cremation and the Catholic Church



- The ashes of the faithful must be laid to rest in a sacred place
 - Two burials per grave permitted:
 - One traditional and One cremation
 - or*
 - Two cremation burials
 - Vaults required

Cremation and the Catholic Church



The ashes of the faithful may not be...

- kept at home
- divided among family members
- scattered
- preserved in mementos, pieces of jewelry or in any other objects



Columbarium Presentation

Gary Gertken CM, Regional Sales Manager



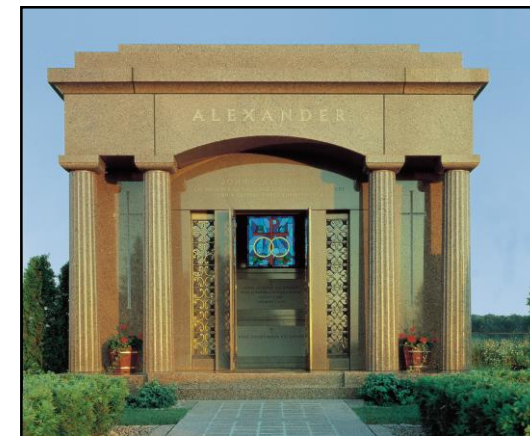
Worldwide Leadership

- 118th Anniversary in 2016
- Family-owned business
- 900+ employees in North America
- 37 Quarries, 5 processing facilities
- 1 bronze foundry facility
- Importer/exporter of raw and finished goods
- Over 100 colors/ wide variety of finishes



Cemetery Development Products/Services

- Private estates
- Community mausoleums
- Columbariums
- Cremation gardens
- Chapels
- Funeral homes
- Administrative facilities
- Maintenance facilities



An aerial photograph of a columbarium, a place for the respectful and usually public storage of cinerary urns. The central feature is a large, multi-tiered fountain with a central sculpture of a bird-like figure. The fountain is surrounded by a series of rectangular, stepped concrete basins. The entire structure is set on a large, well-maintained green lawn, with numerous small, manicured hedges arranged in a grid-like pattern around the fountain. In the background, there are trees and a flagpole with an American flag. The text "Why a Columbarium?" is overlaid in large white letters across the top of the image.

Why a Columbarium?

Definition per Wikipedia:

“...a place for the respectful and usually public storage of cinerary urns (ie urns holding a deceased's cremated remains).”



COLDSPRING™

8 Key Trends Affect Cremation

- People are dying older
- Migration to retirement locations is increasing
- Cremation is more acceptable
- Environmental considerations
- Level of education rising
- Ties to tradition becoming weaker
- Regional differences are diminishing
- Religious restrictions are diminishing
- Greater flexibility in memorialization services



Obtained from CANA website 8/1/12

Columbarium Benefits

- Saves money
- Saves land
- Simpler
- Body not in earth
- Personal Preference



Columbarium Options

Freestanding units

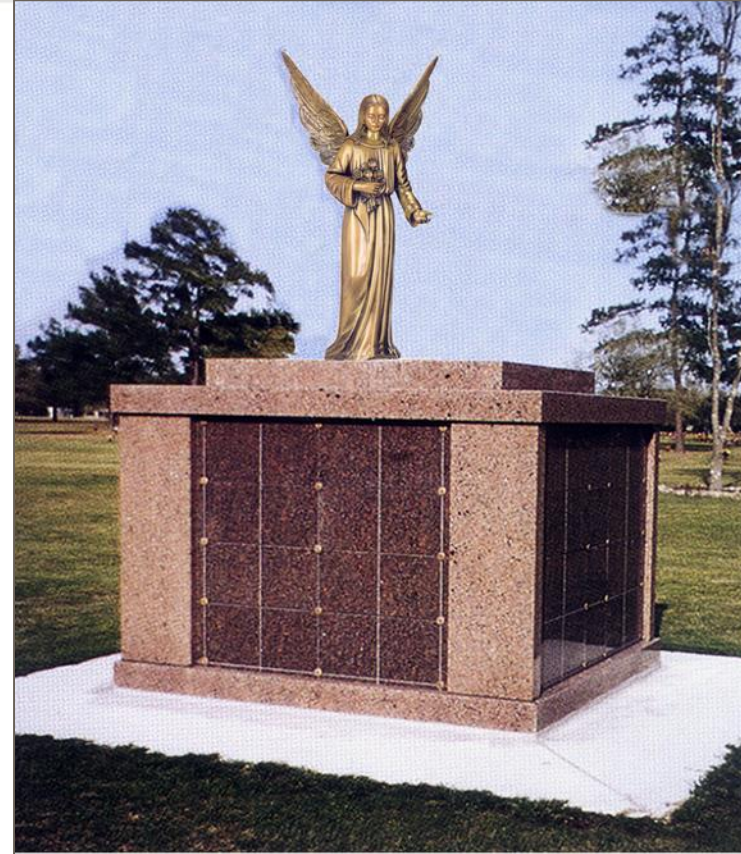


COLDSPRING™











Committal Shelters





Custom Designs



Budget?

