

ROMAN CATHOLIC DIOCESE OF ALBANY

Section 8 of the Religious Corporations Law of the State of New York

Title and Rights of Lot Owners

The possession of a Certificate of Interment Rights or Deed by anyone other than the original purchaser does not guarantee ownership of or the right to use graves. Upon the death of the purchaser, the ownership of the lot is governed by Section 8 of the Religious Corporations Law of the State of New York:

“Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall descend to his heirs-at-law or devisees subject, however, to the following limitations and conditions: If he leaves a widow and children, they shall have in common the possession, care and control of such lot during her life. If he leaves a widow and no children, she shall have the possession, care, and control of such lot during her life. If he leaves children and no widow, they or the survivor of them, shall in common have the possession, care and control of such lot during the life of the survivor of them. The parties having such possession, care and control of such lot during the term thereof may erect a monument and make other permanent improvements thereon. The widow shall have the right of interment, for her own body in such lot, or in a tomb in such lot and a right to have her body remain permanently interred or entombed therein, except that her body may be removed therefrom to some other family lot or tomb with the consent of her heirs. At any time when more than one person is entitled to the possession, care or control of such lot, the persons so entitled thereto shall designate in writing to the religious corporation which of their number shall represent the lot, and on their failure to designate, the board of trustees or directors of the corporation shall enter of record which of said parties shall represent the lot, while such failure continues. The widow may at any time release her right in such lot, but no conveyance or devise by any other person shall deprive her of such right.”