



## Application for EXEMPT Certificate of Authority INSTRUCTIONS

This application is for cemeteries, which are exempt as provided for by La. R.S. 8:78, which states:

- A. The provisions of this Chapter shall not apply to family burial grounds, fraternal cemeteries, municipal cemeteries, community cemeteries, state cemeteries, federal cemeteries, or religious cemeteries that do not sell cemetery spaces, sell the right of use or interment in any cemetery space, or charge a maintenance fee per cemetery space for an amount in excess of three hundred dollars.
- B. The provisions of this Chapter shall not apply to community cemeteries owned and operated by non-profit corporations [and limited liability companies] in existence prior to January 1, 2007, whose officers and directors [members, and/or LLC managers] serve on a voluntary basis without compensation for their services.
- C. The provisions of the Chapter shall not apply to columbarium facilities owned and operated by churches for the interment of human remains.

1. Application must be completed in full and executed by each owner, partner, stockholder, and/or member, owning 10% or more, or a majority of the officers, directors, and/or LLC managers, if the Applicant is an association, non-profit corporation, or non-profit LLC.
2. Application fee in the amount of two hundred fifty dollars (\$250.00). Please make check or money order payable to the Louisiana Cemetery Board. **NOTICE: Pursuant to LAC 46:XIII.701(B): If the applicant fails to submit the necessary documentation needed to complete an application, or the application remains incomplete and pending for a period in excess of 180 days without the applicant applying for and being granted an extension for good cause shown, the application shall be considered void, and any application fees paid in conjunction therewith shall be forfeited by the applicant and shall not be refunded; thereafter a new application for license must be submitted by the applicant, together with the payment of the applicable application fee without credit for any fees previously paid.**
3. The following documents must accompany the Application for EXEMPT Certificate of Authority:
  - a) CERTIFIED copy of Articles of Incorporation, Charter, or Articles of Organization, *if they exist*.
  - b) By-laws or Operating Agreement, *if they exist*.
  - c) CERTIFIED copy of Applicant's title to property, lease, or other agreement authorizing applicant to operate a cemetery on the property. A CERTIFIED copy is secured from the Clerk of Court in the Parish where the property is located and must contain a certification of the original recording.
  - d) A certificate of city and/or parish planning commission/agency having jurisdiction over zoning matters stating the property on which the cemetery is to be located is properly zoned for that purpose and cemetery authority has complied with zoning ordinances, sanitary rules, and regulations, and the like. *If no zoning exists*, the Board must be provided with a statement from the city and/or parish planning commission/agency having jurisdiction over zoning stating same.
  - e) CERTIFIED copy of Act of Dedication. Sample Act of Dedication is enclosed for your use. A CERTIFIED copy is secured from the Clerk of Court for the Parish in which the cemetery is located, once the original Act of Dedication has been filed in the conveyance records. *If cemetery is in existence*, submit a confirmation letter advising portions of property dedicated and undedicated.
    - Pursuant to La. R.S. 8:1(7) and 8:907, a section of a cemetery can be dedicated for the interment of the human dead and cremated pet remains only. The interment of cremated pet remains within a specifically designed section is not a requirement under the law but is at the discretion of the cemetery authority. Please complete the Act of Dedication which is specific to either the interment of human remains, human and cremated pet remains, or an amended Act of Dedication to allow for the interment of cremated pet remains within a specifically designed section within an existing cemetery which previously was dedicated for the interment of human remains only.
  - f) A survey or plan of the cemetery property site.
  - g) A survey or plan of the cemetery, showing sections, blocks, plots, avenues, walks, or other subdivisions with descriptive names and numbers. *If a new cemetery*, the areas to be initially developed should be delineated on the survey. *In the case of a mausoleum or columbarium*, a substantial map or plat delineating the sections, halls, rooms, corridors, elevations, or other divisions with descriptive names and numbers.

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- h) Mortgage certificate from the Clerk of Court or Recorder of Mortgages showing the property on which the cemetery is located is free and clear of all mortgages, liens and encumbrances. Mortgage certificate must be run in the name(s) of all persons or entities owning the property in the last ten (10) years.
  - i) Form of a cemetery deed, title, or certificate of interment right
  - j) Form of cemetery sales contract and/or purchase agreement
  - k) Cemetery rules and regulations
4. There shall be submitted to the Board such additional information and/or documentation the Board may deem necessary.

**IF YOU HAVE ANY QUESTIONS REGARDING THE PREPARATION OF THE APPLICATION FOR CERTIFICATE OF AUTHORITY, PLEASE CONTACT THE OFFICE OF THE BOARD AT THE ADDRESS OR TELEPHONE NUMBER LISTED BELOW.**

**IMPORTANT: THE LOUISIANA CEMETERY BOARD HAS JURISDICTION OVER THE PROVISIONS OF TITLE 8, AND ISSUANCE OF A CERTIFICATE OF AUTHORITY DOES NOT INDICATE CEMETERY AUTHORITY IS IN COMPLIANCE WITH OTHER FEDERAL AND/OR STATE LAWS.**

**THIS APPLICATION AND ATTACHMENTS ARE PUBLIC RECORD EXCEPT TO THE EXTENT THEY ARE EXCEPTED, EXEMPTED, OR LIMITED BY LAW; AND THEY WILL BE FURNISHED TO PERSONS, FIRMS, ASSOCIATIONS, CORPORATIONS, ETC., MAKING A WRITTEN PUBLIC RECORDS REQUEST PURSUANT TO TITLE 44. IF APPLICANT CONSIDERS ANY SUBMISSIONS OF INFORMATION CONFIDENTIAL AND EXCEPTED, EXEMPTED OR LIMITED BY LAW, PLEASE MARK SAME ACCORDINGLY.**

Louisiana Cemetery Board  
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