

ment for 18 years and now runs Eternal Justice, which is a nonprofit, death-care consumer advocacy organization. Jacobi says she has seen evidence of grave recycling even in church-owned cemeteries.

The double selling of graves is not always a function of greed but irresponsible business practices. According to Bob Roberts, who runs CemOps, which is a cemetery-management consulting firm, the vast majority of double-sold graves are preventable and accidental occurrences. The problems often stem from the poor record-keeping that plagues the industry, he says. Problems typically

makers say. So far, there is no provision to prevent the double sale of graves that are purchased pre-need, but state authorities say they are studying that issue.

Unfortunately, for now and the foreseeable future, it's really up to you to make sure that a cemetery's plot isn't double-sold. When you purchase a plot, make sure to get a map of the cemetery and that the plot that you visited is the same one that is on your deed.

It's worth noting that FCA and the senior-citizens advocacy group AARP don't recommend that you purchase pre-need burial services. And we tend to

will be maintained forever. But there's little guarantee that a cemetery will have enough money to provide for maintenance after it sells the last grave site. By law, *perpetual-care* cemeteries in all states must contribute a dollar amount or, more often, a percentage (typically from 5 percent to 20 percent) of each grave sale to a maintenance fund to cover the cost of upkeep long after the last grave was sold.

But as it turns out, the majority of U.S. cemeteries are owned and managed by churches or towns, and, with only a few exceptions, these cemeteries are exempt from these laws. Furthermore, in some states, privately held cemeteries can opt out of the perpetual-care category if they advise consumers by displaying a sign on the entrance gate or the office door of the cemetery and including a note in the contract that they are not *perpetual*, or *endowed-care*, cemeteries. In practice, however, the distinction is lost upon the consumer, and cemetery operators might not make it clear, says Bill Stalter, who is a lawyer who specializes in death-care transactions.

Even if you choose a perpetual-care cemetery, it doesn't necessarily mean that the cemetery will be able to care for the property forever. According to Hayden Burrus, whose firm performs financial-risk analyses for cemeteries, if a cemetery contributed nothing or little until it became legally required to do so and if the cemetery were fairly close to capacity at that time, it is likely that that cemetery wouldn't have enough money for upkeep. And even if that weren't the case, some cemeteries still can run into trouble, Burrus says, because the laws are one-size-fits-all, regardless of the operating costs of each cemetery or the particular standard of care.

Although states mandate that cemeteries contribute to perpetual-care funds, few states conduct audits or exams of these funds. In most states, cemeteries must submit forms that show that the contributions were made, but sometimes these forms aren't reviewed. When we asked Tracy Hicks, who is Indiana's cemetery regulator, whether the perpetual-care contributions worked on an honor system, she said, "basically, yeah." In other words, even though the law states that money must be con-

digging for dollars | double selling of graves can be the result of greed or mismanagement.

occur when cemeteries change hands and the records or maps that identify the location of the buried are missing or are so poorly organized that new managers can't understand them.

"The double selling of plots is one of the more common complaints we get," says Joshua Slocum, who is executive director of Funeral Consumers Alliance (FCA), which is a nonprofit consumer advocacy organization that monitors the funeral and cemetery industries. "It happens with all kinds of cemeteries, but [it] seems to be more frequent with cemeteries that were once local and were bought by big chains."

According to Slocum and others, in the 1980s and 1990s, large chains engaged in a fast-paced cemetery acquisition war in which, experts say, they were more concerned with determining the number of cemeteries that they were purchasing rather than ensuring whether those cemeteries had record-keeping problems or other management issues.

How in the world can such problems be curtailed? Following the Burr Oak scandal, Illinois lawmakers passed a law that requires that the location of every burial be recorded on an individual's death certificate and entered into a statewide database. This prevents two death certificates that have the same burial location from being registered. And it should dissuade cemetery operators from recycling graves and help authorities to nab the perpetrators who do, law-

agree, especially if there's any chance you'd move before you die, and, therefore, have an interest in getting a burial plot at a different cemetery. In short, pre-need purchases are a risky investment given that there's no guarantee of any refund in most cases.

But if you decide to purchase pre-need, you must take some extra steps to make sure that the grave that you purchase isn't sold to anyone else. Roberts suggests that you visit the cemetery some time after the purchase and ask cemetery officials to see the logbook and a printout of a computerized record to make sure that the location that was recorded in both sources matches the location that is stated on the deed. You also should visit the grave site to make sure that no one else has been buried there.

Although there isn't much that you can do to prevent the kinds of problems that were alleged to have occurred at Eden Memorial, you might want to ask how many inches separate each grave. Roberts believes that plots should be at least 42 inches wide to accommodate the coffin and the vault and leave enough room on either side for the safe digging of adjacent graves. After the Menorah Gardens case, Florida mandated that graves must be 42 inches wide, but most states don't specify grave width.

BREACH OF TRUST. The U.S. cemetery industry is predicated on the assumption that the upkeep of cemeteries