- Cost Comparison
 - What are your families paying today?
- Pro-Forma
 - Potential Revenue?



Cost Comparative Analysis

Niche

- Niche space = \$1,719.00
- Vaults = 0
- Open and close = \$250
- Memorial = 0
- Foundation = 0
- Total = \$1,919.00

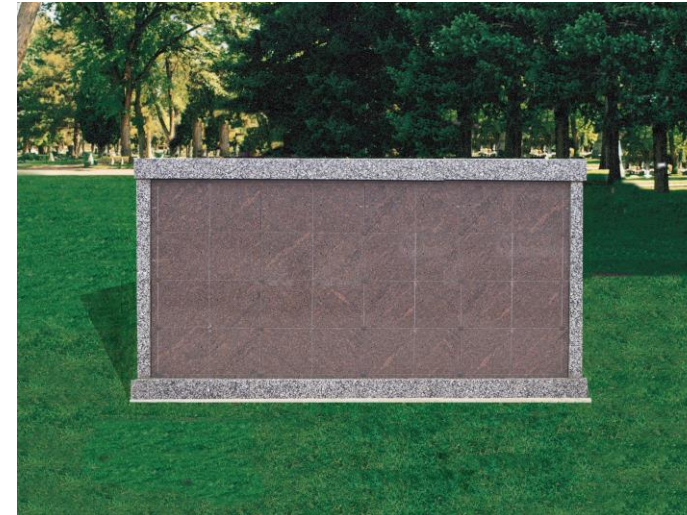
Ground Burial

- Lot = \$600
- Vault = \$400
- Open and close = \$400
- Memorial = \$1,500
- Foundation = ?
- Total = \$2,900.00

64 Niche Columbarium Pro Forma Model

- Unit Investment (Appox) \$25,000
- Foundation included
- Landscaping \$1,000
- Install – crane rental included
- Memorialization \$18,000
- Freight Included
- Total Investment \$44,000

- Number of niches 64
- Cost per urn space \$687.50
- Average retail (x2.5) \$1,719.00
- Breakeven point 25 spaces
- Total Revenue \$110,016.00
- **Net Revenue \$ 66,016.00**



Funding of a columbarium / Decision process

Funding

- Pre-sales
- Grants
- Fundraising / Donations

Decision process

- Parishioners (is there a need?)
- Cemetery Committee
- Church Council
- Finance Committee
- Administrator
- Pastor



Project Portfolio



THANK YOU!



**CATHOLIC
FOUNDATION**
of Southern Minnesota

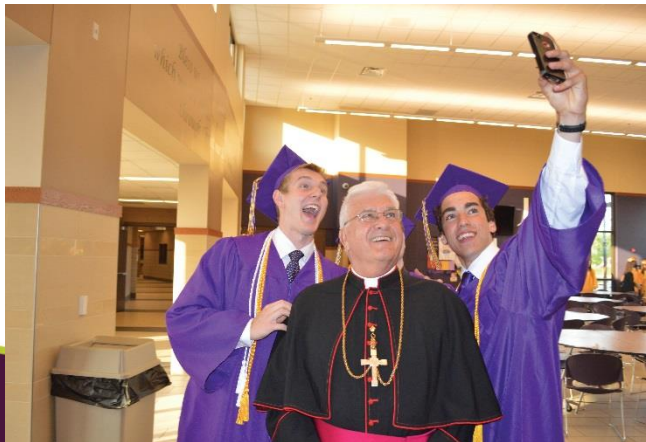
Our Mission

The Catholic Foundation of Southern Minnesota supports parishes, schools, cemeteries, and individuals with the necessary resources to be vibrant centers of faith and service in southern Minnesota and to assist faithful Catholics in fulfilling their stewardship call.



