

**97.560 Presumption of sole ownership in grantee of plot.** All plots conveyed to individuals are presumed to be solely and separately owned by the person named in the instrument of conveyance.

**97.570 Spouse has vested right of interment.** (1) The spouse of an owner of any plot containing more than one interment space has a vested right of interment of the remains of the spouse in the plot, and any person thereafter becoming the spouse of the owner has a vested right of interment of the remains of the person in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

(2) The purchase by a married person of more than one interment space shall create in the spouse a right of interment therein.

**97.580 Divestiture of spouse's right of interment.** No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of the vested right of interment, except that a judgment of divorce between them terminates the right unless otherwise provided in the judgment. [Amended by 2003 c.576 §357]

**97.590 Transfer of plot or right of interment.** No transfer of any plot, heretofore or hereafter made, or any right of interment is complete or effective until recorded on the books of the cemetery authority.

**97.600 Descent of plot.** Upon the death of the owner, unless the owner has disposed of the plot either by specific direction in the will of the owner or by a written declaration filed and recorded in the office of the cemetery authority, if no interment has been made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner or if all remains previously interred are lawfully removed, the plot descends to the heirs at law of the owner, subject to the rights of interment of the decedent and the surviving spouse of the decedent.

**97.610 Determining occupant of burial plot having co-owners.** When there are two or more owners of a burial plot or of rights of interment therein, such owners may designate one or more persons to designate the burials to be made in the plot and file written notice of such designation with the cemetery association. In the absence of such notice or of written objection to its so doing, the cemetery association is not liable to any owner for interring or permitting an interment therein upon the request or direction of any registered co-owner of the plot.

**97.620 Death of co-owner; authorization to use plot under directions of surviving owners.** An affidavit by any person having knowledge of the fact, setting forth the fact of the death of one owner and establishing the identity of the surviving owners named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving owners or their successors in interest.

### **97.630 Family Plots Order of Occupation**

(1) Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner, or of the remains of the record owner, is made in a plot transferred by deed or certificate of ownership to an individual owner, and the owner dies without making disposition of the plot, either by direction in the owners will, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner, and occupied in the following order:

(a) One grave, niche or crypt may be used for the owners interment; one for the owners surviving spouse, if there is one, who by ORS [97.010 \(Definitions\)](#) to [97.040 \(Private family burial grounds\)](#), [97.110 \(Human remains not to be attached\)](#) to [97.450 \(Discontinuance of cemetery and removal of remains and markers\)](#), [97.510 \(Sale and conveyance of plots by cemetery authority\)](#) to [97.730 \(Gifts and bequests in trust for cemeteries\)](#), [97.810 \(Endowment care and nonendowed care cemeteries\)](#) to [97.920 \(Judgment declaring nuisance, authorizing abatement and creating and foreclosing lien\)](#) and [97.990 \(Penalties\)](#) has a vested right of interment in it; and in those remaining, if any, the children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

(b) If no child survives, the right of interment goes in order of death to the spouse of any child of the record owner.

(2) Any surviving spouse, child or child's spouse who has a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of either the deceased owner or of the deceased owners spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

(3) Notwithstanding subsection (1) of this section, the personal representative of the deceased owner of a family plot may sell unoccupied interment spaces in the plot as property of the estate of the deceased owner when there are no existing rights of interment in those spaces or all existing rights of interment in those spaces have been waived and thereby terminated.

(4) Whenever a plot is transferred by deed or certificate of ownership to an individual owner and the transfer is recorded on the books of the cemetery authority, the cemetery authority shall provide to the individual owner a written statement, in a form approved by the State Mortuary and Cemetery Board, containing a clear explanation of the provisions of subsections (1) and (2) of this section and of the rights of interment established thereby. [Amended by 1985 c.652 §1]

## **Plot Rights; order of occupation**

1. Deed Owner, Record Owner or Owner of Certificate
2. Owner's Spouse
3. Owner's children
4. Spouses children
5. **(2)** Any surviving spouse, child or child's spouse who has a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of either the deceased owner or of the deceased owners spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.
6. See **(3)** and **(4)** (**Above**)

Resources:

<http://www.oregonlaws.org/ors/97.630>

<https://www.oregon.gov/MortCem/Documents/097%202015%20Edition.pdf>