
Rules of
Department of Economic
Development
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules

**4 CSR 65-2.020 Endowed Care Cemetery
Converting to Nonendowed**

PURPOSE: This rule establishes procedures for endowed care cemeteries to become a nonendowed cemetery.

(1) Any endowed care cemetery that wishes to become a nonendowed cemetery shall submit a letter of intent to the office which shall include a detailed plan regarding how the cemetery will meet contractual obligations for the delivery of services entered into prior to converting to the status of a nonendowed cemetery, including but not limited to:

(A) Plot map showing any section that contains an endowed care plot;

(B) Affidavit ensuring that the endowed care funds will remain intact for the care and maintenance of the sections containing plots sold as endowed care;

(C) A statement regarding how the funds will be held consistent with section 214.330, RSMo; and

(D) Any other information requested by the office.

(2) The office shall inform the cemetery owner/operator whether the cemetery may operate as a nonendowed cemetery. The office may require an audit of the endowed care trust funds prior to evaluating a request to convert a cemetery from endowed to nonendowed care. If the letter of intent is approved by the office, the nonendowed section shall be separately designated from the remainder of the cemetery as required by law. All sections with burial spaces previously sold as endowed care shall remain as endowed care. The endowed care fund in place at the time the cemetery is converted to nonendowed shall remain intact and be maintained pursuant to the trust requirements as set forth in sections 214.240–214.516, RSMo. If the trust funds have not been maintained in compliance with the Endowed Care Cemetery Trust Fund Law prior to conversion to a nonendowed care cemetery, the holder of the certificate of authority shall be required to make all necessary deposits to the trust fund prior to conversion to a nonendowed care cemetery.

AUTHORITY: sections 214.280.2, RSMo Supp. 1999 and 214.392, RSMo 1994.* Original rule filed: April 14, 2000, effective Oct. 30, 2000.

**Original authority:* 214.280, RSMo 1961, amended 1994; 214.392, RSMo 1994.

**4 CSR 65-2.030 Election to Operate as
Endowed or Nonendowed**

PURPOSE: This rule outlines the procedure for electing to operate as an endowed or nonendowed care cemetery.

(1) Election to operate shall be submitted on the form provided by the division. Forms may be obtained by contacting the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102, by calling (573) 751-0849 or by E-mail at endocare@mail.state.mo.us.

(2) An election to operate form is not considered officially filed with the division until it has been determined by the division that a fully completed form and the required fee has been submitted. Forms provided by the division must be completed, signed, notarized and accompanied by adequate documentation, as requested by the division to establish compliance with all state laws, rules and regulations, and county or municipal ordinances and regulations.

(3) An election to operate does not constitute an application for a certificate of authority. If an application, pursuant to section 214.275, RSMo, has not been made for a cemetery, it must accompany the election to operate form.

AUTHORITY: sections 214.280, RSMo Supp. 1999 and 214.392, RSMo 1994.* Original rule filed April 14, 2000, effective Oct. 30, 2000.

**Original authority:* 214.280, RSMo 1961, amended 1994; 214.392, RSMo 1994.

**4 CSR 65-2.040 Land Surveyor's State-
ment, Location of Cemetery**

PURPOSE: This rule is to define the form and manner for land surveyors to submit statements to the Office of Endowed Care Cemeteries of the Division of Professional Registration of the location of cemeteries found during land surveys of property located in the state.

(1) For purposes of section 214.283(1), RSMo, the office shall create the form for land surveyors to report the location of cemeteries. The form shall request the following information:

(A) Location of the property, including address, legal description and the city and/or county within which the cemetery is located;

(B) Name of the cemetery;

(C) County assessor's parcel number for the property;

(D) Owner of the cemetery;

(E) Name, telephone number and professional license number of the land surveyor; and

(F) Any other information deemed appropriate by the office.

(2) The land surveyor is required in all cases to provide his/her name, license number and telephone number and an adequate description of the location of the cemetery so it can be found by another person.

(3) The land surveyor shall also provide all other information requested in the form that is known or easily obtained by the land surveyor.

(4) The form shall be submitted to the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102-1335.

AUTHORITY: sections 214.283(1) and 214.392, RSMo 1994.* Original rule filed April 14, 2000, effective Oct. 30, 2000.

**Original authority:* 214.283, RSMo 1994; 214.392, RSMo 1994.