History

- Founded as the *Diocese of Winona Foundation* in 1991
 - Catholic Ministries Appeal
- 2001 **Expanded** Mission
 - Planned-giving: Charitable Trusts & Annuities



2013

Over **\$26.3 M** Priest Retirement, Immaculate Heart of Mary Seminary, Catholic Ministries Appeal and 114 Parish Projects



2014

- New Name, Renewed Vision



- **Vision:** The Foundation will be a prominent *CENTER FOR CATHOLIC PHILANTHROPY* in southern Minnesota.

Thank You!

- You are the Body of Christ bringing His Love to others.
- Over \$82 Million in grants since 1991



Objectives

- Strengthen and grow the Foundation to provide development/stewardship services and to enhance and promote Catholic philanthropy in southern Minnesota through effective donor engagement.

CFSM Services

- **Catholic Ministries Appeal:** provides compelling materials and customized support to help parishes meet or exceed their annual goals
- **Investment/Endowment Planning and Management:** endowed funding provides a permanent source of revenue that supports the work of the church in perpetuity
- **Stewardship and Offertory Enhancement:** an offertory program that invites families to reflect upon the vital work of the parish & consider increasing their time, talent and financial support
- **Planned-giving:** a variety of giving options are offered to provide long term support to various entities in the Diocese to build a financially sustainable future
- **Capital Campaigns:** campaigns designed to address large scale projects at parishes, school and other Catholic entities

Current Holdings

- CFSM current holdings are approximately \$24M
- 70 funds benefitting:
 - Parishes
 - Schools
 - Cemeteries
 - Seminarian Education
 - Foreign mission
 - Catholic education
 - Higher education
 - Hispanic education
 - Faith Formation
 - Clergy Formation
 - Individual Charitable trusts and annuities
 - And more...

Agency Funds vs. Endowments

- **Agency Fund**
 - The Catholic entity establishing the fund retains ownership of the fund
- **Endowment**
 - The Catholic entity establishing the fund retains ownership of the fund. An endowment is permanent fund, the principal of which is never touched, but the income from which can be used in accordance with the wishes of the donor organization or individual
 - An endowment fund provides a permanent and secure source of income, which can ensure the future of the Catholic parishes, programs, schools, agencies and organizations

Investment Policy

Benefits and features of the investment and endowment planning and management services include:

- Review of documents to ensure compliance
- Ensure investment objectives are aligned with funding requirements
- World Class investment management (Concord Advisory Group) with oversight
- CFSM Board of Directors & Investment Committee provides counsel and oversight
- A prudent investment strategy
- Full transparency and accountability
- High performance fund management

Catholic Responsible Investing

- Investment Partner:
 - Concord
 - Investments screened extensively in light of Catholic Teaching
 - Investment cost of CRI essentially zero

Catholic Responsible Investing

- To bring the Light of Christ to the world of investing, the USCCB offers three general principles to bear in mind.
- Investors must avoid participating in evil activities
- Investors must be actively engaged in shareholder voting
- Investors must work to change corporate policies for the better
- As the logical conclusion of these principles, the USCCB gives concrete guidance on what practices must be avoided and what socially responsible goals Catholic investors should seek to promote.

Catholic Responsible Investing

- To bring the Light of Christ to the world of investing, the USCCB offers three general principles to bear in mind.
 - Investors must avoid participating in evil activities
 - Investors must be actively engaged in shareholder voting
 - Investors must work to change corporate policies for the better
- As the logical conclusion of these principles, the USCCB gives concrete guidance on what practices must be avoided and what socially responsible goals Catholic investors should seek to promote.
- Investors must work to change corporate policies for the better
- As the logical conclusion of these principles, the USCCB gives concrete guidance on what practices must be avoided and what socially responsible goals Catholic investors should seek to promote.

Catholic Responsible Investing

- **Specifically, Catholic investment portfolios should:**
 - Protect Human Life
 - Promote Human Dignity
 - Reduce Arms Production
 - Pursue Economic Justice
 - Protect the Environment
 - Encourage Corporate Responsibility
- The result of these socially responsible goals is the list of morally illicit activities.
- Catholics must not invest in businesses engaged in [abortion](#), [contraception](#), [embryonic stem cell research](#), [racial and gender discrimination](#), [pornography](#), [arms production](#) or [other morally wrong business activities](#).

Reporting

As part of our continued communication, the CFSM will send quarterly reports that will illustrate the following:

- An itemized schedule of all distributions from the Fund
- An itemized schedule of all costs and fees paid by the Fund
- An itemized schedule of all receipts by the Fund
- The value of the Fund assets (gains/losses)
- Amount available for distribution

Fees

Investment fees: Fees netted from investment portfolio by asset advisors. Fees vary by Investment type and range from 50 basis points to 125 basis points. These fees are automatically deducted on a daily basis. Investment portfolio is reported net of investment fees.

