

# TOWN OF KENSINGTON, NH

## FORM TO CLAIM RIGHT-TO-BURIAL FOR AN ESTABLISHED PLOT EXPLANATION

---

Possession of the Right to Burial for a plot in the Kensington Cemetery grants the possessor (“Possessor”) the right to determine who may be buried in the plot, up to the limits of the available space as determined by the Kensington Cemetery Trustees. The Possessor may grant permission for burial to himself or herself, or anyone of their choosing, regardless of relation to the other individuals buried in the plot. Persons granted permission for burial by the Possessor for an existing plot do not need to be residents of Kensington.

For all plots established before 2022, the Kensington Cemetery Trustees acknowledge that no original deed or formal Right to Burial documentation was issued. Therefore, the Right to Burial is presumed to have been granted to the original person buried in the plot (“Original Deceased”). Transfer of this Right to Burial may be specified in (1) the Last Will and Testament of the Original Deceased, (2) the Last Will and Testament of a subsequent Possessor, (3) a written, signed statement made by the previous Possessor, or (4) a written Trust Agreement.

In the absence of one of the above, the Right to Burial is presumed to be inherited in line with the rules set forth in RSA 561:1 and any applicable Regulations established by the Town of Kensington Cemetery Trustees.

If more than one person can claim possession of the Right to Burial, all potential possessors of that right (“Claimants”) must provide notarized permission for a prospective burial in the plot. Alternatively, a Claimant may cede his or her claim to the Right to Burial in the plot to another Claimant by way of a signed and notarized statement.

If an individual wishing to claim Right to Burial for a plot cannot provide notarized permission or cessation of claims documentation from all other potential Claimants, the Kensington Cemetery Trustees require that the question be determined by a court of competent jurisdiction. In such a case, no burials may take place absent a court order determining who possesses the Right to Burial.

# TOWN OF KENSINGTON, NH

## FORM TO CLAIM RIGHT-TO-BURIAL FOR AN ESTABLISHED PLOT

---

I, \_\_\_\_\_ [Printed Name] of \_\_\_\_\_  
[Town, State], through this document claim ownership of the Right to Burial in the following  
plot: \_\_\_\_\_ [Lot #] Check one: \_\_\_ Lower Yard Cemetery \_\_\_ Dearborn Annex

I hereby avow that I am the rightful Possessor of the Right to Burial in the above plot because  
[select one]:

\_\_\_ I have been granted the Right to Burial in a Last Will and Testament, Trust Agreement, or  
other signed, written statement, OR

\_\_\_ I am the next of kin of the original person buried in the above-named plot. My  
relationship to the Original Deceased), \_\_\_\_\_ [Full Name],  
deceased \_\_\_\_\_ [year of death], is as follows:

---

\_\_\_ I am the next of kin of a previous Possessor of the Right to Burial, in accordance with RSA  
561:1 and any applicable Regulations of the Town of Kensington Cemetery Trustees. A  
statement detailing my relationship to the previous Possessor of the Right to Burial (which may  
include the Original Deceased), \_\_\_\_\_ [Full Name],  
deceased \_\_\_\_\_ [year of death], has been provided to the Kensington Cemetery Trustees.

I additionally avow [select one]:

\_\_\_ that there are no other potential Claimants to possession of the burial rights for this plot.

\_\_\_ that I have received notarized, signed permission from all other potential Claimants to  
ownership of the burial rights for this plot and am submitting them with this document.

With my signature, I hereby agree that in consideration of me being allowed to exercise the  
Right of Burial in the lot stated above, that I and my successors will indemnify and hold  
harmless the Kensington Cemetery Trustees and the Town of Kensington against all claims,

demands, charges, costs, expenses, actions, liabilities, or losses arising by reason of the exercise of this Right of Burial.

\_\_\_\_\_ Date \_\_\_\_\_

The above named, personally known to me or satisfactorily proven to be the above named, personally appeared before me and did freely sign this document in my presence.

\_\_\_\_\_ Commission Expires \_\_\_\_\_

Notary Public/Justice of the Peace

This Right to Burial Claim in the above plot is approved by the following member of the Kensington Cemetery Trustees

\_\_\_\_\_ Term Expires \_\_\_\_\_

Printed name: