

CITY OF EL DORADO, KANSAS

RESOLUTION NO. 3029

A RESOLUTION ADOPTING A POLICY CONCERNING THE TRANSFER OF DEEDS AT MUNICIPAL CEMETERIES OWNED BY THE CITY OF EL DORADO, KANSAS

WHEREAS, the City Commission of the City of El Dorado, Kansas, recognizes the importance of establishing clear and consistent policies to guide municipal operations and decision-making; and

WHEREAS, the City Commission periodically adopts new policies or revises existing policies to improve efficiency, accountability, and service delivery in accordance with the City's mission and values; and

WHEREAS, a Cemetery Deeds Transfer Policy ("Policy") has been prepared and reviewed by City staff to ensure alignment with applicable laws, regulations, and best practices; and

WHEREAS, the City Commission finds that adoption of the Policy serves the public interest and promotes the effective governance of the City of El Dorado.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

1. **Adoption.** The City Commission hereby adopts the document entitled "*Cemetery Deeds Transfer Policy*," attached hereto as *Exhibit A*, as an official policy of the City of El Dorado, Kansas.
2. **Purpose.** The purpose of this Policy is to establish uniform guidelines and procedures for transferring cemetery deeds on cemetery lots located in municipal cemeteries owned by the City.
3. **Supersession.** This Resolution supersedes any prior resolutions or policies that conflict with the provisions of the adopted Policy.
4. **Implementation.** The City Manager, or their designee, is hereby authorized and directed to implement the provisions of the Policy and ensure compliance by all applicable departments and personnel.
5. **Effective Date.** This resolution shall be in full force and effect from and after its adoption by the City Commission.

ADOPTED by the City Commission of the City of El Dorado, Kansas, this 20th day of October, 2025.

Kendra Wilkinson

Kendra Wilkinson, Commissioner

ATTEST:

Emerald Ashlock

Emerald Ashlock, City Clerk



Exhibit A

Cemetery Deed Transfer Policy

Purpose: To establish a clear, consistent, and legally compliant process for transferring ownership of cemetery spaces (also known as burial rights or plots), while protecting the interests of the original owner, the heirs, and the cemetery.

1. Eligibility for Transfer

Ownership of a cemetery deed may be transferred **only** in the following circumstances:

- A. Voluntary transfer by living owner (ex: gift, sale, or reassignment to another individual);
- B. Posthumous transfer by estate representatives (ex: executor, personal representative, or trustee);
- C. Transfer by legal authority (ex: under power of attorney or court order); or
- D. Resolution or order of the City confirming reversion pursuant to state statutes.

2. Eligibility for Transfer

Each request to transfer ownership **must** be accompanied by the following documentation, depending on the type of eligibility claimed.

A. Voluntary transfer by living owner

Where the original lot owner is living, ownership of a cemetery space may be transferred to another eligible party upon submission of the following documentation:

1. Valid Government-issued ID of the current owner.
2. Original Deed or Proof of Ownership.
3. Notarized cemetery deed transfer form, signed by the current owner.

B. Posthumous Transfer by Estate Representative

Where the original lot owner is deceased, ownership of a cemetery space may be transferred to the lawful heir(s) or devisee(s) upon submission and acceptance of the following documentation:

1. Death Certificate of the original owner.
2. Copy of the Last Will and Testament naming the heir(s) to the cemetery space, *or* other documentation proving inheritance (such as court-issued Letters Testamentary or Letters of Administration).
3. Proof of Identity of the heir(s) or estate representative.
4. Affidavit of Heirship, if no will exists.
5. Completed Deed Transfer Form, signed by the legally authorized representative or heir.

C. Transfer by legal authority

Ownership of a cemetery space may be transferred by a legally authorized representative in the following circumstances:

Power of Attorney

1. Must be a Durable Power of Attorney that expressly authorizes real estate or property transfers.
2. The agent must provide a valid, government-issued ID.
3. Cemetery management must verify the validity, authenticity, and scope of the Power of Attorney before approving the transfer.

Court Order

1. A certified copy of the court order authorizing the transfer (e.g., guardianship, conservatorship, or other judicial directive).
2. Proof of identity of the court-appointed representative.
3. Completed Cemetery Deed Transfer Form.

D. Transfer by Reversion

1. Resolution or Order of the City confirming the reversion of the cemetery space pursuant to Kansas law.
2. Proof of Compliance with Statutory Requirements, including publication and notice to known heirs or interested parties, if required.
3. Record of Reversion maintained by the City and filed with the official cemetery records.