CFSM fees: Implemented July 1, 2015

Fee Structure

Type of Fund

Basis Points

Scholarship Endowments	125 (1.25%)
Designated Endowments	100 (1.0%)
Donor Advised Funds	100 (1.0%)
Life Products (trusts/annuities)	100 (1.0%)
Agency Funds (<\$1M)	75 (.75%)
Agency Funds (>\$1M)	50 (.50%)

Investment Fees support the Foundation mission

The cost of fund management with CFSM is ultimately a reinvestment into the very areas you support.

We create marketing materials and provide customized support in the areas of the annual appeal, capital campaign, offertory enhancement, planned giving and other services to parishes, cemeteries, schools and other Catholic entities. These specialized services are partially afforded by the fees on our management and investment services.

The benefit of creating an endowment/fund with the CFSM extends beyond the area it supports.

This creative investment concept sets us apart and proves to be a successful way to help those across the Diocese grow for future generations.

Why Establish a Fund at the CFSM?

- Our commitment to long-term financial needs of our Church
- Hands-on Investment Committee
- Investments are socially responsible
- Full compliance
- Pool investments

Our Team



- Staff:
 - Monica Herman, Executive Director
(mherman@catholicfsmn.org / 507.858.1276)
- Board of Directors:
 - Crystal Hiatt, Winona
 - Jeff Torborg, Rochester
 - Larry Dose, Rochester
 - Fr. Jason Kern, Wells
 - Barb Cullen, Mankato
 - Dennis Lockwood – Fairmont
 - Tim McManimon - Owatonna
 - Bishop John Quinn, Ex-Officio
 - Msgr. Thomas Melvin, Ex-Officio

Contact us

Catholic Foundation of Southern Minnesota
55 W Sanborn
PO Box 30098
Winona, MN 55987

(507) 858-1276

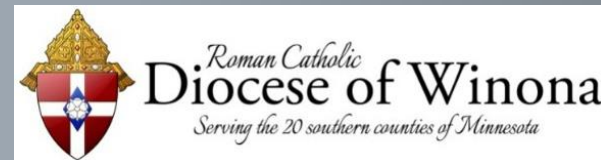
mherman@catholicfsmn.org

EIN #

41-1691198

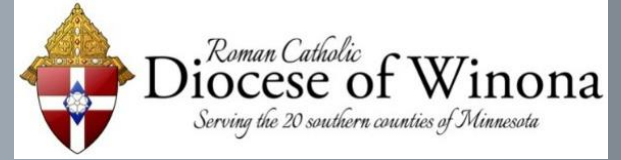


Cemetery Associations



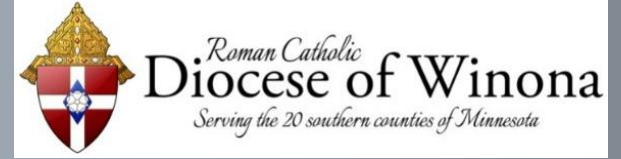
- **Most Parish Cemeteries Organized as Associations in Minnesota**
 - A part of the Parish Civil Corporation
 - Parish ultimately responsible for all aspects of the cemetery
 - Parish Articles of Incorporation and cemetery documents of ownership are being reviewed by legal team to insure proper titling of parish and cemetery land and buildings
 - Legal expense paid by Diocese of Winona

Cemetery Associations & Merged Parishes



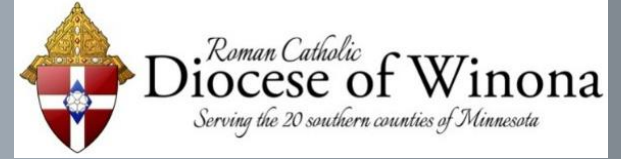
- Cemeteries within a Parish Cluster work together to establish:
 - Common policies
 - Common rates
 - Consistent administration
 - Shared management
 - Shared Contracted services

Cemetery Associations & Merged Parishes



- Merged Cemeteries continue to operate as they have done so in the past:
 - Meet with families at time of need and at pre-need planning
 - Coordinate opening and closing of graves
 - Coordinate maintenance of cemetery grounds
 - Maintain cemetery burial records

Cemetery Associations & Merged Parishes



- Continue to rely heavily upon parish volunteers for this Corporal Work of Mercy
- The receiving Parish has responsibility for Mission and Administration.

