

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Registrar

RULE CITATION: 10A NCAC 41H .1201

**DEADLINE FOR RECEIPT: Tuesday, June 9, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), delete "easily" and "precisely"*

*Please add the amended effective date in the History Note.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: May 26, 2020

10A NCAC 41H .1201 is readopted as published in 34:16 NCR 1448-1449 as follows:

## SECTION .1200 - REMOVAL OF GRAVES

### 10A NCAC 41H .1201 REGISTRATION OF GRAVES REMOVED

(a) Removal of Graves Certificate and Filing. ~~Certificate.~~ ~~A Removal of Graves Certificate provided by the State Registrar shall be used to permanently record the facts pertaining to the relocation of graves.~~

~~(b) Preparation and Filing.~~ The party ~~removing or causing effecting~~ the removal of a grave ~~shall~~ shall, within 30 days of completion of the reinterment of the grave, submit to the Register of Deeds in the county of disinterment and the counties of reinterment the following:

(1) ~~a Removal of Graves Certificate containing the elements set out in G.S. 65-106 and provided by the State Registrar. The Certificate shall be typed or completed in complete the certificate form by typing or writing plainly with black ink with continuation sheets of the same format if necessary to list all decedents; ink;~~

~~(2) list the name of each decedent if known; otherwise, enter as much identifying information as may be reasonably determined;~~

~~(3) use continuation sheets of the same format as the list on the certificate to list additional names as necessary;~~

~~(2)(4) file the certificate with maps as set forth in Paragraph (b) of this Rule; and continuation sheets attached with the register of deeds in the county of disinterment and also in the counties of reinterment within 30 days after completion of the reinterment; and~~

~~(3)(5) pay the register of deeds a fee set out in G.S. 161-10. of one dollar (\$1.00) for each page or portion of a page recorded.~~

~~(b)(e) Maps.~~ The party effecting removal shall prepare a map of both the disinterment and reinterment sites. The map must precisely describe the disinterment and reinterment sites in such a manner that a layman can easily identify the location of each site. The maps shall include county, nearest city or town, public road or intersection of roads in the vicinity, and any other information which would be helpful in locating the sites. The graves must be noted and numbered. The names must be listed on the certificate by number, which corresponds with the numbers on the map. ~~The map shall be prepared on the same size paper as the certificate whenever possible.~~

~~(c)(d) Filing and Indexing.~~ The register of deeds shall:

~~(1) place the certificate with attachments in a loose leaf binder or other appropriate medium;~~

~~(1)(2)~~ cross index the certificates by name of cemetery of disinterment and reinterment; This requirement does not preclude additional cross indexing of the Removal of Graves Certificates by name of decedent when known; provided, that such cross indexing shall be an option of the register of deeds and imposes no extra charge to the party effecting removal; and

~~(2)(3)~~ retain the certificates and attachments ~~permanently.~~ permanently; In counties using microfilm for recording various documents such as deeds and deeds of trust, these certificates may be processed as the other records.

1  
2 *History Note:* *Authority G.S. 65-106; 130A-92(7); 161-10;*  
3 *Eff. February 1, 1976;*  
4 *Readopted Eff. November 15, 1977;*  
5 *Amended Eff. September 1, 1990.*