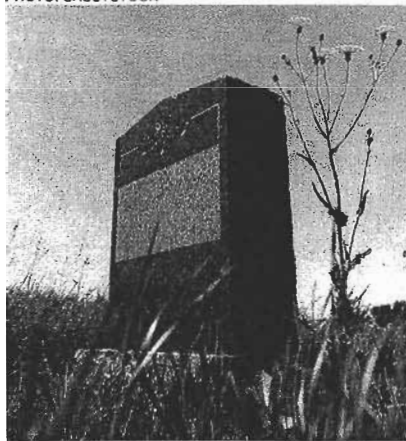


There are three gravesites on our farm in Tennessee that were there when we bought the place more than 50 years ago. We have never seen or been contacted by the family. We want to know if we have legal obligations to provide access, and if there is some legal process we could go through to have the bodies moved to a cemetery.

Relatives of a family member buried in a cemetery plot have the following rights: the right of visitation, the right to decorate the grave and the right to protect it from desecration.

If the cemetery is on privately owned land, these rights nevertheless exist for the family, and the owners of the land have a legal obligation to provide

PHOTO: SASSYSTOCK



some sort of reasonable access to the gravesites.

Does the fact that a cemetery has not had visitors for 50 years constitute an "abandonment"? The general rule

is that no abandonment takes place as long as the land is kept and preserved as a resting place for the dead with something to indicate the existence of graves or as long as it is known and recognized by the public as a graveyard.

Given the length of time and the lack of activity by family members, it's possible you could file a lawsuit in the county where the land is located to have the cemetery declared abandoned. There would have to be a court order decreeing the cemetery abandoned and authorizing the removal of bodies to another cemetery. To find out what rights you as the property owner have, you will need to consult with an attorney in your state.

—C. Dan Campbell/
Brooks & Campbell

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