



Application for Certificate of Authority INSTRUCTIONS

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 of the Cemetery Authority if publicly-traded.
2. Individual's Questionnaire must be completed in full by each owner, partner, stockholder, and/or member, owning 10% or more, officer, director, LLC manager, general manager, etc., of the Cemetery Authority. A current credit report from a credit bureau must accompany each Individual's Questionnaire. **NOTE: If the Cemetery Authority is owned or LLC managed by a corporation or limited liability company, a Corporate/LLC Questionnaire must be submitted.**
3. Application fee in the amount of six hundred dollars (\$600.00). 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.**
4. The following documents must accompany the Application for Certificate of Authority:
 - a) CERTIFIED copy of Articles of Incorporation, Charter, or Articles of Organization. If cemetery is operated as a perpetual care or endowed care cemetery, the Articles must comply with La. R.S. 8:452.
 - b) If a foreign corporation, evidence of qualification to do business in Louisiana.
 - c) By-laws or Operating Agreement, if they exist.
 - d) CERTIFIED copy of Cemetery Authority'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.
 - e) If a new cemetery, 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.
 - f) 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.
 - g) A survey or plan of the cemetery property site.
 - h) 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.
 - i) 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.
 - j) Three (3) years financial statements. If a new corporation or limited liability company, submit a statement estimating receipts (including capitalization, sales, loans, etc.) and expenditures for the next two (2) years.
 - k) Form of a cemetery deed, title, or certificate of interment right.
 - l) Form of cemetery sales contract and/or purchase agreement.

Application for Certificate of Authority
INSTRUCTIONS -- Page 2

- m) Cemetery rules and regulations.

If assets, stock or membership interest of Cemetery Authority has been purchased, the following will also be required:

- n) Purchase agreement.

If the cemetery will be operated as a perpetual or endowed care cemetery the following will also be required:

- o) If the application is for a new cemetery, copy of Perpetual or Endowed Care Trust Agreement, together with independent confirmation from the trustee or other proof of deposit of INITIAL contribution to the Perpetual or Endowed Care Trust Fund. Unless, Cemetery Authority is a religious, fraternal, municipal, state or federal cemetery, or family burial ground as provided for by La. R.S. 8:459.
- p) If cemetery has an existing Perpetual or Endowed Care Trust Agreement, any amendments to the Perpetual or Endowed Care Trust Agreement. Either, confirmation Perpetual or Endowed Care Trust Fund is remaining with present trustee; or if trust fund is being transferred to a successor trustee, all documentation required by La. R.S. 8:456.1 regarding orderly transfer of trust fund.

If the cemetery has, or is establishing, a pre-need Merchandise Trust Fund, the following will also be required:

- q) If the cemetery is establishing a Merchandise Trust Fund, CERTIFIED copy of Merchandise Trust Agreement, together with independent confirmation from the trustee or other proof of establishment of the Merchandise Trust Fund.
- r) If the cemetery has an existing Merchandise Trust Fund, any amendments to the Merchandise Trust Agreement. Either, confirmation Merchandise Trust Fund is remaining with present trustee; or if trust fund is being transferred to a successor trustee, all documentation required by La. R.S. 8:505.2 regarding orderly transfer of trust fund.

If the cemetery has contracted the services of a Cemetery Sales or Cemetery Management Organization, the following will also be required:

- s) Executed copy of all contract(s) between Cemetery Authority and Cemetery Sales or Cemetery Management Organization(s).

5. 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
3445 N. Causeway Blvd., Suite 509
Metairie, LA 70002
Telephone 504-838-5267 - Toll Free 1-866-488-5267 – Fax 504-838-5289
Website: www.lcb.state.la.us