

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 686
HOUSE BILL 1160

AN ACT REGARDING ACCESS TO AND MAINTENANCE OF PRIVATE
GRAVES.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 65 of the General Statutes to read:

"ARTICLE 10.

"Access to and Maintenance of Private Graves.

"§ 65-74. Entering private property to maintain or visit a private grave with consent. – Any of the following persons may, with the consent of the landowner, enter the property of another to discover, restore, maintain, or visit a private grave:

- (1) A descendant of the person whose remains are reasonably believed to be interred in the grave;
- (2) A descendant's designee; or
- (3) Any other person who was personally acquainted with or has a special personal interest in the deceased.

"§ 65-75. Entering private property to maintain or visit a private grave without consent.–(a) If the consent of the landowner cannot be obtained, any person listed in G.S. 65-74(1), (2), or (3) may commence a special proceeding by petitioning the clerk of superior court of the county in which he has reasonable grounds to believe the deceased is buried, for an order allowing him to enter the property to discover, restore, maintain, or visit the grave. The petition shall be verified. This special proceeding shall be in accordance with the provisions of Article 33 of Chapter 1 of the General Statutes. The clerk shall issue an order allowing the petitioner to enter the property if he finds that:

- (1) There are reasonable grounds to believe that the grave is located on the property or that it is reasonably necessary to cross the landowner's property to reach the grave;
 - (2) The petitioner, or his designee, is a descendant of the deceased, or that the petitioner was personally acquainted with or had a special interest in the deceased; and
 - (3) The entry on the property would not unreasonably interfere with the enjoyment of the property by the landowner.
- (b) The clerk's order may:
- (1) Specify the dates and the daylight hours that the petitioner may enter and remain on the property;

- (2) Grant to the petitioner the right to enter the landowner's property once a month after the time needed for initial restoration of the grave; or
- (3) Specify a reasonable route from which the petitioner may not deviate in all entries and exits from the property."

Sec. 2. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 27th day of July, 1987.