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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 7. DEAD BODIES [7000 - 8030]** ( *Division 7 enacted by Stats. 1939, Ch. 60.*  )

**PART 2. DISINTERMENT AND REMOVAL [7500 - 8030]** ( *Part 2 enacted by Stats. 1939, Ch. 60.*  )

**CHAPTER 4. Removal of All Remains: Cities and Cities and Counties Over 100,000 [7700 - 8005]** ( *Chapter 4 enacted by Stats. 1939, Ch. 60.*  )

**ARTICLE 5. Removals by Relatives or Friends [7800 - 7805]** ( *Article 5 enacted by Stats. 1939, Ch. 60.*  )

**7800.** At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains.

(Enacted by Stats. 1939, Ch. 60.)

**7801.** The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

(Enacted by Stats. 1939, Ch. 60.)

**7802.** Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following:

- (a) The purchaser or owner of the plot.
- (b) The purchaser or owner of the right of interment in the plot.
- (c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

(Enacted by Stats. 1939, Ch. 60.)

**7803.** If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer.

(Enacted by Stats. 1939, Ch. 60.)

**7804.** Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance.

(Enacted by Stats. 1939, Ch. 60.)

**7805.** If such appurtenances remain on the plot for more than ninety days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

(Enacted by Stats. 1939, Ch. 60.)