Cemetery Accounting – Cindy Olson



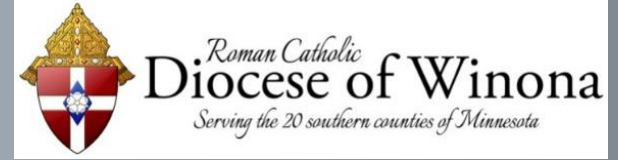
➤ Bank Procedures

- The trustees (each cemetery has two trustees) and parish priest are signers on all of the accounts.
- The parish priest signs the checks and, if desired, a trustee provides a second signature.
- Bank statements come to the parish and are opened and reviewed by the parish priest before going to the bookkeeper for reconciliation.

➤ Bills

- Bills can be dropped off or mailed directly to the church office.
- The parish may give permission for the cemetery to use established accounts (gas station, hardware store, etc.) and the parish will bill the cemetery through the accounts receivable accounts if needed.
- Cemetery personnel or trustees approve bills before payment.

Cemetery Accounting



➤ Deposits

- Interment receipts are dropped off by the funeral home director to the parish or parish priest brings them over to the office.
- If the cemetery banks at the same bank as the parish, the cemetery deposit may be included in the bank bag used for the parish weekend collection to be transported to the bank by the money counters.
- If the cemetery banks at a different bank, office personnel will take the deposit to the bank. A second staff member can be shown the deposit before it goes and then sign off on the deposit receipt when it is received for some internal control.
- If cash is received, a receipt is written up for the person making the payment and a copy of the receipt is placed with the cemetery copy of the deposit ticket.

Cemetery Accounting



➤ Cemetery donations

- The parish may include an envelope in their envelope packet designated to the cemetery to provide an additional source of funds for the cemetery.
- All donation checks are made out to the parish so that they are entered into Connect Now Family suite for contribution statements. They are handled by the parish money counters with weekend collections.
- The parish then writes a check (or transfers) the donation amounts to the cemetery checking account.
- For the parish, the donations go through the 2300 accounts; for the cemetery, the donations are shown as donation income.

Cemetery Accounting



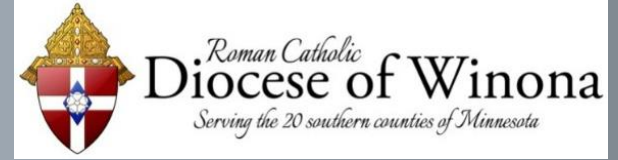
➤ Employees/Independent Contractors

- Cemetery employees are paid through the parish payroll system and then billed back to the cemetery through the accounts receivable 1205 account.
- Independent contractors must have a W-9 on file and 1099s need to be issued for those earning over \$600.

➤ Permanent Care

- Permanent care certificates may be handled in the parish office and then forwarded to the Diocese.
 - The cemetery needs to provide the needed numbers for Division, Section, Lot and grave so this information can be put on the forms.
 - The parish contacts the buyer when forms are ready and the parish priest signs the forms.
 - When the buyer comes in to sign the form and get their copy, payment is made.
 - The permanent care portion is transferred into the proper account by bank transfer or check (authorized by a trustee).
 - Permanent care books are kept at the parish in a fireproof cabinet.

Cemetery Accounting



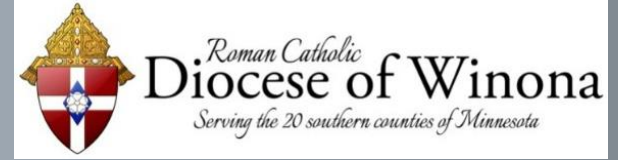
➤ End of year reporting

- No green sheets! The accounting system prints out the financial portion of the report and the questions to be answered are at the end of the report to be filled out.
- Lines for the proper signatures are at the end of the report as well.

➤ Finance/Trustee meetings

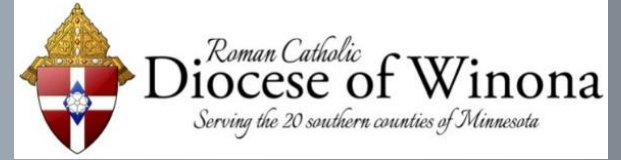
- Parish finance committee reviews cemetery financials along with the parish financials
- Cemetery trustees meet at least annually to review the financials and sign the documents to be sent to the Diocese.