3. Review and Approval of Transfer

All transfer requests shall be reviewed by cemetery management prior to approval. Staff shall confirm the following before issuing approval:

A. Verification Requirements

1. **Identity Match.** Confirm that the person requesting the transfer is the **same individual listed as the current owner on the most recent deed of record** in the cemetery's files.

Verify that the deed being presented is the **latest valid deed** and has been properly recorded.

If the requestor is not the record owner, require proof of legal authority (e.g., POA, letters testamentary, court order).
2. **Eligibility Match.** Confirm that the transfer fits into one of the categories listed in Sections 1–4 (living owner, posthumous estate/heirs, legal authority, or reversion).
3. **Complete Documentation.** Verify that all documents required for the applicable section (death certificate, POA, court order, deed, affidavit of heirship, etc.) are submitted and properly executed.

4. **Notarization.** Confirm that any required transfer forms, deeds, or affidavits are properly notarized.
5. **Payment of Fees.** Confirm that any required transfer fee has been paid in full.

B. Disqualification Criteria

A transfer request shall be declined if:

1. Documentation is incomplete, inconsistent, or does not clearly establish ownership.
2. The transfer is attempted by a person who does not fall under an authorized category in Sections 1–4.
3. The deed or transfer form contains alterations, erasures, or other indications of fraud.
4. Family disputes or contested ownership are apparent without resolution by a court order.

C. Escalation.

In any case involving contested estates, unclear heirship, or potentially fraudulent documents, staff must **refer the request for legal review** before action is taken. No transfer shall be processed until all issues are resolved and documentation is verified.

4. Recordkeeping and Deed Re-Issuance

Upon approval of any transfer request:

1. A new deed shall be issued to the transferee.
2. All transfer records shall be retained permanently in both digital formats.
3. The City’s official ownership records shall be updated to reflect the new ownership, and the prior deed shall be marked “cancelled” in the records.

5. Restrictions

1. No transfer may be made for speculative or commercial purposes without prior written consent of the City.
2. Cemetery spaces may not be subdivided or altered from the original lot configuration.
3. A transfer of ownership does not include the right to install headstones, markers, or monuments, or to conduct interment, which shall remain subject to separate approval under the cemetery’s rules and guidelines.

6. Legal Compliance

This policy complies with state laws governing cemetery property, inheritance, and property transfers. In case of conflict between this policy and applicable law, the law shall prevail.

For questions or to begin a transfer, please contact:
City of El Dorado Parks and Recreation
316-321-9100 ext. 130

Handling Cemetery Deed Transfers Amid Family Disputes

In the event of a known or suspected dispute between heirs or family members regarding ownership or rights to a cemetery space, the cemetery must pause and follow this procedure.

A **“dispute”** exists if any of the following apply:

More than one person claims ownership or heirship to the same space.

Two or more family members give conflicting instructions about a transfer.

A family member formally objects in writing or verbally during the transfer process.

Staff have reason to believe (based on documents or statements) that heirs are not in agreement.

The person requesting the transfer is not an exact match to the current record owner on the most recent deed, and no clear legal authority (POA, court order, letters testamentary, etc.) has been provided.

When a dispute exists, staff shall not process or finalize any transfer without review and written approval from the City’s legal counsel

If family members are in conflict, there is no clear directive, **or any dispute exists as defined above:**

Place a **temporary hold** on the deed transfer.

Provide a **written notice** to all known parties explaining:

- That the transfer is suspended.
- That no action will be taken until legally sufficient documentation is submitted.
- What documentation is required (court order, letters testamentary, notarized agreement, etc.).

This protects the cemetery from liability and ensures staff remain neutral.

Escalate to Legal. Staff shall not attempt to resolve the dispute themselves. All disputed cases must be referred to the City’s legal counsel for review and written approval before any action is taken.

Cemetery staff shall not attempt to resolve family disputes or provide legal advice. Instead, staff should politely encourage disputing parties to consult with their on attorney to determine next steps. If a party escalates or demands further explanation, refer the matter to the City’s legal counsel for response.

In all disputed cases, cemetery staff must:

Document every communication with family members.

Retain copies of all correspondence, notices, and documents provided.

Record the date the hold was placed, the reason for the hold, and the conditions required for lifting it.

File all dispute-related documents in both the digital record system.