

# Lower Brandywine Presbyterian Church

## Cemetery Buy-Back Policy

At times, cemetery lot holders may wish to sell their burial rights back to the church. Generally, it is in the cemetery's interest to facilitate the repurchasing of burial rights to maintain control and integrity of the process. The cemetery can resell the burial rights. By contract, lot holders are not permitted to sell their burial rights to third parties.

In the past, the cemetery has repurchased burial rights for lots at 30% of their original sale price. The rationale was that the cemetery put 70% of lot sales into **The Perpetual Care Trust Fund**, and thus the funds were not available any longer for lot buy-back. This policy also tended to discourage owners from selling back their burial rights.

There are potential liabilities associated with lot buy-back. If the cemetery buys-back an unencumbered lot from an original owner, there is very little risk. If someone other than the original owner wishes to sell back a plot, the potential risks increase dramatically. If the lots are encumbered with burials and or monuments, the potential risks also increase dramatically. Therefore, **the cemetery solely reserves the right to engage the services of an attorney to process a lien search, fees to be deducted from the buy-back price, in any case where such complicated encumbrance is suspected.**

### Buy-Back policy:

The cemetery manager is authorized to buy back burial rights from ORIGINAL lot holders. The terms and conditions of the buy-back are determined by the cemetery manager according to the following general guidelines.

1. Full Buy-Back (original lot holder wishes to sell back the burial rights for the entire plot, no burials have been made in the plot, and no monuments or plantings are on the plot)  
The cemetery manager may repurchase burial rights for lots for up to 50% of the current selling price, but not more than the original sales price.
2. Partial Buy-Back — unoccupied plot (original lot holder wishes to sell back the burial rights for a portion of a plot, no burials have been made in the plot, and no monuments or plantings are on the plot)  
The cemetery manager may repurchase burial rights for lots for 66% of the current selling price, but not to exceed the original sales price. The buy-back amount shall be prorated based on the percentage of the lot being sold back. Monument construction and/or re-location must be considered and discussed, with arrangements, agreements, and related fees settled, prior to such sale/buy-back can be finalized.
3. Partial Buy-Back-occupied plot (original lot holder wishes to sell back the burial rights for a portion of a plot, some burials have been made in the plot)

The cemetery manager shall make an offer, to the lot holder, based on the cemetery manager's assessment. Monument construction and/or re-location must be considered and discussed, with arrangements, agreements, and related fees settled, prior to such sale/buy-back can be finalized.

In all cases, the cemetery manager shall make a written assessment of the situation in a manner that can be presented to the Cemetery Committee for involvement with any approval of sale. The cemetery manager's assessment shall include sales potential of the lot(s) being returned, the general condition of the existing arrangements, and expenses, if any, of relocating monuments, removing plantings, and other modifications, permanent or temporary.

In all cases where, in the Cemetery Manager's assessment, there is any question about ownership of the lot, the Cemetery Manager shall bring the matter to the Cemetery Committee for resolution. It is the person, who wishes to sell the burial rights, responsibility to provide documentation to substantiate his or her ownership and or authority to sell the rights. Whether the documentation is sufficient is solely up to the discretion of the Cemetery Committee. The following are offered as guidelines for sufficiency.

1. Original bill of sale signed and notarized by the original lot holder.
2. Documents confirming the transfer of the burial rights to a third party; Will, Letter of Transfer, other.

**It is general cemetery policy to not buy back burial rights from anyone other than the original owner.** The Cemetery Committee may make exceptions to this rule, if and only, in cases where the potential liability to the cemetery, cemetery personnel, and Cemetery Committee members is understood to be sufficiently limited.