Ideas for Gestures of Hospitality & Welcome



- staff stand at entrance of cemetery - welcoming the funeral procession
- cemetery open year-round for visitation
- cemetery well-maintained and groomed
- flower and wreath placement options
- greeting cards delivered on key dates
- special services for the following days: Memorial, Veterans, Mothers, and All Souls etc.
- online burial records including photos of memorials
- rates and policies available on-line
- memorialization options for deceased unborn babies

Ideas for Gestures of Hospitality & Welcome



- provide options for burial or inurnment of cremated remains
 - Columbarium , garden
 - Lowering device for cremated remains
- rates and policies available on-line
- remembrance garden for miscarried, stillborn, aborted, and short-lived infants.

Some Stats...



- **Diocese of Winona Fiscal Year 2016-2017**
 - 703 Committals
 - 3.2 average number of interments per parish cemetery
 - 43% Cremation Rate

- **Diocese of Winona Fiscal Year 2015-2016**
 - 691 Committals
 - 41% Cremation Rate

- **U.S. 2016 Cremation Rate 50%**
 - 56.3% projected by 2020

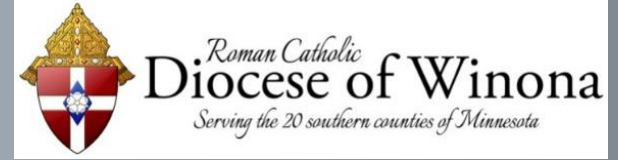
Some Resources...



➤ Catholic Cemetery Conference

- catholiccemeteryconference.org
- Educational Opportunities
- Peer Resources
- Certification Program
- Monthly magazine
- Web-based Resources, i.e., Memorial Day, All Souls Day
- Economical Membership Fee (\$100.00/year)

Resources continued...



➤ Find A Grave

➤ findagrave.com

➤ Find A Grave is a website that allows the public to search and add to an online database of cemetery records.

➤ Powerful search tool

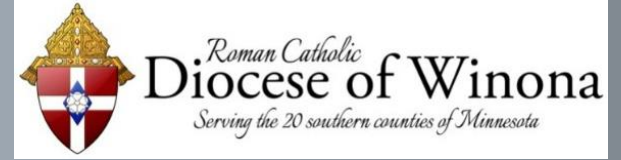
➤ Resource for locating burial records

➤ Locating cemeteries

➤ Users can Add and Update Records

➤ No Enrollment or User Fee

Resources continued...



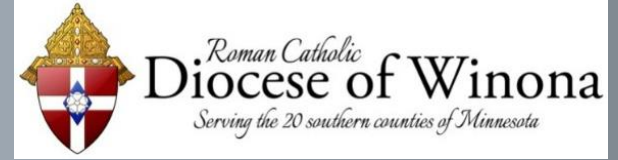
- Diocese of Winona
 - Dow.org
 - Cemeteries tab
 - Cemetery locations
 - Workshop materials
 - Forms
 - Funeral Planning Resources
 - Financial Report Forms
 - Cremation Brochure

Promoting Your Cemetery



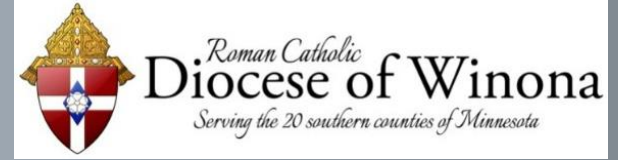
- Providing Information on Your Cemetery
 - Assists those who are pre-planning for the future
 - Assists those who are planning at-need and making immediate decisions

Promoting Your Cemetery



- Providing...
 - Cemetery History
 - Location
 - Photos
 - Rates
 - Policies
 - Committal Options
 - Contact Information

Promoting Your Cemetery



➤ Tools for Promoting your Cemetery

➤ Parish Website

- Include link to your parish cemetery

- Cemetery Website

➤ Parish Bulletin

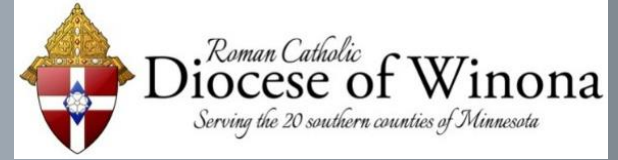
- Use of inserts communicating special events or programs

➤ Facebook

- 64% of U.S. Population use Facebook

- No cost to have a page in Facebook

Questions & Answers...



A special 'thank you' to Coldspring Granite for sponsoring the meal at the Winona workshop!

THANK YOU

A stylized graphic consisting of two parallel blue wavy lines that curve upwards and then downwards, positioned below the "THANK YOU" text.